

JAN
2024



The Advocate for Berkeley's Rental Housing Providers

Founded 1980 • Charter Member, California Rental Housing Association
2041 Bancroft Way, Suite 203, Berkeley, CA • www.bpoa.org

M
O
N
T
H
L
Y

Worst Applicant Ever: Snowball

Mark Tarses, President, BPOA

I once received a memorable application for a one-bedroom apartment from a well-dressed, middle-aged woman. She walked through the apartment, filled out an application form and handed it to me. The first thing I noticed was that she answered the question: 'Name of Applicant' with: 'Snowball.' I said: "Is your name Snowball?" She said: "No. Snowball is the name of my cat." I said: "But you wrote Snowball after Name of Applicant." She said: "Yes. That's right."

I was confused by that. Then I read the rest of her application and realized that all the information on the form was about her cat, and just about her cat. For example, after 'Previous address' she wrote 'Berkeley Humane Society.' I said: "I don't understand. Do you want me to put the lease in your cat's name?" She said: "Yes."

At that point, I knew that I was not going to rent my apartment to this woman, but I was curious to know what she was thinking. I said: "Why do you want the lease in your cat's name?" She said: "Well, as I understand the law, if the lease is in my name, then I'll be responsible for paying the rent." I said: "Yes. That's right." She said: "Well, that's why I want the lease in my cat's name." I nodded my head to indicate that I understood her line of reasoning. I thanked her for her application, but I rented the apartment to someone else.

After she left, I wrote down exactly what she said on the back of her application form. The point of my story is this. When you get an application from someone who is acting strangely, write down on the back of the application form what was said and what happened. Your notes may be your only defense if you are later accused of discrimination.

COMING ATTRACTIONS

The ABCs of Building ADUs
Wednesday, January 10, Noon

What's on Tap for Rental Law in 2024
Thursday, January 11, 3:00 pm

The 2024 Initiative to Repeal Costa Hawkins
Tuesday, January 25, 10:00 am

*Legalizing Non-Confirming Units:
Permitting the Unpermitted*
Wednesday, February 7, Noon

See pages 13 & 14 for details & more events!

Issue Highlights

<i>Editorial.....</i>	<i>Page 2</i>
<i>Coalition Corner</i>	<i>Page 3</i>
<i>Judge Bars Berkeley from Camp Sweep.....</i>	<i>Page 4</i>
<i>Owner Move-Ins, Ellis Act & Resident Buyouts...Page 5</i>	
<i>Rent Control on Ballot in Four More Cities</i>	<i>Page 6</i>
<i>The Nuts & Bolts.....</i>	<i>Page 8</i>
<i>Cabins for the Homeless: \$113K Each.....</i>	<i>Page 9</i>
<i>New Rental Housing Laws for 2024</i>	<i>Page 11</i>
<i>"Museums of Their Lives"</i>	<i>Page 12</i>
<i>Monthly Event Calendar</i>	<i>Page 13</i>
<i>BPOA Event Details.....</i>	<i>Page 14</i>
<i>.....</i>	<i>Page 16</i>



Editorial

Is Your Building Worthless?

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.

2024 Board of Directors

Mark Tarses, President
Sid Lakireddy, Treasurer
Jon Vicars, Vice President
Richard Genirberg, Secretary
Bahman Ahmadi
Will Flynn
Celia Karian
Alison Simon
Sam Sorokin
Albert Sukoff
Paul Tuleja

Editor:

Albert Sukoff

Executive Director:

Krista Gulbransen

Deputy Director:

Tiffany Van Buren

Our Office Location:

2041 Bancroft Way, Suite 203
Berkeley, CA 94704
Phone 510.525.3666
Email bpoa@bpoa.org
Website <http://www.bpoa.org>

Office Hours:

Open Monday – Friday, with dedicated one-on-one appointments for your convenience.

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

I live just west of the Rose Garden. Except for an occasional visit to Costco or Solano Avenue, virtually any place I have to go is south of my house. As such, I drive down Oxford Street almost daily. My route includes the 1700 block of Oxford between Hearst and Virginia.

On the west side of this block is the UC-owned Oxford tract, a solid chunk of land in the middle of urban Berkeley dedicated to agriculture. I believe this agricultural use is a condition under which UC acquired the land.

The east side of the street is comprised almost exclusively of medium-density residential housing, mostly three stories of apartments over parking. As little housing was built between 1929 and 1945, these buildings are probably all pre-depression. All the buildings on this block face are of a type and they present nicely as a congruent whole.

I confess to shock a couple of months back when I drove down Oxford and — poof — 1773 Oxford Street was gone. Rarely do I fail to drive this street for many consecutive days but somehow I missed the whole demolition process. One day, I drove by and the building was just gone, replaced by a chain-link fence.

On the fence was posted application information required by the Berkeley Planning Department for a new building. These three stories of housing over parking are to be replaced with a five-story building with no parking. The proposal calls for 24 units with a total of 20,786 square feet. The proposed building is not much higher than its neighbors and it blends in nicely enough with the block face.

I called the contact shown on the planning department notice and learned that the demolished building had six units and was both unoccupied and in marginal shape when purchased by the developers.

The choice to demolish this building and replace it with a new one is irrefutable evidence that the new owners found the value of the building *qua* building to be zero. The value of the vacant lot as a site for new housing was greater than the value of the lot with the derelict building. Given substantial demolition costs and dumping fees, the value of the lot with the building was clearly less than the value of the lot *sans* building, i.e. the value of the building *per se* was negative.

This is not a new phenomenon in Berkeley. Mainly in the sixties, a plethora of stucco boxes were built on lots which were cleared by razing single-family homes, often two adjacent homes. In this case too, the lot was worth more vacant than it was with a marginal house on it. This all stopped when the price of Berkeley homes increased dramatically, effectively increasing the cost of land for more such apartment buildings.

(Also instrumental in the decrease in new construction was the reaction of the voters who passed the Neighborhood Preservation Ordinance (NPO.) The NPO succeeded in stopping the demolition of charming smaller homes which were being replaced by largely unattractive three-story apartment buildings. It also

continued on page 16

❖ 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.**

Proposed Changes to the Rent Stabilization Ordinance

Every two years, voters go to the polls to make decisions about issues of importance to Berkeley. Usually included in this mix are changes to the Rent Stabilization Ordinance. Unlike the neighboring city of Oakland, Berkeley's ordinance can only be changed by will of the voter. While it isn't perfect (59% of Berkeley residents are renters, although far fewer actually vote in each election) it's better than only being in the hands of eight Councilmembers and the mayor.

Last election we were able to hold back modifications to the ordinance because of the complications and focus on the pandemic. But that hasn't deterred the Rent Board commissioners (and namely Rent Board chair and tenant attorney Leah Simon-Weisberg) from proposing 18 possible changes to the ordinance in the upcoming election.

Here is a running list of the most impactful proposed changes:

- **Eradication of Golden Duplex exemption.**
- **Removal of exemption for all subsidized or government-owned housing.**
- **Limit shared kitchen and/or bath exemption to match state law.**
- **Implement monetary fines for failure to register a new tenancy.**
- **Addition of requirement to be in full compliance with rent registration requirements prior to being able to collect rent.**
- **Addition of requirement to provide notification to tenants in a new tenancy of their rights under the Ordinance.**
- **Restriction of nonpayment of rent evictions until nonpayment equates to at least one month's worth of Fair Market Rent value for an equivalent unit has been reached.**
- **Modification that a breach of lease good cause for eviction must cause "substantial injury" in order to be valid.**
- **Removal of ability to terminate a tenancy if a tenant refuses to sign a "substantially similar lease."**
- **Adding rights of tenants to form associations and**

discuss issues with their landlord in good faith.

- **Lowering the maximum AGA during times of increased inflation to no more than 3%.**

These proposed changes can get to the ballot in one of two ways. First, by way of Council and the mayor. They can vote to put the changes before the voter. They have until the end of July to make that decision. Or two, the citizens of Berkeley can gather signatures from registered voters and "qualify" the initiative to be on the ballot. Either way, most of the commissioners are gung-ho to make this happen. They believe that Berkeley has lost its edge when it comes to being the leader of the pack on renter protections.

And they are right! Berkeley has lost that leading edge because of the work of the Berkeley Rental Housing Coalition. If it weren't for our dogged efforts to protect the rights of Berkeley housing providers, doing business in Berkeley might look more like Oakland or San Francisco. Unfortunately, with this badge of honor comes laser focused backlash. The advancement of tenant protections (to the detriment of rental housing providers) has only gathered steam during the pandemic.

The only way to fight back against these harmful policies is to keep your membership current and heed the call when we ask you to speak up at city meetings. Those who ultimately make the decisions about what is placed on the ballot need to understand that they are chipping away at

continued on page 16

Serving Berkeley for 35 years



Property Management
& Rental Services

We can help you find qualified tenants!

2980 College Avenue Suite 5, Berkeley, CA 94705
(510) 883-7070 ~ info@erihomes.com ~ www.erirentals.com

Judge Bars Berkeley from Sweep of Camp

Daniel Lempres, San Francisco Chronicle, December 19, 2023

A federal judge has ordered the city of Berkeley not to evict residents of a homeless encampment near the UC Village, the university's family housing campus in northwest Berkeley.

Residents of the encampment, located around the intersection of Harrison Street and Eighth Street, were warned of a sweep scheduled for last Tuesday in the weeks prior. Two of the residents requested a temporary restraining order the night before the scheduled sweep, and U.S. District Judge Araceli Martinez-Olguín granted their request on Friday, at least until a hearing this Tuesday.

Residents "have shown that there are serious questions going to the merits, i.e., whether the City's planned course of action — evicting disabled, unhoused individuals from a site without indicating where they may lawfully relocate and without addressing their respective disabilities and limitations — violates Plaintiffs' constitutional rights," Martinez-Olguín wrote.

One plaintiff, Michael Douglas, is disabled and partially blind. He also suffers from severe anxiety and bipolar disorder. Another plaintiff, Lawanda Parnell, suffers from a nervous condition that causes her to frequently lose her balance. "If Mr. Douglas and Ms. Parnell, two disabled individuals, are evicted during the winter, with no place to go, they will certainly suffer a severe hardship," Martinez-Olguín wrote.

The case comes on the heels of another court battle over the encampment.

In August, encampment resident Yesica Prado enlisted attorneys from the East Bay Community Law Center and Disability Right Advocates to ask the court to prevent a planned sweep. Residents were granted a two-month reprieve. Days after the temporary restraining order preventing the city from clearing the encampment expired, the city conducted a sweep, and cleared and fenced off a large portion of the encampment.

Prado has lived in the community for more than five years, she said. Many of her neighbors have been there longer — the encampment has been there for almost a decade, she said. She has seen two neighbors die since she

joined the community, she said. Those were the experiences that made her want to push back.

"It was just really sad to see my neighbors die because the city decided not to help them," she said. "They should have been coming down here with the purpose to actually help people, not with the purpose to clear the area, and that's why we're fighting back because that's not the way things should be handled."

When Prado moved to the area, the encampment was composed of a few dozen RVs, she said. "Eventually it grew pretty big," Prado said. "There were over a hundred people living here in vehicles and tents."

Berkeley is home to more than 1,000 unhoused people as of the last point in time count — a tabulation of unsheltered people across the country conducted every other January by the Department of Housing and Urban Development — and more than three-quarters of them are unsheltered.

Berkeley is home to more than 1,000 unhoused people as of the last point in time count — a tabulation of unsheltered people across the country conducted every other January by the Department of Housing and Urban Development — and more than three-quarters of them are unsheltered. In 2022, 426 people lived in tents in Berkeley, an additional 267 people lived in vehicles and 109 people lived otherwise outside.

In recent years, the city and Caltrans, the agency responsible for the areas near the state highways, have cleared and fenced off large encampments, including the Here There encampment at the corner of Adeline Street and Martin Luther King Jr. Avenue, the Seabreeze encampment surrounding the University

Avenue exit of I-80 and the large unhoused community living in the Berkeley Marina. Those closures led people to move to different encampments, and made Harrison Street and Eighth Street the largest encampment on city property, Prado said.

The city and UC Berkeley also continue moving forward on plans to develop People's Park, which would displace another sizable encampment. The university's planned development would include housing for more than 1,000 students, as well as a separate facility with 125 shelter beds for those experiencing homelessness.

Cities across the western United States continue to struggle with enforcement efforts against residents of

continued on page 17

Which is Which: Owner Move-Ins, Ellis Act & Resident Buyouts

By Krista Gulbransen, Executive Director

One of the more challenging parts of being a rental housing provider is knowing the rules and regulations when taking possession of your property. Our organization is often asked to explain the difference between an Owner Move-In eviction (OMI), a Resident Buyout, or an Ellis Act eviction. Each comes with its own fraught set of rules and guidelines that must be followed in order to take legal possession of the unit. Although we recommend consulting with an attorney prior to taking any action to evict a resident, below are some general guidelines for each.

Owner Move-In

What is it? There may come a time in your life when you or a relative need to move into a unit that is currently being occupied by a resident. There are many reasons you might personally need to take ownership of a unit in this manner. This ordinance applies to those who are subject to the Rent Stabilization Ordinance and whose residents have eviction protections.

How does it work? The law permits you or a “qualifying relative” (spouse, child, or parent *only*) to move into a unit with the intention of occupying it for at least 36 consecutive months. You must do so in “good faith” meaning that the person moving in intends to reside there full-time and use it as their primary residence. An owner move-in event may *not* be used to evict a resident or to raise the rent to market. Doing so can put you on the path for a very expensive lawsuit (called a constructive eviction”).

What are some of the restrictions? If your resident is disabled, over the age of 60, low-income, has a tenancy that started prior to 1999, and/or a household with a minor under the age of 18, there are restrictions and additional costs related to relocation. You or the qualifying relative must move into the unit and use it as a primary residence within 3 months of the resident moving out. If you have at least ten percent ownership in 5 or more units in Berkeley, you cannot evict a resident who has been in place 5 years or more. If you have at least a 10% ownership in 4 or more units in Berkeley, you cannot evict at all: a resident over the age of 60, one who is disabled, and/or has been in place 5 years or more. The only time those exceptions do not apply is if the owner or qualifying relative moving in is at least 60 years of age and/or disabled. You must give the terminated resident the right to reoccupy the unit when you or the qualifying relative moves out. There is no time limit on this requirement meaning that whenever you exit — 36 months from taking possession or 36 years, you must offer the prior resident the right to

reoccupy at the old rent (plus any AGAs). This is also true for any *future* owner of the property.

What must be provided to the resident? A recent change in the Berkeley Rent Ordinance requires a relocation fee of \$18,533 (this amount changes every year, according to inflation) to any resident household (no matter what their income). An additional \$6,177 is required for residents that are disabled, over the age of 60, low-income, a resident in place prior to 1999, and/or those with a minor under the age of 18 living in the unit. In addition, households with a minor (age 0-18 years of age) may not be evicted during the school year (you may serve notice during that time, but the eviction/vacate date must fall within BUSD’s summer break school calendar).

Ellis Act

What is it? The Ellis Act is a state law in which rental housing providers are permitted to evict residents in order to “go out of the rental business” on a rent-controlled property. Each local jurisdiction dictates the procedures a rental housing provider must go through to exit the business. In order to implement the Ellis Act, the owner must withdraw *all* rental units on the property, meaning you no longer intend to rent any of the units out.

How does it work? Per Berkeley’s regulations, you must pay an administrative fee even before you give notification to the resident(s) of your intention to withdraw the units from the rental market. You must give residents 120 days’ notice (or one year’s notice for any resident over the age of 62 and/or who is disabled and have lived in the unit for more than a year). To complete the process, you must make certain to provide all proper notifications to the Rent Board, the city, and your residents.

What are some of the restrictions? Although there are no restrictions on being able to make the choice to withdraw your units from the rental market, this is a very legally complex decision that cannot be taken lightly, and one in which you must follow the rules very closely. We highly recommend consulting with an attorney. If you elect to re-rent any of the units within 10 years of withdrawing them from the market, you must offer the former residents, who expressed an interest, the opportunity to re-establish their tenancy. If you re-enter the rental market within five years, you must offer those same residents the opportunity to re-establish their tenancy at the last established rent plus any applicable AGAs. If you opt to re-rent the units within two years of withdrawing them from the

continued on page 7

Rent Control Measures on Ballot in Four Bay Area Cities for 2024

Erin Baldassari, KQED, December 15, 2023

“The same failed policies from overzealous actors seeking to undermine our state’s housing laws.”

In a coordinated effort, tenants in four Bay Area cities have submitted the initial filings to place local rent control and tenant protection measures on the November 2024 ballot.

The measures that could come before voters in Larkspur, Pittsburg, San Pablo and Redwood City would limit annual rent increases (5% or 3%, depending on the city), prohibit “renovictions,” and limit owner move-in evictions, among other protections. Advocates have also proposed a similar ballot initiative in the Kern County city of Delano.

Trinidad Villagomez, a 22-year resident of Redwood City, said the proposed city ordinances would help stabilize renters amid continually rising housing prices. The average rent for a one-bedroom apartment in Redwood City is \$2,500, according to Zillow, and ranges from more than \$2,800 per month in Larkspur to nearly \$1,700 in San Pablo.

“This law will help stabilize families, particularly low-income families,” Villagomez said.

But Joshua Howard, the executive vice president of local public affairs for the California Apartment Association, blasted the efforts as “the same failed policies from overzealous actors seeking to undermine our state’s housing laws.”

He pointed to California’s 2019 Tenant Protection Act, which capped rent increases at 10% for most properties built at least 15 years ago. It also imposes “just cause” eviction protections, limiting the reasons landlords can evict tenants to “at fault” evictions, such as failing to pay rent or breaking the lease.

“If passed, the measures will only worsen our housing crisis, prompting housing providers to take units off the market,” Howard said in an email. “Additionally, they could cost cities millions each year to administer new bureaucracies that lack oversight and accountability.”

Villagomez, of Redwood City, said she got involved in efforts to organize tenants roughly seven years ago after she received a notice from her landlord that her rent would increase by \$400. She took on an extra job and now works during the day cleaning houses and office buildings at night. She also takes on occasional child care jobs.

“I was worried I was going to be homeless,” Villagomez said.

But she’s also worried about future rent increases and what will happen if the Tenant Protection Act is allowed to expire in 2030.

“Even a 10% increase annually is a lot,” she said. “And we know the state law is not permanent. I would feel more secure knowing we have something to protect us that is permanent.”

In the Bay Area, at least 11 other cities have some form of rent control or tenant protections in place that exceed the safeguards of the Tenant Protection Act. The last major push to implement rent control in Bay Area cities was in 2016 when tenants in five cities — San Mateo, Burlingame, Mountain View, Alameda and Richmond — put new rent control and tenant protection measures on the ballot. Oakland also had a measure on the ballot that same year to strengthen existing tenant protections.

The 2016 election results were a mixed bag, with rent control and tenant protections passing in Richmond, Oakland and Mountain View but failing or resulting in only more moderate protections in Alameda, San Mateo and Burlingame.

Since then, voters across the state have twice had the opportunity to weigh in on whether to repeal the Costa Hawkins Rental Housing Act, a 1995 law that restricts local rent control laws to buildings constructed before 1995. Both measures failed, but a third attempt will come before California voters in 2024.

In order to qualify for the new tenant protections for local ballots in 2024, the petitioners must first collect and submit the requisite signatures.

Beacon Properties

**Careful, Conscientious
Property Management**

Aaron Young, Broker

466 40th Street, Oakland CA 94609

aaron@beaconbayarea.com

market, you are subject to a whole host of legal actions against you in which the resident could recoup additional money for having been displaced.

What must be provided to the resident? The relocation fee does apply here, just as it does with the Owner Move In provisions.

Tenant Buyout

What is it? An agreement between rental housing provider and resident that the resident will vacate the unit at a given point in time for a sum of money. There are a variety of reasons why you might choose to enter into a buyout (aka “cash for keys”) agreement with your resident.

How does it work? Either the rental housing provider or the resident can trigger a buyout offer. The rental housing provider pays an agreed-upon amount of money for the resident to vacate the unit by a certain date. This is not considered an eviction and is solely an agreement between two parties in which someone is paid to vacate the property. You must follow the Tenant Buyout Ordinance (TBO) steps to make certain your agreement is valid in the eyes of the city (see below for more details). It is up to you to determine what the agreement contains or to find a reputable source for a suggested agreement. There is no minimum or maximum amount of money that must be paid.

What are some of the restrictions? There are no restrictions set forth by the city or the Rent Board as this is a private party contract in which both parties agree to the terms of the contract. However, there are processes that must be followed — which are monitored by the Rent Board. Not adhering to them could risk the validity of the contract and leave you vulnerable to a lawsuit for violation of the TBO.

What must be provided to the resident? Although ultimately the buyout agreement is a contract between you and your resident, in 2016 the city passed the Tenant Buyout Ordinance which dictates the notification and recording of the buyout agreement. When you make an offer to your resident to vacate, you must provide them with a notification of the ordinance which details their rights. Those rights include not entering into an agreement, having the opportunity to contact the Rent Board for guidance or access to an attorney, and the ability to rescind any signed agreement within 30 days of the initial execution of the agreement. The actual buyout agreement must contain a clause written by the Rent Board and a final executed copy must be given to the Rent Board within 30 days of the signing of the agreement between both parties or you risk its validity.



trashscouts.com • 510.788.0462

2433 Mariner Square Loop, Suite 101, Alameda, CA 94501



Safely & Reliably transport your heavy or difficult to move trash dumpsters to the curb for pickup day



The Nuts & Bolts: New Year, New Approaches

Tiffany Van Buren, BPOA Deputy Director

Refreshing Your Property Management Strategies for 2024

New Year's resolutions: they aren't a new idea, oftentimes used to set lofty self-improvement goals. But have you ever applied this philosophy to your business practice? What did you learn in 2023 that you can resolve to do better in 2024? Here are some ideas to get you started on your own list of 2024 New Year's Resolutions:

- **I will maintain my BPOA membership.**

This, of course, is paramount! We keep you informed of the changes to rental housing law that impact how you operate your business, remind you of important dates and deadlines, provide education and resources, and are always here to offer guidance in this challenging landscape. We are your Berkeley Rent Stabilization Ordinance experts, and if you're flying without us, you're flying without a net.

- **I will comply with Berkeley Rent Registry requirements.**

It is unlawful to take the AGA increase if you're not in compliance with the Registry, and the Rent Board is trying to add penalties for failure to register. Avoid consequences by ensuring your rental units and tenancies are properly registered.

- **I will address any habitability issues in my rentals and will require that repair requests be made in writing.**

The implied warranty of habitability in California is a legal doctrine that ensures rental properties meet basic living and safety standards. Leaky roofs, faulty plumbing, lack of heat, electrical failures, pests, vermin, or floors/stairways/railings in disrepair require your immediate attention. A written request is helpful for historical documentation, but oral requests are still valid.

- **I will conduct the annual RHSP.**

Every rental unit in Berkeley, regardless of whether under local rent control, must be enrolled in the Rental Housing Safety Program and inspected annually by July 1st. The RHSP gives you a valid reason under state law to enter an occupied rental unit — take advantage of this opportunity to do a thorough inspection with the RHSP checklist, and ensure your tenants are keeping the premises “clean, orderly, well ventilated, sanitary, and in good condition and repair,” as codified in the BPOA lease.

- **When executing documents, I will always start with fresh downloads from the BPOA website.**

Our lease, addenda and disclosures are revised annually, and we often update the forms in our Content Library.

Don't take the chance of using a stale document — always start with freshly downloaded documents to ensure you're using the most current version available.

- **I will require that my tenants maintain renters' insurance.**

The BPOA lease requires that tenants obtain and maintain renters' insurance. If you are not enforcing this clause, we recommend that you start doing so. You can find a printable/downloadable flier from Toggle, a low-cost option for renters, under the Resources tab of our website. Sharing the flier with your tenant lets them know you're serious about enforcing the lease and gives them a reasonably affordable way to achieve compliance. If they have auto insurance, they can bundle it with a renter's policy for additional savings.

- **I will not advertise on Craigslist.**

Due to the propensity for fraud on this platform, we recommend avoiding Craigslist when marketing vacancies. You may consider using another ILS (Internet Listing Service), such as Zillow, CalRentals, &/or Intellirent.

- **I will not be intimidated by technology.**

I know this is hard for some of you! Plenty of our members still prefer printing paper leases, meeting in person for lease signing, and want the rent paid by paper check. The harsh truth is that times have changed, becoming less analog and more digital by the day. The time to start conquering your fears of technology is now! Behind the scenes, BPOA is working on ways of making document signing easier...stay tuned.

- **I will utilize my BPOA membership year 'round.**

We're in this together, and your support is vital. Explore the wealth of resources beyond our document library — check out the upcoming events on our Calendar, delve into informative videos from our On-Demand library, navigate local governance with City Laws & Regulations under the Resources tab, and leverage Intellirent for seamless tenant application and screening. Plan to join us at one of our upcoming member social mixers (TBA) to connect with fellow independent rental housing heroes. Whether you prefer an in-person visit to our downtown office or a call to speak with a member of our staff, we're here for you. Your active participation makes us stronger. Thank you for being an essential part of the BPOA community!

Why Does a Cabin for the Homeless Run \$113k?

Aldo Toledo and Noah Arroyo, *San Francisco Chronicle*, December 18, 2023

Nonprofit says it can do it for less than the city; critics say it's anti-union

When the nonprofit Dignity Moves opened 70 homes for the homeless on a vacant lot near San Francisco Civic Center in 2022, unhoused residents who moved into the village praised it as a dignified, caring place to get a second chance. Elected officials celebrated the site, saying they wanted to replicate it throughout the city as a cost-effective, fast and humane solution to getting people off the streets.

By all accounts the project was a success.

Dignity Moves got permits in under three weeks thanks to emergency rules under the 2019 Shelter Crisis Ordinance to quickly erect modular tiny homes. Volunteers and donations of furniture and bedding helped lower costs. The cabins cost about \$34,000 to build and were open in a matter of months.

It's been a year since 33 Gough St. opened, and San Francisco has still not been able to replicate its success.

City officials have spent years talking about opening a similar tiny home village in the Mission on a vacant lot near 16th and Mission streets. But that project is not expected to open until 2024. The per-cabin cost is about \$104,000, but when you factor in amenities such as offices and a community room at the project, it rises to a whopping \$113,000 per cabin.

The Mission District site is expected to last only a year, prompting the question of whether it makes sense to invest so much in such a short-term project.

The project cost highlights how San Francisco is struggling to scale up solutions to homelessness amid massive red tape and a system that often shuts out nonprofits from creating more nimble, cost-effective solutions to its crisis. Dignity Moves officials told the Chronicle they could build the Mission project much more cheaply.

"Our goal with (33 Gough) was to prove a point and have the city love and do more of them because it was a victory," said Elizabeth Funk, founder of nonprofit Dignity Moves. "The reality is we could do this at a third of the cost."

But Funk explained that Dignity Moves could only do the project cheaply if it worked outside of city rules like it had at 33 Gough. The nonprofit could not do it cheaply within the confines of existing city contracting regulations. In

fact, its development partner Swinerton bid on the Mission District site, estimating it would cost about \$5.3 million to build under city rules.

It lost out to another bidder in early 2023 when the city picked general contractor G&G Builders to build the Mission Street project for \$4.3 million, or about \$61,000 per unit for construction costs.

Those costs rose to \$113,000 per unit when the costs of the city managing the project were factored in. But in trying to manage the construction itself, San Francisco has tacked on "totally unnecessary" costs of more than \$2.4 million due to its onerous regulations, Dignity Moves officials said.

"That's outrageous," Funk said.

Swinerton and Dignity Moves say they could do the project for just \$3 million — about \$43,000 per cabin — if construction was directly managed by Dignity Moves and it received donations of labor and goods.

A city analysis shows that Dignity Moves was able to keep costs to \$33,000 per unit at 33 Gough St. because about \$47,000 worth of labor and goods were donated per cabin.

"I want our city to think about what each entity can do best," Funk said, adding that despite her criticisms she's "thrilled" that the city is trying to do more tiny home projects. "If nonprofits are more likely to get donated labor, furniture, pro-bono work, discounts ... then it's a shame to miss out on that."

But some say Dignity Moves shouldn't be criticizing the city process and that its complaints are sour grapes from a losing bidder.

Supervisor Hillary Ronen told the Chronicle that while costs are high, city rules ensure that workers are paid a fair wage and that the work is done according to its regulations. She also criticized Dignity Moves for its framing of the situation.

"I'm frustrated with their position because here you've got a losing bidder who did not come with the best bid now complaining about it and criticizing the rules we have in place to protect workers as the reason for that," Ronen said. "It doesn't give them much credibility."

continued on page 10

Ronen added that these rules “are in place for a reason,” and that making exceptions during a crisis — such as during the pandemic — is worthwhile, but “when we have the time to follow all of the rules, I think that we should.”

Ronen also said Dignity Moves is using “union-busting rhetoric” by suggesting the city use union labor along with volunteer labor.

Homelessness Department spokesperson Emily Cohen told the Chronicle that “there are significant requirements in our code when the city is involved in a project,” but that there’s nothing stopping firms like Dignity Moves and Swinerton from buying land, putting up cabins and then applying to the city for operating funds, or donating the site to the city.

“That is absolutely a possibility,” Cohen said. “But when the city is the one proposing the project and bringing it forward ... we are obligated to follow local building codes, state building codes and all of the regulatory requirements.”

Cohen added that the city is also limited in what it can do compared with nonprofits because of legislation passed in 2022 that prohibits some city employees from soliciting donations from nonprofits, which make volunteer and pro-bono work an ethical gray area.

But San Francisco has long been scrutinized for its regulatory framework that often makes ostensibly cheap projects far more costly and difficult to build.

In 2022, the city came under fire after the price of building a public toilet in Noe Valley increased to more than \$1.7 million because of similar requirements. When a donor proposed giving a prefabricated toilet to the city, the Chronicle found the gift would still cost the city \$1 million to install.

Since much of the construction of 33 Gough St. was done under the purview of Dignity Moves, it saved money.

Dignity Moves was able to get its permits in San Francisco in under three weeks by taking advantage of a streamlined process to open up more shelter beds, which Funk said was “likely a historic first.”

The project used modular fabrication, which can be cheaper, and tapped into state funding for homeless housing.

Since 2020, Dignity Moves has worked to end unsheltered homelessness in communities by building Interim Supportive Housing as a rapid, cost-effective, and thus scalable solution to homelessness. It has successfully completed projects across the state, including in Rohnert Park

and Alameda, and has nearly a dozen other projects in the works, often partnering with charitable organizations, schools and other groups willing to lend their support to end homelessness.

The debate about whether San Francisco should rely more on public-private partnerships to address homelessness came up when the city partnered on a project for the unhoused at 833 Bryant St.

That affordable housing project, which was built by Mercy Housing in collaboration with Tipping Point, the organization run by mayoral candidate and Levi’s heir Daniel Lurie, is an “enlightening case study on why the private sector could do this at half the cost,” said Dignity Moves Co-founder Joanne Price.

Lurie told the Chronicle that for the city to quickly and cost-effectively deal with its twin issues of rampant homelessness and high-cost housing, it should allow nonprofit developers to build under relaxed, streamlined processes.

“Whether it’s a new building or a temporary project like 33 Gough, you have examples, and the private sector is lifting them up on a platter for the city,” Lurie added.

“For the city to say we’re going to go a different route and spend triple the cost? That should make every San Franciscan’s blood boil.”

City of Berkeley Important Dates

Security Deposit Interest Due to Tenants

The annual security deposit interest was due to your tenants by December 31, 2023. The interest rate to be paid in December 2019 for security deposits held from November 1, 2022 through October 31, 2023 is 0.7%. Failure to provide a check or deduction from the rent for the interest amount can result in a 10% fine of the total security deposit.

Allowable Rent Increases in 2024

The 2024 Allowable Annual General Adjustment (AGA) is 1.9%. That is 65% of the Consumer Price Index. If you are increasing a tenant’s rent in 2024, this is the permissible amount on a rent controlled unit.

Highlighting California's New Rental Housing Laws for 2024

By Kate Bell, Kate Bell Strategies

Happy New Year! As with each new year, a new set of laws signed by the Governor become effective. Summarized below are some of these new laws that impact rental housing.

- **Assembly Bill 12 (Haney): Security Deposits Limitations** — Prohibits landlords from receiving a security deposit under a rental agreement in an amount that exceeds one month's rent, regardless of whether the residential property is unfurnished or furnished. Property owners that own no more than 2 rental properties and no more than 4 units offered for rent are exempted and may continue to receive up to two months of rent for an unfurnished unit and up to three months of rent for a furnished unit. This new law is not effective until July 1, 2024].
- **Assembly Bill 548 (Boerner): State Housing Law: Inspection** — Requires local agencies to develop policies and procedures for inspecting multiple units in a building if an inspector or code enforcement officer has determined that a unit in that building is substandard or is in violation of state habitability standards.
- **Assembly Bill 1317 (Carillo): Unbundled Parking** — Requires rental property owners that provide parking with a residential unit to unbundle parking from the price of rent ("unbundled parking" selling or leasing parking spaces separate from the lease of the residential use). This new law is applicable to new construction starting in 2025 for buildings that have 16 or more rental units].
- **Assembly Bill 1332 (Carillo): ADU Pre-Approved Plans** — Requires that local governments create a program for the pre-approval of Accessory Dwelling Units (ADUs) in order to streamline the ADU approval process.
- **Assembly Bill 1418 (Mc Kinnor): Tenants Contact with Law Enforcement** — Limits the ability of local governments to adopt ordinances, rules, policies, programs, or regulations to penalize a tenant's contact with law enforcement or require landlords to adopt policies or procedures that do so. Additionally, the new law prohibits a local government from requiring or encouraging a landlord to evict or penalize a tenant because of the tenant's association with another tenant or household member who has had contact with a law enforcement agency or has a criminal conviction or to perform a criminal background check of a tenant or a prospective tenant.
- **Assembly Bill 1620 (Zbur): Permanently Disabled Tenants Permitted Move-In to Comparable Units** — Allows a rent control jurisdiction to adopt regulations that require an owner of a rent-controlled unit to permit a tenant with a permanent physical disability] to relocate to an available comparable or smaller unit] located on an accessible floor (e.g., first floor) of the property and retain their same rental rate.
- **Senate Bill 267 (Eggman): Credit Screening of Persons Receiving Government Subsidies** — This new law is applicable only to renters who are receiving a government subsidy (e.g., Section * or VASH housing voucher). The new law prohibits the use of a rental applicant's credit history without offering the applicant the option of providing alternative evidence of financial responsibility and ability to pay rent only in instances in which there is a government rent subsidy and would require that the housing provider consider that alternative evidence in lieu of the person's credit history.
- **Senate Bill 712 (Portantino): Micro-Mobility Devices** — This new law prevents a landlord from prohibiting a tenant from owning personal micro-mobility devices, or from storing and recharging up to one personal micro-mobility device in their dwelling unit for each person occupying the unit. Micro-mobility devices are lightweight, single-person vehicles that provide short-distance transportation such as E-bikes, electric scooters, and electric skateboards.

Assembly and Senate Committee Chair Updates and Pro Tem Transition

The new Assembly Speaker, Robert Rivas, has announced his committee chair changes for 2024. Of note, Assemblymember Buffy Wicks, who was the Housing Chair, is now the Appropriations Chair. She has been replaced by Assemblymember Ward from San Diego. Assemblymember Brian Maienschein has been replaced by Assembly-

continued on page 17

Rent-Controlled Apartments Became Museums of Their Lives

Michael Cabanatuan, San Francisco Chronicle, December 21, 2023

San Francisco has more than its share of renowned museums, like the de Young and the Museum of Modern Art. But many more unofficial museums exist all over the city in the form of rent-controlled apartments that have been occupied by the same tenants for decades.

The apartments house history in a number of ways. The rents are unusually low in a city that's among the most expensive rental markets in the nation. Most of them feature old-fashioned fittings like steam radiators or claw-foot bathtubs. The paint is faded, dirty or peeling; the carpeting is matted and outdated, or the wooden floors are scuffed, scratched and worn.

But the outmoded apartments are richest in their contents — wall decorations and crowded bookshelves, worn furnishings, faded and outdated clothing and collectibles that fill the closets.

The Chronicle, at the invitation of family or caregivers, visited the long-occupied, rent-controlled apartments of two recently deceased San Franciscans — author Herbert Gold and actor-stage manager-dresser Milt Commons.

Both sit in scenic settings — on hills atop San Francisco tunnels — and are packed to the brim with collections of the men's lives and works. With small kitchens and bathrooms, small rusted sinks and peeling, dirty white walls and ceilings, they're a window into what apartment living looked like in the 1960s and 1970s and what happens when little or no renovation takes place.

Still, the apartments have a lived-in coziness.

Gold, who was 99 when he died last month, had lived and written in a one-bedroom apartment on a steep Russian Hill street above the Broadway Tunnel for 63 years. The apartment looks out over Chinatown and has a panoramic view of the Bay Bridge from leaded glass windows in its snug living room.

The rent? Just \$737 a month at the time of Gold's death. Ann Gold Buscho of San Rafael, one of his daughters, said the initial rent was probably between \$150 and \$200.

The centerpiece of Gold's apartment is his writing room, where he rapped out novels on a Royal typewriter, even long after computers became commonplace. The shelves above his writing desk are crowded with hundreds of books, magazines, newspapers and manuscripts. They include his work — 23 or 24 novels, five collections of stories or essays, and eight nonfiction books — and much more. The shelves are so packed that they droop and sag and threaten to collapse.

Posters — including a 1985 Banana Republic Travel & Safari Clothing Co. ad with a tropical theme, a collection of press passes from Haiti and a proclamation from the state Assembly commemorating his work — hang on the walls of his writing room. In lieu of drapes, the hallway windows are covered by clothing on hangers.

"This was his closet," said his daughter, Nina Gold. "These were the shirts in heavy rotation."

Buscho was 9 when her dad moved into the apartment. She said it's changed relatively little over time.

"It's just much more crowded and cluttered," she said.

The only other living thing in the apartment, she said — besides an occasional colony of mice — is a more-than-50-year-old spider plant from his second wife. He nurtured the plant carefully, even talking to it every day, Buscho said.

The family has barely begun the task of clearing out the apartment, and is hoping the landlord will give them a couple of months before they have to vacate the premises, she said.

"It's going to be like an excavation," she said. "When somebody lives 63 years in the same place, it's like an archaeological dig — layers."

Commons' studio apartment, by contrast, is tidier and more organized — and work to remove his life's belongings has begun — but it's no less crowded with memorabilia.

Commons was 96 when he died in early November, and had lived in his studio apartment across the street from the Ritz-Carlton Hotel, above the Stockton Tunnel and next to the California cable car. His apartment has little furniture, just a couple of well-worn chairs and small tables — but lots of memories.

"I absolutely feel his presence," said longtime friend and caregiver Joanie Juster, who's handling much of the work of clearing out his apartment.

He paid \$800 a month in rent at the time of his death, she said. The original lease, which he saved along with most of the other paperwork and memorabilia of his life, was for \$150 a month, plus first and last month rent and a \$30 deposit.

A modernized studio across the hall from his place recently rented for about \$2,500, Juster said.

Commons saved every playbill or program from every production he was associated with, including Broadway and off-Broadway plays, keeping them in a closet along with a collection of posters advertising many of the plays

continued on next page

and notebooks filled with notes on plays and artwork, his other passion. There are bills from summer stock plays at tiny theaters on the East Coast, as well as big performances in New York City and in San Francisco and Los Angeles. They're stashed in a box in one of the studio's two closets, which Juster calls "the closet where he kept his career."

Posters from his performances include one from the early 1950s from the Boothbay Playhouse in Maine, where Commons starred in "colorfully exciting musical 'Anything Goes,'" along with some that he stage-managed: "Dames at Sea" at San Francisco's Marines Memorial, "Billy Elliot" at the Golden Gate and "For Colored Girls Who Have Considered Suicide/ When the Rainbow is Enuf" at the Mark Taper Forum in Los Angeles.

He also stage-managed theater in New York City on and off Broadway. He was particularly proud of working on "The Norman Conquests," a trilogy of plays showcased at the now defunct Morosco Theatre in Times Square.

"It was his pride," said Juster.

Clearing out the apartments and disposing of the contents is a difficult task, Juster said. Commons had no children, so she and some of his nieces and nephews are managing the closing scene of his life.

She said she feels the weight of the decisions of what to keep and what to throw out, and said it's tough to find museums or archives or organizations willing or able to take even well-preserved and organized collections of theater memorabilia.

"You can't save everything," she said, noting that even as she throws things out, she sifts through the piles of posters, playbills and headshots as a way of honoring Commons.

"What do you do with a person's life?" she asked. "You do the best you can."



Join Us for Quarterly Social Mixers with Fellow Members

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

DATE	TOPIC
Wednesday, January 10, Noon	The ABCs of Building ADUs
Thursday, January 11, 3:00 pm	What's on Tap for Rental Law in 2024
Tuesday, January 25, 10:00 am	The 2024 Initiative to Repeal Costa Hawkins
Wednesday, February 7, Noon	Legalizing Non-Confirming Units: Permitting the Unpermitted

And...check out our Rental Housing Provider 101 series. Whether you're new to rental housing or just want to brush up 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.

Applications for Ten New Apartment Buildings Submitted to City

More recently, the City of Berkeley has seen ten pre-applications filed that could build an expected 1,825 units. The plans span several neighborhoods, close to transit and the UC Berkeley campus, and even include the potential tallest building in Berkeley.

- **1974 Shattuck Avenue**, 599 units, Trachtenberg Architects, NX Ventures, Downtown Berkeley
- **2109 Milvia Street**, 105 units, Trachtenberg Architects, NX Ventures, Downtown Berkeley
- **2109 Virginia Street**, 132 units, Trachtenberg Architects, AKR Property Management, North Berkeley
- **2601 San Pablo Avenue**, 242 units, Trachtenberg Architects, NX Ventures, Southwest Berkeley
- **2614 Telegraph Avenue**, 19 units, Gunkel Architecture, Avenue T Property LLC, South Berkeley
- **2655 Shattuck Avenue**, 95 units, Studio KDA, S.H. Kay LLC, South Berkeley
- **2680 Bancroft Way**, 115 units, Studio KDA, Daryl Ross, Southside
- **2700 Shattuck Avenue**, 293 units, Trachtenberg Architects, Hudson McDonald, South Berkeley
- **2733 San Pablo Avenue**, 152 units, Trachtenberg Architects, Mcgee Robert d & Lois J Trust
- **2955 Shattuck Avenue**, 73 units, Studio KDA, Evans Property Company, South Berkeley

source: sfnimby.com

BPOA Newsletter Quote of the Year for a Decade, Part I: The Pithy Ones

2023: *I Can Explain it for You, but I Cannot Understand it for You.*

— Ed Koch

2022: *Although some people are wise, most people are otherwise.*

— anonymous

2021: *He's all hat and no cattle.*

— Texas adage

2020: *Everything happens for a reason. Sometimes that reason is that you are stupid and make bad choices.*

— anonymous

2019: *Some things have to be believed to be seen.*

— Ralph Hodgen

2018: *Taxation with representation ain't so hot either.*

— Gerald Barzan

2017: *The right to be heard does not automatically include the right to be taken seriously.*

— Hubert Humphrey

2016: *Democracy is the pathetic belief in the collective wisdom of individual ignorance.*

— H. L. Mencken

2015: *My favorite animal is steak.*

— Fran Lebowitz

2014: *The difference between genius and stupidity is that genius has its limits.*

— Albert Einstein

COMING ATTRACTIONS

The ABCs of Building ADUs

Wednesday, January 10, Noon

What's on Tap for Rental Law in 2024

Thursday, January 11, 3:00 pm

The 2024 Initiative to Repeal Costa Hawkins

Tuesday, January 25, 10:00 am

Legalizing Non-Confirming Units: Permitting the Unpermitted

Wednesday, February 7, Noon

BPOA WORKSHOPS — Go Beyond the Basics



Bay Area
Bin Support

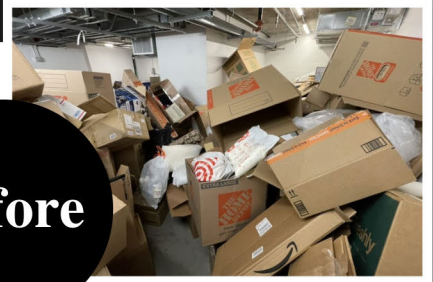
ALL YOUR TRASH MANAGEMENT NEEDS. ONE PROVIDER.

BAY AREA BIN SUPPORT helps rental property owners, property managers, businesses, and HOA boards with trash management services from start to finish!

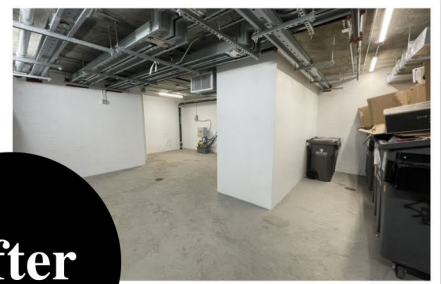
SERVICES

- Push & Pull Service
- Junk Hauling
- In-Unit Junk Hauling
- Trash Cleanups
- Overflow Management
- Compactor Service
- Illegal Dumping Removal
- Trash Valet
- Waste Sorting
- Decontamination
- Redistribution
- Cardboard Breakdown
- Pressure Washing
- Hauler Liaison
- Customized Service

Before



After



CONTACT US

1-888-920-2467 (BINS)



SCAN ME

succeeded in stopping the demolition of marginal houses to be replaced by superior architecture.

The NPO was credited with stopping the stucco-box phenomenon, but the rising cost of houses alone would have had the same effect. For example, I bought my first house in 1969; 900 square feet on a single story. It was one block east of the [then-under-construction] North Berkeley BART station. I bought it for \$19,500 in 1969. Yes, houses in the Berkeley flatlands sold for less than \$20,000 in the sixties. I sold this house for \$65,000 in 1976. A house two doors away — on a much smaller lot — sold last year for \$1,150,000.)

So, are there smallish apartment buildings in Berkeley which are worth more demolished than they are intact? In theory, yes. However, one of my favorite quotes from my quote collection is this: *In theory, theory and practice are the same; in practice, not so much.*

Modified regulations promulgated by both the city and the state have made the development process easier and have allowed for greater density. Bonus units and/or stories are awarded for providing lower-rent units. Also, and not insignificant, Berkeley has loosened up considerably in its opposition to residential development. Parking requirements for multi-family buildings have been relaxed or even eliminated. (Indoor parking not only adds great expense, but space dedicated to cars cannot be used to house more people.)

The Oxford Street project has two things going for it that have facilitated its development. First, it is close to campus where rents are high enough to support a project of this type. This market is enhanced by student renters living at very high-density levels. Two students to the room is common. Second, the precursor building was both run

down and empty; most importantly, empty. Its run-down condition meant that renovation costs were high enough to justify the alternative of demolition and building anew from scratch. Also, this building had been empty for five years having been emptied under the Ellis Act. Using the Ellis Act is very expensive and usually used for reasons other than beneficial demolition.

There are similarly situated buildings in Berkeley also amenable to demolition and replacement, but they will not easily follow the path of 1773 Oxford. Tenant protections, particularly eviction controls, will preclude much potential development. Agree or not, there is a defensible argument for eviction controls. But this is a short-term perspective. Taking a long-range public policy position, the relatively short-term benefit to sitting tenants is arguably less beneficial than more housing with a 100-year lifespan. This is a trade-off between the benefit of extended tenancies for sitting tenants — who vote — and housing for unidentifiable future tenants. The former are a real constituency for local politicians; the latter is an amorphous group which will never congeal into a bloc of voters. Sitting tenants will win this argument every time and the powers-that-be will take their side. The result is that much of the additional housing envisioned by a less restrictive regulation will be lost. With respect to the big picture, this is unfortunate.

(These tenant protections will also hamper development of twelve-story buildings south of campus where recent zoning changes allow for such height. They also largely preclude total renovation of aging but serviceable buildings. These protections effectively cut the life span of most buildings by decades.)

QUOTE OF THE MONTH

*“True terror is to wake up one morning
and discover that your high school class
is running the country.”*

— Kurt Vonnegut

from page 3

Corner

the fabric of Berkeley’s rental housing with draconian and damaging laws.

So, prepare to join us in 2024 to fight some very important battles!

By supporting the BRHC with an upgraded membership, you help to secure a seat at the California legislative table. Between local politics and state politics, there is always a threat to your business that we are working hard to fight. To learn more about upgrading your membership contact Krista Gulbransen, krista@bpoa.org.

homeless encampments since a 2018 decision, *Martin v. Boise*, determined that cities can't punish people for living outside if there is not sufficient shelter space available. The U.S. Supreme Court is considering whether to take up a case that could upend those standards.

San Francisco, which is also limited by court orders restricting its enforcement against encampment residents in a separate case, is one of dozens of cities asking the Supreme Court to reexamine the standards around policing homelessness.

In the latest Berkeley case, Martinez-Oguín wrote that when making decisions in these matters, judges are meant to consider how disruptive a sweep will be for the unhoused people affected compared with how much their presence impacts the city. She found the hardship to the city of temporarily blocking the sweep to be "minimal."

Prado said she intends to continue pushing the city to better support encampment residents rather than continuously relocating them. The shuffle from one location to another is disruptive and difficult, especially for the elderly and disabled folks, she said. When the city barricades encampments and cuts needed services like trash removal, restrooms, sinks and other elements of the sanitation stations that can help encampments stay clean, conditions for the unhoused get worse, she said.

She doesn't know what everyone will do if the city clears the encampment, saying, "There's really just nowhere left to go."

member Kalra as Judiciary Committee chair. Additionally, Assemblymember Jesse Gabriel is the new Budget Chair.

In the Senate, a leadership transition date has been set for Monday, February 5th, which is when Senator Mike McGuire from Healdsburg will be replacing Senate Pro Tem Toni Atkins from San Diego who is termed out at the end of 2024. McGuire's leadership will be fairly short as he is required to step down after 2026 due to his term limit.

State Budget Update: Legislative Analyst's Office (LAO) Projects \$68 Billion Deficit

On December 7th, the California Legislative Analysts' Office (LAO) released its fiscal report projecting a \$68 billion deficit for the upcoming fiscal year. This would be a record deficit for the state and is largely due to increased spending and delayed tax revenue. The LAO recommends that the Governor declare a fiscal emergency, allowing the state to dip into as much as \$24 billion of its rainy-day funds, and that legislators pull back on one-time spending allocations that have not yet been distributed. This could save \$10 billion or more in funding that was set aside for transportation, environmental and education programs. The Governor is finalizing the state budget for 2024-25, which will be released in early January.

Kate Bell, the Founder and Chief Executive Officer of Kate Bell Strategies is a former Partner of Capitol Advocacy.



Fried,
Williams &
Grice Conner

Legal Excellence.
Dedication to Clients.

- Landlord – Tenant Disputes
- Difficult Evictions
- Real Estate Transactions
- Rent Board Matters
- Easements
- Ellis and OMI Evictions
- Tenant Buyouts
- Defense of Tenant Lawsuits
- Commercial & Residential Tenant Notices
- Mediation



1939 Harrison Street, Suite 460
Oakland, CA 94612

www.friedwilliams.com
510-625-0100

BORNSTEIN LAW

BAY AREA REAL ESTATE ATTORNEYS

East Bay / San Francisco Offices

AREAS OF PRACTICE

- Immediate Evictions
- Tenant Buy-Outs Agreements
- Rent Board Hearings
- Nuisance/Breach of Lease/Non-Pay
- Owner Move-In & Relative Move-In Terminations



482 W. McArthur Blvd
Oakland CA 94611

Daniel@bornstein.law

(415) 409-7611

www.bornstein.law

Jon Vicars Realtor

Over 25 years
selling Berkeley Apartments

BPOA member since 1982

(510) 898-1995

jon@vicarscommercial.com

SHAW PROPERTIES



Property Management

Judith M. Shaw, Broker Mahasty F. Lebastchi, Broker

Lic. # 1207977

Lic. #1329248

2119 West St., Berkeley, CA 94702

tel: 510.665.4350

fax: 510.665.6005

www.shawprop.com

THE SHEPHERD LAW GROUP

Affordable attorney with landlord/tenant expertise.

We will work with you to devise a workable solution
to solve tenant issues.

Dependable, skillful and caring approach to tenant problems

NOT YOUR TYPICAL ATTORNEY

Call and Hear the Difference

Michael Shepherd

3542 Fruitvale Ave. #316

Oakland, CA 94602

theshepherdlawgroup@netzero.com

Tel: 510-531-0129

House Cleaning Services



Maricruz Bernal

510.355.6201

bernalbernal69@gmail.com

*Specializing in vacant unit cleanouts,
showings prep, multi-unit common areas
— and recommended by a long-time
BPOA member*

Thorough • Reliable • Detail-Oriented • 10+ Years

Products and services advertised herein are not warranted, expressly or impliedly by the publisher or by its board of directors.
The publisher takes no responsibility should the quality of the products and services not be as advertised.

Business Directory

Residential Leasing Company



► Kimmi Kataria, Broker

CalBRE # 01185967

A.S.K. RENTALS

TEL. : 510.524 2985

e-mail : askrentals@gmail.com

**PREMIUM
PROPERTIES**

REAL ESTATE SERVICES

- ◆ PROPERTY MANAGEMENT
- ◆ LEASING
- ◆ INVESTMENTS
- ◆ CONSULTING
- ◆ SALES & BROKERAGE
- ◆ DEVELOPMENT

SAM SOROKIN
BROKER & PARTNER

CRAIG BECKERMAN
BROKER & PARTNER

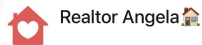
2941 TELEGRAPH AVENUE
BERKELEY, CA 94705

510.594.0794 MAIN

WWW.PREMIUMPD.COM

CA DRE LICENSE #01886322

COMPASS



Scan the QR code to add me as a friend.

**OFFERING RESIDENTIAL & COMMERCIAL
REAL ESTATE EXPERTISE**

I am by your side - all in, always! Being a part of my client's life as they make life-altering decisions is my privilege, my responsibility and something I will never take for granted!

Angela Xu, Realtor & Broker Associate
REALTOR® | DRE# 01981330

angela.xu@compass.com

Beacon Properties

**Careful, Conscientious
Property Management**

Aaron Young, Broker

466 40th Street, Oakland CA 94609

aaron@beaconbayarea.com

HOLL LAW & MEDIATION

BENJAMIN J. HOLL
Attorney/Mediator

Tel 415-324-8860

Fax 510-665-6005

Email benjamin@holl-lm.com

369 Pine St., Suite 420

San Francisco, CA 94104

www.holl-lm.com



Total Integrity
Insurance Services LLC

Special insurance programs for
landlords and apartment owners with
multiple highly competitive carriers.

• Independent • Professional • Friendly • Knowledgeable •

Call or email Henry Yang : (925) 247-4356
henry@totalintegrityinsurance.com Lic#0G94464



Bayside Pest Elimination

Helmut Tutass Owner/Operator
OPR 11473, PR 6778

"Your Green Pest Management Company."

510-717-3506

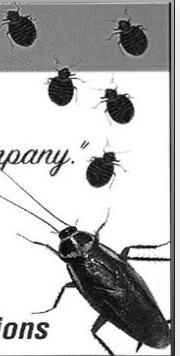
LICENSED • BONDED • INSURED

2425 Benvenue Ave. #34

Berkeley, CA 94704

Specializing in Bed Bug Solutions

pestcontrol1@writeme.com



Contributions or gifts to BPOA are not tax deductible as charitable contributions for federal or state income tax purposes, but are generally deductible as trade or business expenses. No portion of payments to BPOA are made to lobbying efforts or campaign committees. For further information, please consult a tax professional or the Internal Revenue code.



2041 Bancroft Way, Suite 203 Berkeley, CA 94704 • www.bpoa.org • bpoa@bpoa.org

PRESORTED
STANDARD
US POSTAGE PAID
OAKLAND, CA
PERMIT #2508

Berkeley Property Owners Association

COMING ATTRACTIONS

see www.bpoa.org/events for information & registration

The ABCs of Building ADUs

Wednesday, January 10, Noon

What's on Tap for Rental Law in 2024

Thursday, January 11, 3:00 pm

*The 2024 Initiative to Repeal Costa
Hawkins*

Tuesday, January 25, 10:00 am

*Legalizing Non-Confirming Units:
Permitting the Unpermitted*

Wednesday, February 7, Noon



THE
PRESCOTT
COMPANY
PREMIUM REAL ESTATE SERVICES

DAVID WEGLARZ



Senior Partner | Real Estate Services

CALL TODAY FOR A FREE &
CONFIDENTIAL PRICING ANALYSIS

510.398.1027

david.weglarz@theprescottcompany.com

WWW.THEPRESCOTTCOMPANY.COM

DRE#01785615