

JUL
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The Advocate for Berkeley's Rental Housing Providers

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Managing Through Declining Rents

Dan Lieberman, President, BPOA

Many Bay Area property owners are not used to markets where the supply/demand balance has shifted in the tenant's favor. But with lots of new construction coming online and the job market shifting, many owners are no longer able to command the rents for their vacancies that they once could. Although it is always important to stay proactive and innovative in the management of your property, now would be an appropriate time to revisit your rental strategies.

Forget About the Past

It's time to assess where the market is today. This might mean lower rents than you are currently charging (yes, I'm aware of rent control). Just because you were able to get \$X two years ago does not mean you can get \$X now. Start fresh. There is a lot of data available online about current rents and some of it you might need to purchase. But that is a small investment compared to having your (potentially overpriced) unit sit for a long time.

Stay current and review market trends. Utilize industry reports, online rental data platforms, and the rent registry to gather accurate information on market trends and to see what competitors are getting for their units. Remember, what someone asks and what they ultimately get may be two different things.

Think About Tenant Protections

I hate to say it, but all these regulations that rent boards and governments are imposing make it harder for the marginal renter, the one they claim they are trying to help. Without the ability to expediently correct mistakes, you need to be extra sure you are getting a tenant that will pay their rent and take care of your apartment.

It's become very hard, costly, and slow to evict a problem tenant these days unless they really do something egregious. Therefore, you must balance 'going for top dollar' and finding the one person who is willing to pay that, with perhaps charging a little less and attracting multiple quality applicants. Thor-

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COMING ATTRACTIONS

*Mold, Mildew & Mayhem:
Protecting Your Property*
Thursday, July 18, 3:00 PM

*Warm Summer Nights:
In-Person Member Mixer*
Thursday, August 29, 5:00 PM

*New Member Social Mixer
& Office Open House*
Wednesday, September 11, 4:00 PM

See pages 13 & 14 for details & more events!

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Editorial

School Board Imposed Reparations for Slavery?

Albert Sukoff, Editor

BPOA Monthly is a regular publication of the Berkeley Property Owners Association, a trade association dedicated to assisting rental housing providers with upkeep and management of residential rental property and coping with Berkeley's rent law.

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About the Newsletter

Our articles are contributed on a volunteer basis by members and other interested parties, although we do accept paid advertising. We are always happy to include material submitted by members and welcome suggestions on how to improve our publication.

All articles in this publication represent the author's viewpoint and not necessarily the position of our organization.

Direct comments and material to our Bancroft Way office or to bpoa@bpoa.org

Berkeleyside recently published an opinion piece by two members of the Berkeley Unified School District's Reparations Task Force. (See article on page 9.) They say therein that the Task Force was established in March 2023 to provide recommendations to the school board on what types of reparations the district should consider and how to fund and implement them. Evidently no consideration was to be given to not providing reparations or whether a school board is the appropriate vehicle for reparations. A school board? Why not a water district?

They added that: *The task force is composed of a racially diverse group of BUSD students, caregivers, staff and community members, with a majority of the members being descendants of individuals enslaved in the U.S.* Evidently, no one saw an inherent conflict of interest because the majority of the task force could personally benefit from the findings of the group.

The opinion piece gives the Holocaust and the WWII internment of US citizens of Japanese descent as examples of legitimate reparations. They do not note that in both those cases, reparations were timely and imposed on the actual offenders to the benefit of actual victims.

In terms of land claims, there is probably not an occupied acre on the planet to which some group other than the current occupant doesn't have an historic claim. In addition, of course, there are claims involving not land, but human life and wealth.

While there are reparations which are justifiable, unless these reparations for bad acts are limited to identifiable offenders and identifiable victims, they are problematic.

Acknowledging the huge negative impact of slavery, Jim Crowism and state-sanctioned discrimination, are all African Americans entitled to reparations? Do all those negatively impacted qualify equally? Notwithstanding the insidiousness of the one-drop-of-blood criteria which stigmatized Blacks to their detriment, is an African American who can trace all of his/her ancestors back to slavery entitled to greater reparations than one for whom only one of sixteen great-great-grandparents was enslaved? Would the two most successful Blacks in United States political history ever qualify for reparations? Interestingly, neither Barack Obama nor Kamala Harris has an ancestor who was subject to slavery in the United States.

Who would pay for these reparations? Here, the issue revolves more around equity than quantity. Of course, the school board task force includes your property as a potential source of funding for reparations. One of the three possible money fonts suggested is a parcel tax and/or a transfer tax on real estate. Clearly, for the proponents of government in all areas of life, there is no end to the wealth tied up in property, nor are there apparently any qualms about how much of it is acceptable to take so as to fund their view of a fair society.

It is suggested here that property owners be taxed as a way to redistribute wealth from the citizens of today — regardless of their own level of individual or ancestral responsibility — to the descendants of those who were historic victims of monumental injustices two centuries ago.

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❖ THE COALITION CORNER ❖

Krista Gulbransen, BRHC Executive Director

**The Berkeley Rental Housing Coalition (BRHC)
is the political and legal voice of Berkeley's rental housing providers.**

Have you thought about how much equity and lost rent you will suffer if Costa Hawkins were repealed? In the last issue we talked about the impact of vacancy decontrol (the ability to reset your rent-controlled rent when your tenant vacates) and the way in which it has helped owners recover losses under rent control policy.

But have you ever calculated the financial impact of not being able to raise your rents in between tenancies? Well now you can! CalRHA has created an online tool to help calculate the estimated financial loss of your portfolio. Whether you own one unit or multiple units, just plug in your average monthly rent, choose your county and voila! — the tool will calculate not only your lost rent, but also the immediate devaluation of your property if you were to sell.

*To get to the tool, go to:
www.cal-rha.org/2024-rent-control*

TOPA Rears Its Ugly Head

TOPA (Tenant Opportunity to Purchase Act) has reared its ugly head for the fourth time. We last left off in this ongoing saga with a proposal by the mayor failing to progress at the City Council level. He ultimately dropped his bid to push it through. He had made concessions (exemptions of single-family homes and owner-occupied duplexes) that the social housing activists were not pleased about. We can only assume that the political pressure from both sides wore him down. From our perspective, the First Right of Offer *and* First Right of Refusal was too onerous and would greatly impact property sales in Berkeley.

In 2023, then Councilmember Kate Harrison brought forth a modified version that revamped the extensions and made some concessions to the overall timeline. But just as she was moving it through the legislative process, she abruptly quit as Councilmember. She is now focusing her energy on running for Mayor. But from a legislative process perspective it was not the end of the proposal. The rules required that the Land Use Committee (a subcommittee of the City Council) was to consider the legislation and pass it on with a recommendation to the full City Council.

That moment came on June 3 when Councilmembers Lunaparra (District 7 student representative), Councilmem-

ber Humbert (District 8), and Councilmember Wengraf (District 6) reviewed the policy. We asked BPOA members to come out full force and oppose moving the legislation forward. Without its current author in an elected position, how could questions about the newly modified proposal be answered? The committee did not have time in that meeting to review the legislation, so they agreed to review it at their next meeting on July 1 at 10:00 am.

*Stay tuned to all things TOPA at:
www.BerkeleyRentRegulations.com/the-topa-fight*

Additional Ballot Measures in November

The social housing activists have been unable to collect enough signatures from Berkeley voters to get their ballot measure on the ballot. So, they have taken to putting pressure on the City Council to put forward the measure themselves (this is permitted by law). The primary goal of the authors of the legislation (Rent Board Chair Leah Simon-Weisberg and Rent Board Vice Chair Soli Alpert) is to eradicate the Golden Duplex exemptions. The City Council 4x4 Committee is currently in the process of planning to move the legislation to City Council. They will most likely be making that decision on July 10 at 3:00 pm.

If this ballot measure was to move forward, it would be in direct competition to the BRHC-sponsored ballot measure which is set to be placed on the ballot. Competing measures are always difficult because voters are often confused with the different communications coming at them about how to vote on each measure.

Stay tuned to all things ballot measure at www.BerkeleyRentRegulations.com/events

Help Support Our Ballot Measure

Are you a member of the Berkeley Democratic Club? BDC members are permitted to vote on the recommendations for voting in the November election. That will include our ballot measure! Anyone can be a member and it's only \$40 a year. If you are a NEW member, you must sign up by July 5 in order to vote on the endorsements which will be presented in August.

*To sign up for membership go to:
www.BerkeleyDemocraticClub.com*

People's Park Plan Can Go On, Court Says

Bob Egelko, San Francisco Chronicle, June 7, 2024

Bill eliminated last legal barrier for UC Berkeley student, homeless housing

With a Nod to State Lawmakers, the California Supreme Court Cleared the Way Thursday for UC Berkeley to Build Housing for Students and Unhoused People in Historic People's Park.

Some Neighborhood Groups Have Opposed the \$312 Million Plan, Saying the University Should Leave the Park Alone and Choose Less Disruptive Alternative Sites That Are Available Elsewhere in Berkeley. a State Appeals Court Ruled Last Year That UC Had Failed to Consider Those Locations or to Submit Any Plans to Shield Neighbors from Noise Generated by "Loud Student Parties" in People's Park Dormitories.

But the Legislature then unanimously passed, and Gov. Gavin Newsom signed, AB1307 by Assembly Member Buffy Wicks, D-Oakland, which said the university need not consider other housing sites. The bill also specified that noise from the project would not have a "significant effect on the environment" — removing any remaining legal obstacles.

Or, as the university's lawyer, Nicole Gordon, put it at the court's hearing in April, "People cause pollution, yet never before has a court said that people themselves are the pollution."

In light of AB1307, "this lawsuit poses no obstacle to the development of the People's Park housing project," Chief Justice Patricia Guerrero wrote in Thursday's 7-0 ruling.

Even Thomas Lippe, lawyer for neighborhood opponents of the project, acknowledged at the hearing that AB1307 had eliminated the last legal barriers to the project. But Lippe urged the justices to keep the case alive and require UC Berkeley to consider the local impact of its long-range plans to add thousands of students, saying the university has failed to include the public in its decision-making.

The court said, however, that the new law "applies to both the People's Park housing project and the development plan."

The Legislature concluded that "the effects of noise generated by project occupants and their guests on human beings is not a significant effect on the environment for residential projects for purposes of CEQA," the California Environmental Quality Act, Guerrero wrote. That law requires public agencies to describe the potential environmental effects of projects they are approving and consider ways to reduce those impacts.

Because of the new law, UC Berkeley's environmental report "is not inadequate for having failed to study the potential noisiness of future students at UC Berkeley in connection with this project," Guerrero said.

After the new state law led to more protests, police swept protesters from the park in January and then set up a wall of metal shipping containers to keep them out.

In Berkeley on Thursday, a group of about 20 gathered under a California Golden Bears canopy and in front of a purple "Free People's Park" banner at the corner of Telegraph Avenue and Haste Street to read the decision. It was greeted with both sighs and groans.

But UC Berkeley spokesperson Kyle Gibson said the university is "grateful for the strong and ongoing support this project has received from the majority of Berkeley students, community members, advocates for the unhoused, the city's elected leaders, the state Legislature, and the governor."

"The housing components of the project are desperately needed by our students and unhoused people, and the entire community will benefit from the fact that more than 60% of the 2.8-acre site will be revitalized as open park space," Gibson said in a statement that indicated construction will now proceed quickly.

Harvey Smith, president of the People's Park Historic District Advocacy Group, which was a plaintiff in the suit, said the ruling was disappointing but not surprising.

"You play by the rules, and then when you win in court, UC doesn't like the outcome and goes to the Legislature and changes the rules," Smith said.

UC Berkeley now provides housing for only 21.7% of its 45,000 students, the lowest rate in the 10-campus University of California system. It plans to build housing in the park for 1,113 students in a 148-unit complex.

A separate building would contain 125 beds, with either half or all going to homeless people, depending on available financing. During construction, the university says, it will provide shelter for about four dozen unhoused people. More than half of the 2.8 acres would remain open space, with a new grove of trees.

Gibson said plans for the project will be finalized within weeks, and that construction updates will be shared on the project's website.

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Shuttered Racetrack's Fate up in Air for Now

Michael Cabanatuan, *San Francisco Chronicle*, June 13, 2024

The final horse has crossed the finish line at Golden Gate Fields, setting the stage for the next contest: development of the 140-acre bayside property with panoramic views of San Francisco Bay.

Should the site become housing? A park? A hotel?

Nobody knows what comes next, but any proposals to develop the prime bayfront property are sure to generate controversy and, quite possibly, an election to decide the issue in Albany.

Complicating the situation is that Berkeley and Albany share jurisdiction over the expansive track property that sits between Interstate 80 and the bay, bordered by Gilman and Buchanan streets — and both municipalities have broad land-use plans that favor recreation like parks and possible lodging including a hostel or a hotel. The track, grandstand and large parking lots reside in Albany while the backstretch, the stables and track worker housing sit in Berkeley.

But the owner of the land, Canada's Stronach Group, which runs 1/ST Racing, still owns the property and could drive its future development.

Tiffani Steer, a spokesperson for 1/ST, said the company has no current plans for development of the site, though an auction of various track equipment is scheduled for Aug. 1.

"We continue to evaluate various alternatives for the future of the property to determine how best to move forward," she said.

Golden Gate Fields sits between two pieces of McLaughlin Eastshore State Park in each city with the Albany Bulb and Beach on one end and the Tom Bates Regional Sports Complex on the other. Incorporating the track into the parkland is a popular option among local residents.

Albany's general plan, as well as an extensive community outreach effort in 2010, identified the Golden Gate Fields site as best suited for parkland — with recreational uses including boating, restaurants and bars and other waterfront sports. The Voices to Vision community report from that time period suggested keeping the vast majority of the 102 acres in Albany for creation of a park with a small amount set aside for commercial and nonprofit development, possibly including a hotel of 100-300 rooms.

Berkeley's waterfront master plan, adopted in 1986, supports similar uses, including a park. But it would also

allow a hostel, a hotel of up to 250 rooms and associated restaurants and bars.

While Berkeley's City Council could approve other uses — including housing, offices or extensive retail development — that can't happen in Albany without approval from a majority of voters, thanks to a 1990 initiative. Measure C restricts the waterfront land to water-oriented uses, open space, parks and recreation and associated uses including commercial recreation businesses and restaurants and bars. Anything else requires voter approval.

Robert Cheasty, executive director of Citizens for East Shore Parks and a former Albany mayor, said incorporating the Golden Gate Fields property into McLaughlin Eastshore State Park is the only reasonable future use, given its location and the inevitable impact of sea level rise.

"There are great organizations that will be willing to purchase the property and complete the park — and that's what should happen," he said. "Anything else, people will fight to stop it."

Brennen Brown, an Albany spokesperson, said the city has been in contact with Stronach, plans to engage with its citizens and intends "to work collaboratively with a variety of agencies regarding this regional asset, including partnership with the city of Berkeley." Berkeley spokesperson Matthai Chakko said the city staff has had informal discussions about the site but isn't aware of any development proposals.

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Bay Area Renters Are Holding On to Their Homes for Years

Christian Leonard, San Francisco Chronicle, June 21, 2024

Here's Why it's Increasingly Common

More Bay Area renters are holding on to their homes for long periods of time.

An estimated 25% of renting households in the San Francisco metropolitan area in 2022 had not moved homes in at least 10 years. It was the third-highest share among the 50 most-populous U.S. metro areas, a recent report from real estate company Redfin showed, and reflected a rise from 18% in 2012.

It was just around 2012 that the share of long-term renters in the San Francisco metro area began growing. Meanwhile, the percentage of renting households who'd only lived in their homes for a year or less was already in decline, falling from more than 30% in 2005 to 27% in 2012.

About 17% of renting households in the United States stayed in their homes for at least a decade in 2022, up from 14% in 2012, Redfin's report said.

Only two of the most-populous U.S. metro areas had higher shares of longtime renters than the San Francisco area, which is composed of San Francisco, Marin, San Mateo, Alameda and Contra Costa counties. About a third of renting households in the New York metro area had been living in their units for a decade or more, while the same was true for 28% of renting households in the Los Angeles area.

Those three metro areas were among a small handful of areas where the share of long-term renters was larger than the percentage of recent movers. Still, the share of long-term renters increased in almost every metro area over the last decade.

Renters across the U.S. are staying in their homes longer in large part due to rising housing costs, Redfin's report said. With the median home sale price more than doubling since 2012 — and surging after the pandemic began — many renters are unable to buy a home.

But there's another reason many renters in the San Francisco metro area stay put for a long time: rent control. Strong rent stabilization laws in cities like San Francisco, Oakland and Berkeley limit how much landlords of older

buildings can increase prices for existing tenants. That incentivizes renters to hang on to their units.

Daryl Fairweather, Redfin's chief economist, suggested that the share of long-term renters rose in the San Francisco metro area as the number and share of renter households declined. About 47% of the area's households were renting in 2015, decreasing to 44% by 2022. Working professionals who could afford to buy a house likely did during this time, Fairweather said, while older residents in rent-controlled units — or those who couldn't afford to become homeowners — probably kept renting.

That also may contribute to the San Francisco metro area's relatively high share of households that have rented their homes for a year or less, with tenants who aren't in rent-controlled units forced to move frequently to avoid rent increases.

"If you have rent control, you're really lucky. You can stay in your place for 10 years," Fairweather said. "If you don't, you're probably moving every single year."

*An estimated 25% of
renting households in the
San Francisco metropolitan
area in 2022 had not moved
homes in at least 10 years.*

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People's Park

The land south of campus was acquired in 1967 by the university, which bought out the owners of homes on the property and tore down their buildings to make room for dormitories.

But students opposed to the plan planted a garden and named the land People's Park. Gov. Ronald Reagan then sent in police to remove the plants and build a fence. During a violent protest in May 1969, officers fatally shot one man and wounded others.

The protesters ultimately prevailed, and the property is still a park. But as the shortage of on-campus housing increased, the university revived its dormitory plan in 2017, and the City of Berkeley approved funding for it in 2021.

The case is Make UC a Good Neighbor v. Regents of the Univ. of Cal., No. S279242.

Prominent S.F. Landlord Facing Eviction from Its Financial District Office Space

J.K. Dineen, San Francisco, Chronicle, June 17, 2024

A lawsuit claims that residential landlord Mosser Capital owes \$181,034 in back rent for its office space in the Mills Building in downtown San Francisco.

Prominent San Francisco residential landlord Mosser Capital is facing eviction from its Financial District office space after failing to pay rent over the last year, according to a lawsuit filed last week in superior court.

The Swig Co., which owns the 440,000-square-foot landmark Mills Building at 220 Montgomery St., claims that, as of May 1, Mosser owes \$181,034 in back rent on the 6,000-square-foot suite on the 20th floor. The lawsuit also seeks damages of \$1,221 a day “for as long as the defendant remains on the property.”

On May 24, Swig served Mosser with a three-day notice to pay or vacate the premises. Swig also claims that Mosser is obligated to “replenish” a \$177,142 security deposit that was used to pay back rent.

“Defendant is financially responsible to the landlord for the entire amount of the rent, including base rent, real estate taxes, insurance, and maintenance,” the lawsuit states.

Mosser spokesperson Cindi Goodsell said that Mosser gave its landlord notice in May that it would be moving.

“With remote work, and no more than 10 employees regularly in their 6,000 square foot office since COVID, they could no longer justify the large expense,” she stated. “They have already begun the relocation process and should be moved out, likely, by the end of this week. They continue to negotiate the end of their lease with Swig.”

Mosser’s lease on the property was signed during the boom times of 2016, with rents starting at \$65 a square foot and jumping to \$81 a square foot over the course of the 10-year deal, according to the lawsuit. Cushman & Wakefield recently reported that average asking rents for Class A office space on California Street had dropped to \$62 a square foot, down from \$90 a square foot in 2019.

The rent dispute could be complicated by the fact that Swig and Mosser — two well-known San Francisco families who have been investing in the city for generations — are partners on a distressed portfolio of apartment buildings.



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Tiffany Van Buren, BPOA Deputy Director

Crafting the Perfect Internet Rental Listing: A Guide for Berkeley Property Owners

Berkeley is a vibrant college town, and our rental market is diverse. It's important to craft listings that attract the right tenants while adhering to fair housing laws and state regulations.

Here are some key strategies to help you write the perfect rental listing:

1. Start with a Strong Title

Your title is the first thing potential renters see. Make it clear and appealing. Instead of "Cozy 2-Bedroom Apartment," try "Spacious 2-bedroom Apartment with Modern Amenities." Is your property close to campus? Try "Sun-filled 1-bedroom 1-bath Apartment two blocks to UC."

2. Highlight the Key Features

Focus on the unique features and amenities of your property. Include details such as:

- Number of bedrooms and bathrooms
- Square footage
- Updated appliances
- In-unit or on-site laundry
- Pet policies
- Parking availability*
- Storage availability*
- Outdoor space (garden, balcony, patio, etc.)
- You can state these items are available by a Separate Agreement

Example: "2-bedroom Apartment with In-Unit Laundry, Modern Kitchen, and Private Balcony."

3. Describe the Location Effectively

Mention nearby attractions and conveniences without using outdated terms like "walking distance." Instead, use phrases like "minutes away from" or "close to," or cite the actual distance in blocks or mileage.

Example: "Located minutes away from UC Berkeley, local restaurants, and public transportation," or "Located ¼ mile from UC Berkeley, several local restaurants and public transit lines within blocks."

4. Use Inclusive Language

Avoid terms that suggest a preference for certain demographics, such as "good for students" or "perfect for single professionals." Focus on the property's features and benefits.

5. Provide High-Quality Photos with Captions

Photos are crucial. Bad photos prevent views! Ensure you have well-lit, high-resolution images that showcase each room, the exterior, and unique features. Include captions for all photos to make them accessible to individuals using screen readers.

Example: "Living room with hardwood floors and large windows" as a caption for a corresponding photo.

6. Ensure Overall Accessibility

Write the listing in plain language and avoid jargon for easy reading. If you use bullet points, save them to list the amenities. Ensure the listing is accessible for people with disabilities by following best practices for web accessibility, such as providing text descriptions for images and ensuring compatibility with screen readers.

Example: "12-month lease required. Security deposit equal to one month's rent. Pet policies apply within state law limits."

7. Be Clear on Policies

State your rental policies clearly. Mention the lease terms, security deposit, pet policies, and other relevant information. Remember to comply with California's state law regarding security deposits. Generally, the maximum deposit you can collect is capped at one month's rent unless you qualify as a small owner (owning no more than two residential rental properties in the state with no more than four residential dwelling units offered for rent). List your screening requirements and whether you're subject to the Fair Chance Housing Ordinance.

8. State Your Screening Qualifications

Outline the screening criteria clearly to set expectations for prospective tenants:

- Applicants 18 and over must each pay a \$40 screening fee.
- Household income must be at least 3 times the monthly rent.
- Minimum credit score of 700.
- No bankruptcies or prior evictions.
- Positive rental references are required.

9. Include Contact Information

Make it easy for prospective tenants to reach you. Include

continued on next page

Niaz Alasti, the Daily Californian, June 18, 2024

The Berkeley Unified School District, or BUSD, Reparations Task Force has recommended both financial and educational reparations for students who are descendants of chattel slavery in a report at the BUSD school board meeting Wednesday.

The task force has recommended three types of reparations to the district: harm reports, curricula changes and financial payments that will go toward students' education. The recommended funding for the reparations would derive from donations, tax measures and lawsuits against companies and organizations whose historical actions have decreased funding for BUSD.

"We were recommending that (BUSD has) the financial payments go through an organization like the Berkeley Public Schools Fund because the district itself would have complications in giving out direct financial payments," said co-chair of the Reparations Task Force Adena Ishii.

Ishii added that the district would have to do more research in order to effectively integrate the educational reparations into the curriculum, including incorporating reparations into the existing ethnic studies curriculum.

The task force recommended creating a harm report to record the forgotten harms BUSD has caused, including the impacts of segregation, discriminatory policies and legacies of chattel slavery within BUSD.

The task force surveyed community members, all of who agreed incorporating the history of slavery into BUSD curricula is important.

Most survey respondents agreed that providing financial payments for educational purposes was the best course of action, especially considering the educational harm BUSD caused in the past.

"We define educational purposes rather broadly," Ishii said. "We understand that there are many ways you can support education that are not just books and other things like that."

The task force also recommended that, if the district were to implement the tax measure as their source of funding for the reparations as a parcel or real estate tax, it would be more effective as a citizen-led initiative on the ballot so its passage would only require a majority vote. (italics added. Ed.)

The recommended next steps for BUSD are to consult with experts to create a harm report, collaborate with descendant BUSD staff to create a more inclusive curricula and consult attorneys to put pressure on the organizations the district might consider suing.

"They say that if you don't understand history, then you're doomed to repeat it," Ishii said. "I think the combination of understanding our history and learning from the mistakes of the past and ensuring that we don't commit the crimes that we have in the past, and also that we are basically giving what is owed to these people that have been harmed, (is important)."

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Crafting the Perfect Rental Listing

a phone number and email address, and promptly respond to inquiries.

10. Avoid Common Pitfalls

It's essential to be aware of phrases and terms that are now considered outdated or potentially discriminatory:

- Instead of "cozy" or "charming," use a descriptive term like "tree-lined street" or "well-maintained."
- Avoid "walking distance." Use "close to" or "nearby."
- Don't assume local locations will be a draw. An out-of-towner won't be swayed by "near Monterey Market," but "near famed Monterey Market, specializing in sustainable produce and the freshest fruit in the Bay!" might be.

- Don't specify preferred demographics (e.g., "good for students" or "ideal for professionals"). Focus on the property itself or its proximity to the university or the BART station.

Creating a compelling, compliant, and accessible rental listing is key to attracting the right tenants. By focusing on the property's features, using inclusive language, and ensuring accessibility, you'll create listings that stand out online and comply with fair housing laws and state regulations.

If you have any questions or need further assistance, don't hesitate to contact the Berkeley Property Owners Association. We're here to support you!

What Have We Liberals Done to the West Coast?

Nicholas Kristof, June 15, 2024, *New York Times*

As Democrats make their case to voters around the country this fall, one challenge is that some of the bluest parts of the country — cities on the West Coast — are a mess.

Centrist voters can reasonably ask: Why put liberals in charge nationally when the places where they have greatest control are plagued by homelessness, crime and dysfunction?

I'll try to answer that question in a moment, but liberals like me do need to face the painful fact that something has gone badly wrong where we're in charge, from San Diego to Seattle. I'm an Oregonian who bores people at cocktail parties by singing the praises of the West, but the truth is that too often we offer a version of progressivism that doesn't result in progress.

We are more likely to believe that "housing is a human right" than conservatives in Florida or Texas, but less likely to actually get people housed. We accept a yawning gulf between our values and our outcomes.

Conservatives argue that the problem is simply the left. Michael Shellenberger wrote a tough book denouncing what he called "San Fransicko" with the subtitle "Why Progressives Ruin Cities." Yet that doesn't ring true to me.

Democratic states enjoy a life expectancy two years longer than Republican states. Per capita G.D.P. in Democratic states is 29 percent higher than in G.O.P. states, and child poverty is lower. Education is generally better in blue states, with more kids graduating from high school and college. The gulf in well-being between blue states and red states is growing wider, not narrower.

So my rejoinder to Republican critiques is: Yes, governance is flawed in some blue parts of America, but overall, liberal places have enjoyed faster economic growth and higher living standards than conservative places. That doesn't look like failure.

So the problem isn't with liberalism. It's with West Coast liberalism.

The two states with the highest rates of unsheltered homelessness are California and Oregon. The three states with the lowest rates of unsheltered homelessness are all blue ones in the Northeast: Vermont, New York and Maine. Liberal Massachusetts has some of the finest public schools in the country, while liberal Washington and Oregon have below-average high school graduation rates. Oregon ranks dead last for youth mental health services,

according to Mental Health America, while Washington, D.C., and Delaware rank best

Drug overdoses appear to have risen last year in every Democratic state on the West Coast, while they dropped last year in each Democratic state in the Northeast. The homicide rate in Portland last year was more than double that of New York City.

Why does Democratic Party governance seem less effective on the West Coast than on the East Coast?

Sometimes I wonder if the West is less serious about policy than the East and less focused on relying on the most rigorous evidence. There's some evidence for that. But I'm not sure, for it's also true that West Coast states have managed to innovate exceptionally well in some domains. Oregon pioneered "death with dignity" through physician-assisted suicide and led the way to vote by mail, an important step for democracy. California has some of the smartest gun safety laws in America, championed by Gov. Gavin Newsom. As a result, California has a firearms death rate 40 percent below the national average.

So my take is that the West Coast's central problem is not so much that it's unserious as that it's infected with an ideological purity that is focused more on intentions than on oversight and outcomes.

I ran for governor in Oregon two years ago (I was ousted from the ballot by Oregon's then-secretary of state, who said I didn't meet the residency requirement). While running, I'd meet groups of liberal donors in Portland, as the city's problems cast a shadow over all of us; we'd all be wondering nervously if our catalytic converters were in the process of being stolen. The undercurrent in such a liberal gathering would be the failures of Republicans — but Portland was one mess we couldn't blame on Republicans, because there simply aren't many Republicans in Portland. This was our liberal mess.

Politics always is part theater, but out West, too often we settle for being performative rather than substantive.

For example, as a gesture to support trans kids, Oregon took money from the tight education budget to put tampons in boys' restrooms in elementary schools — including boys' restrooms in *kindergartens*.

"The inability of progressives, particularly in the Portland metro area, to deal with the nitty-gritty of governing and to get something done is just staggering," Representative

continued on page 16

California Rental Housing Association Public Policy Update

California Rental Housing Association

When the Assembly Appropriations Committee took up bills in mid-May, one bill that we were opposing, **AB 2187 (Bryan)**, which would have created the Office of Tenants' Rights and Protections, was held so it is dead for the year. In another win, **AB 2785 (Wilson)**, which would have required a landlord to, within 30 days of receiving a tenant's security, deposit the sum into an account of a bank or other financial institution regulated by the state or federal government, was shelved by the author for the year. Bills are now being heard in the second house.

A priority bill for CalRHA, **AB 2216 (Haney, D-San Francisco)**, dealing with pets, was killed due to our efforts to defeat it. While the author had agreed to significant amendments that would have exempted many of BPOA's members from being subject to the law, we still had serious concerns about the bill. Luckily, all of our concerns were alleviated when the author decided to pull the bill. While BPOA has nothing against pets, and we encourage our members to adhere to all federal Fair Housing Law that affects certain animals, we felt the legislation opened up certain owners to increased liability.

The CalRHA sponsored bill, **AB 2278 (Carillo, D-Los Angeles) Publishing Rental Rates**, is set for a hearing in the Senate Judiciary Committee on July 11th, where it is slated to pass on consent. This bill would have the Attorney General publish the maximum allowable annual rent by July 1st of each year. These are rent levels associated with the state rent cap of AB 1482.

Other updates on key legislation are as follows:

- **AB 2347 (Kalra) Evictions** — Would make various procedural changes to landlord-tenant law, including specified extensions of time for tenants to respond to notices and eviction papers. AB 2347 extends the time for the defendant's response to be filed from five court days to 10 court days after the unlawful detainer complaint and summons is served on the defendant. It also prohibits the clerk from entering default in an unlawful detainer action less than three court days after the plaintiff files the proof of service of the summons and complaint. AB 2347 is pending a hearing in the Senate Judiciary Committee at time of publication. (OPPOSE)
- **AB 2498 (Zbur) Rent Relief** — Establishes the California Housing Security Program (the Program) to provide counties with funding to administer a housing subsidy to eligible persons to reduce housing insecurity and help Californians meet their basic housing

needs, subject to an appropriation. The bill would create a 2-year pilot in eight counties, including Los Angeles, Orange, and San Diego. The bill is pending a hearing in the Senate Housing Committee at time of publication. (SUPPORT)

- **AB 2747 (Haney) Credit Reporting** — Requires specified landlords to offer each tenant obligated on a lease the option of having the tenant's positive rental payment information reported to at least one nationwide consumer reporting agency. This bill is headed to the legislative floor and will likely be passed. (OPPOSE)
- **AB 2801 (Friedman) Security Deposits** — As introduced, the bill would have prevented using security deposits for professional carpet cleaning. However, the bill has been significantly amended and is less onerous. CalRHA has met with the author's office and Chair of the Senate Judiciary Committee about a possible carve-out for small operators/opt-in. This bill is headed to the legislative floor. (OPPOSE)
- **SB 1201 (Durazo) Beneficial Owners** — SB 1201 requires corporations, limited liability companies (LLCs), and real estate investment trusts to report information about their beneficial owners, as specified, on periodic reports that those business entities are required to file with the Secretary of State (SOS) and that are made available to the public. The author cancelled the committee hearing. This bill may be withdrawn. (OPPOSE)

The California Rental Housing Association (CalRHA) represents almost 25,000 members totaling more than 676,000 units, made up of small, medium, and large rental housing owners throughout the State of California. Our purpose is to advocate in the best interest of the rental housing industry and collectively address industry needs. Find out more at www.cal-rha.org

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I Love San Francisco but Had to Leave

Soleil Ho, San Francisco Chronicle, June 4, 2024

Five years ago and a few weeks before I started at the Chronicle, I took a cab from SFO to a new acquaintance's apartment in Potrero Hill, impulsively taking up her offer to house-sit while I looked for a place of my own. As we drove, the darkness of that evening, set against the almost cliff-like drop from the top of the hill, made the city's skyline — the Italian dressing-bottle of the Transamerica building, the phallic Salesforce Tower, the crawling Christmas lights of the cars making their way in from the Bay Bridge — look as if it all appeared spontaneously out of some black void.

I never got tired of that view and the feeling it imparted, no matter where I was in the city. When I lived at the base of the famously crooked section of Lombard Street, I often queued up with the tourists to drive or walk down that incline, San Francisco's downtown hovering on the horizon. When I moved to Twin Peaks, the frequently fog-obscured skyline looked almost cute at times, like a shy child's feet peeking out from beneath a curtain.

I loved lazily grazing on a croissant while walking down Clement Street, and I loved sitting in Dolores Park with friends (and it sometimes seemed like everyone else in the city), even when we'd all forgotten picnic blankets and resigned ourselves to gladly sitting on the undoubtedly dog pee-drenched grass.

That's where I was when I broke the news that I was leaving.

"Boo!" one friend, a San Francisco native, bellowed.

Yeah, I know, I said. Deep down, I felt like I'd punked out on a city that needs all the enthusiasm it can get right now.

But, frankly, I've known for a while that I needed to pack up and go; to try out other cities.

Urbanites have often liked to think of cities as people — consider Roma, the helmeted official deity of Rome — and maybe that's why it's so easy to feel like our presence within them is so intimate and special. The city allures, it betrays, it breaks your heart. Leaving hurts as much as a breakup, but in the best case, you come away from it realizing it was the right thing to do.

San Francisco is my gorgeous but high-maintenance ex; Berkeley, a strange and perhaps unambitious new love who makes things feel so easy.

In Berkeley, my rent for a similar amount of square footage is two-thirds of what I paid in San Francisco. I could

end this article here because that counts for most of it, but my interest isn't entirely financial.

Berkeley's freaking weird.

There's a guy who cycles down my street a few times a week, in the afternoons and sometimes 4 in the morning, yelling about something over and over in his megaphone. No one I've talked to knows what he's saying. The nice unhoused person who stays near my building has a podcast. I've yet to listen, but I'm happy for him all the same. And the sole Tesla Cybertruck I've seen was wrapped in giant sandwich decals to advertise for a plant-based deli meat company.

Several restaurants and cafes in my low-key neighborhood are open past 10 p.m. on most nights, which, in the day-to-day experience, makes Berkeley feel way more like my hometown of New York City than San Francisco ever did.

You're allowed to have a pad thai emergency at 1 a.m. here.

On a recent weekend, I stopped over at the Aftel Archive of Curious Scents, a garage-turned-museum off Shattuck Avenue, and used a paper cone to huff the tantalizing smells of hyraceum (hyrax poop), ambergris (whale poop) and roses.

And I'm actually interested in the conversations that I overhear when I'm outside; people don't seem to talk about AI, money and property investments as much on the other side of the bay.

While sourcing furniture from Facebook Marketplace, I've already had several conversations about all kinds of things with UC Berkeley students, the youngest people I've spoken to in months. I shared restaurant recommendations for their upcoming post-graduation road trips; my elder millennial back started to ache a little more when I realized they were born in a post-9/11 world. I feel fond and even protective of them, these young people who have already been through so much.

I never thought I'd leave San Francisco once I got to the Bay Area, but it's not like I'll never come back. I'm writing this in the Chronicle's office on Mission Street, incidentally. And I still get a view of that skyline that I love so much — just from the bus with all the other commuters.

Reach Soleil Ho (they/them): Soleil@sfchronicle.com; Twitter: @hooleil

ough screening is more important now than ever. (If it were up to me, I'd have tenant protections not become effective until the second year of a tenancy, allowing owners to 'give people a second chance' and re-establish their credit. It costs a lot to have to replace a tenant each year, so owners have little incentive to do this. However, these decisions are not up to me. So, for now, you must be extra thorough in your screening practices).

Improve Your Tenant Retention

A vacancy that never occurs is the least costly 'vacancy' you will have. Even in rent control, the ideal length of a tenancy is at least 3 years. Having people move out at the end of their one-year lease is a very costly endeavor.

Think 'Lifetime Value' of a customer. If you receive \$2,500/month for your rental, that's \$30,000/year. Let's conservatively say you spend \$1,650 on a turnover and let's assume your downtime from tenant move-out to turnover work being done, to apartment showing, to screening applicants, to applicant leasing, to tenant move-in and paying rent is only 45 days. That downtime cost you \$3,750 (\$2500 x 1.5 months). So, rather than getting \$30,000 a year with a steady tenant, you really only received \$24,600 with the turnover, or \$2,050/month.

This is the importance of focusing on tenant retention. You could literally have given that tenant \$5,000 to stay another year, and you'd have been financially ahead of having the turnover! But you don't need to give your ten-

ant \$5k, you just need to focus on improving the tenant experience while they live at your property. How responsive are you to maintenance requests? Do you ever proactively check in with your resident to see if there are any potential issues? Do you confirm that the repairs were performed to the resident's satisfaction? Statistics show that over 70% of turnover is due to owner/manager apathy and neglect. Only 30% is due to job change, divorce, graduation, and other less controllable reasons.

Enhance Your Property Appeal with Strategic Upgrades

When markets get soft, many owners stop upgrading because they can't achieve a good return on the cost of the improvement. However, I think this is a mistake. You need to think long term. What do I mean by that?

Many upgrades will not increase rent in a soft market, but — at the least — they will help you rent your unit faster. When tenants have more choice, they are going to look at what is the best value for them. It is true that you might spend \$10,000 on a bathroom upgrade and it might not increase the rent you can achieve at this time. However, it will definitely rent quicker, and on the next turnover, you may be able to start getting some increased rent. Your alternative is to do nothing and let the unit sit for several months until you adjust your rent down to today's market.

And remember to focus on exterior improvements as well. Curb appeal is still critical. There is truth to the old adage

continued on page 14

Join Us for Quarterly Social Mixers with Fellow Members

<https://www.bpoa.org/events/>

DATE	TOPIC
Thursday, July 18, 3:00 PM	Mold, Mildew & Mayhem: Protecting Your Property
Thursday, August 29, 5:00 PM	Warm Summer Nights In-Person Member Mixer
Wednesday, September 11, 4:00 PM	New Member Social Mixer & Office Open House

And...check out our Rental Housing Provider 101 series. Whether you're new to rental housing or just want to brush p on your skills, we'll teach you the basics of being a housing provider in Berkeley. This series is available for playback in the members-only Content Library on our website.

Should Dogs Get One Free Bite?

Mark Tarses: Landlording with Mark

If you have never heard of the ‘one free bite’ rule before, you might assume that I made up this story. It sounds completely preposterous. However, I don’t make up my stories.

In sixteen states, a dog has a legal right to bite you — once. That means that in a ‘one free bite’ state, you cannot sue a person if his dog bites you once, no matter how much damage the bite does. In a ‘one free bite’ state, if somebody’s dog bites a finger off your hand in just one bite, you cannot sue the owner for your loss or your medical bills; however, you *can* sue the dog’s owner if the dog bites off your finger on a second bite. The ‘one free bite’ rule is a sixteenth century English legal principle that was adopted by British colonies all over the world. It is still the rule of law in many states.

I grew up in Maryland, which is a ‘one free bite’ state. In Maryland, you cannot sue a dog’s owner if the dog only bites you once unless you can prove that the dog’s owner had foreknowledge that his dog was dangerous. The first bite is ‘on the house’. The ‘one free bite’ rule is not one of those silly old laws that is still on the books but that nobody enforces. No. The ‘one free bite’ rule is still enforced in the courts of Maryland, New York, Virginia, Texas, and many other states. (Sounds unbelievable, doesn’t it?) Personally, I think that the ‘one free bite’ rule should be abolished — everywhere and immediately.

Editorial

from page 2

Acknowledgement of past societal wrongs is a good thing. Nevertheless, there are ways to make amends which are appropriate and productive, and there are measures which are more problematic than beneficial. Direct payment to presumed victims cannot be distributed fairly. Giving wealth to the great-grandson of a victim of slavery by taking wealth from a current homeowner makes no sense. This is especially true if the beneficiary is financially well off despite his slave-linked ancestry and the taxpayer is a second-generation great-grandson of a Mexican campesino. At the extreme, do you levy a tax on a Black homeowner struggling to make the payments on a modest Oakland house in order to pay reparations to someone like Oprah Winfrey (reported to be worth over \$3,000,000,000)?

In rare cases, cash reparations are both appropriate and collectible. More often, acknowledgement of historic wrong-doing and remedial public policy make sense. However, direct compensation to a few great-great grandchildren of victims of slavery, funded by a general tax levied by a local school board, is not an answer. Any program of reparations should not be local and should not be administered by a school board.

COMING ATTRACTIONS

Mold, Mildew & Mayhem: Protecting Your Property

Thursday, July 18, 3:00 PM

Warm Summer Nights: In-Person Member Mixer

Thursday, August 29, 5:00 PM

New Member Social Mixer & Office Open House

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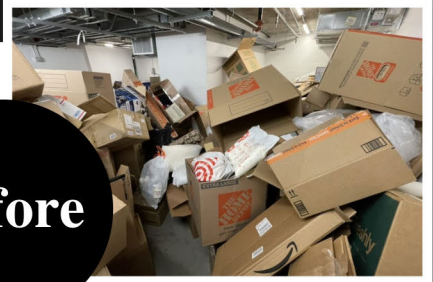
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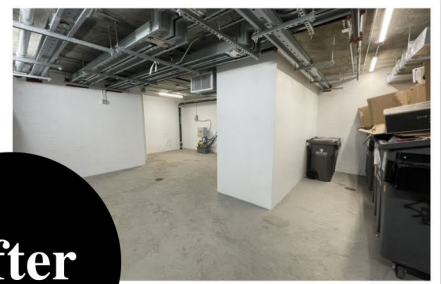
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SCAN ME

Earl Blumenauer, a Democrat who has been representing and championing Portland for more than half a century, told me. “People are much more interested in ideology than in actual results.”

Consider a volunteer group called the Portland Freedom Fund that was set up to pay bail for people of color. The organization raised money from well-intentioned liberal donors, and the underlying problems were real: Bail requirements hit poor people hard.

In 2022, the Portland Freedom Fund helped a Black man named Mohamed Adan who had been arrested after allegedly strangling his former girlfriend, holding a gun to her head and then — in violation of a restraining order — cutting off his G.P.S. monitor and entering her building. “He told me that he would kill me,” the former girlfriend, Rachael Abraham, warned.

The Freedom Fund paid Adan’s bail, and he walked out of jail. A week later, Adan allegedly removed his G.P.S. monitor again and entered Abraham’s home. The police found Abraham’s body drenched in blood with a large knife nearby; three children were also in the house.

Adan was charged with murder — no bail this time — and the incident prompted soul-searching in Portland. But perhaps not enough. A well-meaning effort to help people of color may have cost the life of a woman of color.

One of the passions of the left, drawing partly on Ibram X. Kendi’s book “How to Be an Antiracist,” has been that if a policy leads to racial inequity, then it’s racist even if it wasn’t meant to be. But by that standard, West Coast progressivism abounds in racism.

We in the West impeded home construction in ways that made cities unaffordable, especially for people of color. We let increasing numbers of people struggle with homelessness, particularly Black and brown people. Black people in Portland are also murdered at higher rates than in cities more notorious for violence, and Seattle and Portland have some of the greatest racial disparities in arrests in the country.

I don’t actually agree with Kendi. I think intentions and framing can matter, but it’s absolutely true that good intentions are not enough. What matters is improving opportunities and quality of life, and the best path to do that is a relentless empiricism — which clashes with the West Coast’s indifference to the laws of economics.

The basic reason for homelessness on the West Coast is an enormous shortage of housing that drives up rents.

California lacks about three million housing units, in part because it’s difficult to get permission to build.

As long as there is such a vast shortage, housing is like musical chairs. Move one family into housing, and another won’t get a home.

Public sector efforts to build housing are often ruinously expensive, with “affordable housing” sometimes costing more than \$1 million per unit, so the private sector is critical. Yet one element of progressive purity is suspicion of the private sector, and this hobbles efforts to make businesses part of the solution. Business owners who earn an income from their company are effectively barred from serving on the Portland City Council.

Perhaps on the West Coast we have ideological purity because there isn’t much political competition. Republicans are irrelevant in much of the Far West, so they can’t hold Democrats’ feet to the fire — leading Democrats in turn to wander unchecked farther to the left. That’s not so true in the Northeast: A Republican, Charlie Baker, was until recently governor of Massachusetts, and Republicans are competitive statewide in Maine, Pennsylvania, Maryland, New Hampshire, New York and New Jersey.

Maybe a healthy Republican Party keeps the Democratic Party healthy, and vice versa.

Without opposition party oversight, problems aren’t always fixed expeditiously. For example, some blue states have well-intentioned laws meant to protect citizens from involuntary commitment to mental institutions — but these days, with drugs and untreated mental illness interacting to produce psychosis, such laws can crush the people they’re supposed to help.

One of my school friends in my hometown, Yamhill, Ore., Stacy, struggled with alcoholism and mental illness. She became homeless and lived in a tent in a park, but it is almost impossible in such cases to move someone involuntarily into an institution. So she froze to death one winter night.

I think of Stacy suffering and dying unnecessarily, and I believe that instead of protecting her, our liberalism failed her.

One encouraging sign is that the West Coast may be self-correcting. I’ve been on a book tour in recent weeks, and in my talks in California, Oregon and Washington I’ve been struck by the way nearly everyone frankly acknowledges this gulf between our values and our outcomes, and welcomes more pragmatic approaches. California and

continued on page 18

A Pun-gent Bouquet

Dad, are we pyromaniacs? Yes, we arson.
What do you call a pig with laryngitis? Disgruntled.
Why do bees stay in their hives during winter? Swarm.
If you're bad at haggling, you'll end up paying the price.
Just so everyone's clear, I'm going to put my glasses on.
A commander walks into a bar and orders everyone around.
I lost my job as a stage designer. I left without making a scene.
Never buy flowers from a monk. Only you can prevent florist friars.
How much did the pirate pay to get his ears pierced?
A buccaneer.
I once worked at a cheap pizza shop to get by. I kneaded the dough.
My friends and I have named our band 'Duvet'. It's a cover band.
I lost my girlfriend's audiobook, and now I'll never hear the end of it.
Why is 'dark' spelled with a k and not c? Because you can't see in the dark.
Why is it unwise to share your secrets with a clock? Well, time will tell.
When I told my contractor I didn't want carpeted steps, they gave me a blank stare.
Bono and The Edge walk into a Dublin bar and the bartender says, "Oh no, not U2 again."
Prison is just one word to you, but for some people, it's a whole sentence.

Scientists got together to study the effects of alcohol on a person's walk, and the result was staggering.
I'm trying to organize a hide and seek tournament, but good players are really hard to find.
I got over my addiction to chocolate, marshmallows, and nuts. I won't lie, it was a rocky road.
What do you say to comfort a friend who's struggling with grammar? There, their, they're.
I went to the toy store and asked the assistant where the Schwarzenegger dolls are and he replied, "Aisle B, back."
What did the surgeon say to the patient who insisted on closing up their own incision? Suture self.
I've started telling everyone about the benefits of eating dried grapes. It's all about raisin awareness.

President's Message

from page 1

that common areas get tenants but it is the upgrades in the units that keep tenants.

Soft markets do not last forever. This market softness should end by late 2025/early 2026. With higher interest rates and softer rents, the amount of new construction has declined dramatically. Once the current new supply is absorbed, we will again likely be in a supply-constrained market.



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QUOTE OF THE MONTH

The whole problem of the world is that fools and fanatics are always so certain of themselves and wiser people are full of doubt.

— Bertrand Russell

West Coast Liberals

from page 16

Oregon have taken steps to boost housing supply, and Oregon ended an experiment in drug decriminalization. Homelessness seems a bit better in San Francisco and other cities, and homicides have dropped.

I'm still a believer in the West Coast. Partly it's the physical beauty of the region and the outdoor opportunities, and partly it's that the West has a history of reinventing itself. I remember Seattle's struggles in the 1970s, when a billboard near the airport read, "Will the last person leaving Seattle — turn out the lights." The West Coast has always rescued itself by seizing new ideas, from personal computers to the internet, and building on them. The Bay Area may be doing that again today with artificial intelligence.

On a visit to San Francisco in May, I took a Waymo self-driving taxi. It eerily stopped in front of me, unlocked itself and then drove me smoothly to my destination. That did feel like a futuristic journey in a futuristic city.

We need to get our act together. Less purity and more pragmatism would go a long way. But perhaps the first step must be the humility to acknowledge our failures.



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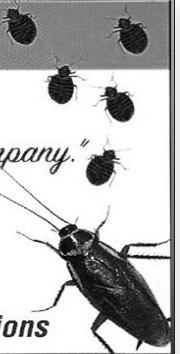
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In-Person Member Mixer*
Thursday, August 29, 5:00 PM

*New Member Social Mixer
& Office Open House*
Wednesday, September 11, 4:00 PM



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PRESCOTT
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