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2024



The Advocate for  
Berkeley's Rental Housing Providers

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**Laying the Groundwork**

Dan Lieberman, President, BPOA

The time has come to be more pro-active in influencing public perception about the positive role that housing providers play in our communities. There is a trend throughout California, but strongest in the Bay Area and Los Angeles, for continually increasing tenant rights to the detriment of property owners. This trend accelerated both during and following the pandemic with the imposition of eviction moratoria and other policies with the goal of preventing potential homelessness at almost any cost.

It doesn't matter that the tenant may have lived in the community for less than a year, may have significant personal financial means and not need a rent regulated apartment. Meanwhile, the property owner may have lived and worked in the community for fifty years, sent his or her children to school in Berkeley, and have been paying taxes and involved in bettering the community. The tenant gets help. The owner gets the shaft.

But it doesn't have to be this way. Granted, it will be an uphill battle, but it can be done. Laying the groundwork to reduce or mitigate harmful rent control measures and other bad housing policies requires a multifaceted approach that involves public engagement, strategic alliances and policy advocacy. Here are some suggestions to help achieve this goal:

**Build coalitions with non-traditional partners**

Property owners and BPOA must form alliances with other stakeholders affected by these housing policies. This must go beyond the historic partnerships with real estate agents, property management companies, and other business and real estate interests.

We need to form coalitions that include the community-based non-profits whose clients we house, other small business owners (perhaps through the Chamber of Commerce), Yimby's and others focused on more housing production and with faith-based organizations like churches and synagogues who often engage in community projects and can be powerful allies for balanced housing policies.

*continued on page 13*

**COMING ATTRACTIONS**

*New Member Social & Office Open House*

Wednesday, June 12, 4:00 - 7:00 pm

*Monthly Member Forum*

Thursday, June 20, 3:00 pm

*Mold, Mildew & Mayhem:*

*Protecting Your Property*

Thursday, July 18, 3:00 pm

*Warm Summer Nights Member Mixer*

Thursday, August 29, 5:00 PM

*See pages 13 & 14 for details & more events!*

**Issue Highlights**

Editorial.....Page 2  
Coalition Corner .....Page 3  
Oakland Rents See Steep Decline .....Page 4  
4-way Face-off Coming for District 4 Seat.....Page 6  
Concord Rent Control Ordinance Takes Effect.....Page 7  
The Nuts & Bolts .....Page 8  
Costa Hawkins Initiative Opposed by Top Dems ....Page 10  
CalRHA Legislative Update.....Page 11  
Monthly Event Calendar .....Page 13  
BPOA Event Details.....Page 14  
Landlording with Mark.....Page 14  
Berkeley Homeless/Unsheltered Population Drops ...Page 16



# Editorial

## Food Stamps and Housing Vouchers

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](mailto:bpoa@bpoa.org)

Certain government functions are inherent to government while others are not. Regardless of how one feels about the scope of the military, few would argue that a standing army is not the sole purview of the government. Likewise the judiciary. Only the collective authority of the state lends credence to the application of force inherent in the power that courts have over individuals. Yet there are also many functions which government assumes unto itself by legislative fiat rather than inherent necessity. This would apply almost every time a government assumes responsibility for the provision of goods and services to individual citizens. It would seem axiomatic that in these cases, all citizens similarly situated should be treated equally. This is not always the case. Take food stamps and housing vouchers. In theory, everyone is eligible for this government aid if they meet certain qualifications. Everyone similarly situated is treated the same. In fact, this is essentially true for food stamps but not for housing vouchers. Eligibility for food stamps means that one can get food stamps. Not so for housing vouchers. There is simply too little money allocated for housing assistance to meet the manifest need. As a result, in many areas of the country, there are long waiting lists which only open up infrequently and from which allocation is made by lottery.

This is not okay. Some households in need get an adequate housing benefit which addresses their need while most in the same situation get nothing. This is inherently unfair; better that all housing-deprived households get something rather than only a few be disproportionately awarded a solution to their problem. While this may be very good for the benefiting households, it is gestural at best and bad public policy.

Equal treatment is not an easy issue. One could argue that state-subsidized higher education is unequal treatment; some get it, some don't. Arguably, a state university is *de facto* unequal treatment because only an elite is benefited. On the other hand, one could pragmatically argue that those educated at a cost beyond their own means will pay enhanced taxes over a lifetime so as to repay the subsidy. This may be so but it does not address the issue of unequal treatment. A better argument would be that the three-tiered California system of subsidized higher education — the junior colleges, the state universities and the University of California — does in fact offer educational opportunities beyond high school for everyone. This means, however, that equal treatment is granted rather than that it is unnecessary.

There are essentially four broad areas in which the government is involved in the provisions of goods and services: food, housing, education and health care. In all these areas, one can find unequal treatment under the law. Why are the elderly routinely given greater health benefits than younger citizens? Why are corn farmers heavily subsidized when organic farmers are not?

While it is inherently logical that all citizens be treated equally, this principle is only tangentially mentioned in the constitution. The Fourteenth Amendment does say that no state *shall deny to any person ... the equal protection of the laws*. I have never heard this applied to the government provisions of goods and services. Is a lottery which awards housing vouchers to some citizens and ignores

*continued on page 3*

# ❖ 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.**

## *Push to Kill Costa Hawkins Returns to the Ballot*

Rentals across California are set to lose hundreds of thousands of dollars in equity come November. For the third time, the Costa Hawkins Rental Act of 1995 is being seriously threatened.

For those who weren't around when this groundbreaking legislation came to be, you will not be surprised to hear that it was the result of harmful Berkeley legislation at the time. Back then we called it "strict rent control" and it started with Berkeley's Rent Stabilization Ordinance in 1980. The law kept tight control on *all rents* in Berkeley, allowing for very small annual increases which rarely covered costs. With this came tight controls on profit and so owners quickly became unable to make capital improvements to their buildings due to lack of funding. By 1990 Berkeley was becoming known as a "blighted dump" and people were outraged. A group of owners went to the Capitol demanding the state take control and prohibit local jurisdictions from enacting such harmful legislation.

Because of small owners in Berkeley, the Costa Hawkins law gave rental housing providers two key boosts to help their bottom line. First, it prohibited local jurisdictions from enacting what is known as "vacancy control." Vacancy control meant the government could control your rents, even between tenancies. With the law came "vacancy *decontrol*" allowing owners to raise rents in between tenancies. The second was a restriction on a local government's ability to enact any form of rent control on single family homes, condos, townhomes, or housing built after 1995. This helped to increase the production of new construction when investors were finally able to increase rents and account for a return on their investment.

The rental housing industry — along with the Association of Realtors, has protected these rights since 1995. However, since 2016, the right to vacancy decontrol (especially in cities like Berkeley where rents are strictly controlled) and exemptions for new construction have been under

constant threat. Thanks to AIDS Healthcare Foundation founder Michael Weinstein, there have already been two attempts at the state ballot box to wrest away by the state and put it in the hands of local government. His first attempt came with Prop 10 in 2018 and the second attempt in 2020 with Prop 21.

Both times the real estate industry was able to raise \$75m to defeat the proposition. The voters made it clear that they did not believe in certain regulations on such rentals as single-family homes. In symphony with the California Business Roundtable (CBRT) — an organization representing some of the largest employers in California — we successfully protected vacancy decontrol and the application of strict rent control in local jurisdictions. BPOA has committed — along with our state association, the California Rental Housing Association — to raising \$5m to add to the war chest. We are confident that if the campaign was to raise the \$80-\$85m needed, we could defeat this measure for a third time with the hope that it will never come back again.

Our association's fair share portion is \$51,516 — just a sixth of the approximate cost of loss of value for a 3-unit building were this proposition to pass. The best method to raise these funds is to assess you during your membership renewal on a per unit basis. We believe the \$30 per unit is an extraordinarily small cost that could wind up saving you thousands and thousands of dollars.

We know that if this ballot measure were to pass, our local City Council members would put a stricter version of rent control in place and the effects on your business would be far greater than you have ever felt (unless of course you were operating rental property from 1980-1995!)

We are asking you to step up and make your donation ahead of your dues renewal. Please contact me to get more information on how to donate by check or online. And don't forget to share with other rental housing providers and those you know that they should vote NO on the "Justice for Renters Act of 2024".

To learn more about how we have banded together to protect Costa Hawkins, go to [www.cal-rha.org/protecting-costa-hawkins](http://www.cal-rha.org/protecting-costa-hawkins)

from page 2

### **Editorial**

others unconstitutional? Also — here it comes — is a system of rent controls which grants benefits to renters in one city and not an abutting city unconstitutional? I don't know; is it?

# Oakland Rent Prices See Steep Declines

*Christian Leonard, San Francisco Chronicle, May 20, 2024*

All you had to do to save \$400 a month on a downtown Oakland apartment was wait.

Early in the pandemic, the Uptown — a 665-unit apartment complex a block from Oakland's 19th Street BART station — offered a one-bedroom, 650-square-foot rental for \$2,310 a month, according to a June 27, 2020, capture of the apartment's website from the Internet Archive.

Now, nearly four years later, a similar unit in the Uptown was listed for about \$1,920 a month, plus 10 weeks of free rent and a one-time \$1,000 discount.

The Uptown is not the only Oakland rental resorting to steep price cuts to bring in tenants. The city's median asking rent has tumbled since the pandemic began, from about \$2,400 a month for a one-bedroom unit in January 2019 to about \$1,800 in April 2024, according to Apartment List data.

Those declines are seen mostly in downtown Oakland, home to the city's biggest rental buildings. And with no indication that the trend will reverse, some developers may not want to build in downtown Oakland, an Apartment List researcher said.

In the past year alone, Oakland's asking rents fell by 10%, by far the most of any of the 100 largest U.S. cities in Apartment List's data. And over the past four years, several rental complexes in central Oakland have seen drastic rent cuts:

- A one-bedroom, 600-square-foot apartment at the Lydian cost about \$2,460 a month in November 2020, an Internet Archive capture shows. In May 2024, the same unit was going for \$1,950.
- A one-bedroom, 630-square-foot apartment at 17th and Broadway was listed at \$2,740 a month in September 2020, an Internet Archive capture shows. A unit of the same size is now listed for \$2,480.
- A one-bedroom, 780-square-foot apartment at 528 Thomas L. Berkley Way was going for \$3,250 a month in July 2020, according records from Zillow, a real estate brokerage site. It's currently listed for \$2,500.

Some tenants of those buildings told the Chronicle they had mixed feelings about living in downtown Oakland. They generally said they liked their access to restaurants, bars and public transportation, but some added they felt they were overpaying for their units — and that there wasn't much keeping them living downtown.

"When the rent is still relatively expensive... it does make you think about going somewhere else," said James Hutmacher, who lives in the 17th and Broadway apartment complex.

Oakland's largest rental developments are concentrated in the city's 94612 ZIP code, said Rob Warnock, a housing researcher with Apartment List. That means changes in Oakland's estimated rent could reflect shifts in its downtown market. In other words, while the tenant of a high-rise in downtown Oakland might be able to move to a cheaper unit down the street or even see their rent drop, the same might not be true for the renter of a house in North Oakland.

Other data seems to support the idea that the price drop in downtown Oakland is driving the citywide decline. Zillow estimates that the 94612 ZIP code, which includes Oakland's downtown, Uptown and Lakeside neighborhoods, saw a 7% decrease in asking rents from April 2020 to April 2024, and a 10% fall over the past year.

A slightly smaller four-year dip was estimated in West Oakland's 94607 ZIP code, according to Zillow. The company uses listings on its site as the foundation for rent estimates, while Apartment List bases its estimates on U.S. Census Bureau data.

Softened demand, not more supply, is chiefly behind Oakland's declining rents, Warnock said. The rise of remote work — especially in the tech-friendly Bay Area — has emptied downtowns in Oakland and San Francisco, he added.

"We didn't add a ton of new apartments, but we did pull a lot of people out of needing or wanting those apartments," Warnock said.

The softened demand has contributed to Oakland's relatively high apartment vacancy rate — more than 9% as of April 2024. That share, based on a sample of properties with at least 10 units in Apartment List's system, is the highest of any California city.

Those vacancies have dogged apartment developers, with one calling downtown Oakland "perhaps one of the worst submarkets" in terms of rental revenue. Many larger complexes are offering weeks or months of free rent to lure back tenants.

With developers struggling to profit from rentals and interest rates remaining stubbornly high, it may be hard for investors to justify building new Oakland apartments,

*continued on page 6*

# Major Home Insurers Ban Some Dog Breeds

Danielle Echeverria, *San Francisco Chronicle*, May 20, 2024

[n.b. This article specifically concerns homeowners policies; rental property insurance policies are not discussed. Contact your agent. – ed.]

As many Californians scramble to find homeowners insurance coverage amid cutbacks by major carriers, they may have a surprising variable to contend with: what kind of dog they own.

Homeowners insurance often covers dog bite liability expenses, but some insurance companies will not insure homeowners with certain types of dogs. While it is not a new practice, it is not widely advertised, and the types of dogs banned are often hidden in insurance companies' state filings. Some states ban the practice, but California does not.

A Chronicle analysis of state insurance filings found that most major home insurers in California ban some dog breeds, most often pit bulls, rottweilers, Doberman pinschers, Akitas and chows. Those that don't ban dogs by breed instead ask for an individual dog's bite history.

Brian Sullivan, a Bay Area insurance broker, said that it's the property owner's responsibility to know what their policy allows — though he added that before putting together a quote, a good agent will ask homeowners if they have a dog and, if so, what breed. Questions about dogs might also appear on an insurance application, he said.

Sullivan added that if a dog of any breed has a bite history, it is typically difficult to get any animal liability coverage while the dog is in the home.

Claims related to dog bites and other dog-related injuries cost homeowners insurers \$1.12 billion last year, according to the Insurance Information Institute. California, the most populous state, has the largest number of claims in the U.S., with more than 2,000 last year.

Here are the major California insurers' policies on dogs:

## State Farm

Only bans dogs with a history of biting; those trained as an attack, guard, personal protection or fighting dog; or those that demonstrate high levels of anxiety or temperament. "While a dog's breed may dictate what the dog looks like, how a dog reacts to people or situations isn't guaranteed by breed or type. Most bites or serious injuries are a perfect storm of situation and circumstance," the company said on its website.

## CSAA

Bans "any vicious dogs, exotic and/or dangerous animals/pets (even if excluded from liability coverage)." It defines vicious dogs as those with an ancestry of Akita, chow, Doberman pinscher, pit bulls and pit bull type, which includes, but is not limited to, American pit bull terriers, American Staffordshire terriers, and Staffordshire bull terriers; Presa Canario; rottweiler; or wolf, wolf hybrid or wolf dog; as well as any dog used or bred for fighting or trained to attack people or animals. Excludes any dogs used as service or guide dogs.

## Allstate

Bans any dog that has a previous bite history or displays vicious or dangerous tendencies.

## Farmers

Bans dogs that are a purebred or hybrid/mix consisting of any of the following breeds: Akita, boxer, bulldog, chow chow, Doberman pinscher, German shepherd, mastiff/bull mastiff, Perro de Presa Canario, or rottweiler; pit bull (American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, Staffordshire terrier); wolf hybrid; animals with a previous bite history; or dogs with a propensity for dangerous/aggressive behavior.

## Liberty Mutual

Bans purebred or mixes with Akita, chow, Doberman pinscher, pit bull, Presa Canario, rottweiler, Staffordshire bull terrier, wolf hybrid.

## Travelers

Bans pets that have previously bitten or caused injury and dogs of the following breed: Akita, Alaskan malamute, American bull terrier, American Staffordshire terrier, chow chow, Doberman pinscher, mastiff, pit bulls, Presa Canario, rottweiler, Staffordshire bull terrier, any wolf hybrid or any mix or variation of these breeds.

## Auto Club

Bans animals with dangerous propensities (animals with a natural inclination to be able or likely to inflict injury) including, but not limited to, dangerous wild animals (animals not ordinarily tame or domesticated that are able or likely to inflict injury); wolf-hybrids and guard dogs trained to attack; and the following purebred and mixed-

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*A Chronicle analysis of state insurance filings found that most major home insurers in California ban some dog breeds*

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## Progressives Battle it Out in Race to Fill Vacant District 4 Seat

*Ally Markovich, Berkeleyside, May 17, 2024*

Two ‘pragmatic progressives’ are competing against two candidates who want to shake things up on the City Council.

Four candidates competing in a race among progressives to fill the City Council District 4 seat differ in their approach to accomplishing their goals.

Soli Alpert, Elana Auerbach, Rubén Hernández Story and Igor Tregub are vying for the downtown Council seat vacated after Kate Harrison abruptly resigned in January.

Hernández Story and Tregub are more closely aligned with the progressivism dominant on the City Council. As “pragmatic progressives,” they support the Council’s “all of the above approach” to building more homes at all income levels.

Hernández Story supports modernizing the police department with tools like surveillance cameras, while Tregub wants to see the force fully staffed.

“There is room to be progressive, but people also want pragmatic deliveries — feeling safe in their cities, that their businesses are doing good, that people have places to go and live and walk, bike, take transit in a sustainable manner and so forth,” said Hernández Story, who is the chief of staff for District 2 Councilmember Terry Taplin.

The candidates share progressive values on many issues: They talk about addressing the root causes of crime and building more affordable housing, but differ on the extent of their goals and how to achieve them.

Alpert, vice chair of Berkeley’s Rent Stabilization Board, said he is not afraid to be a voice of opposition. He said the Council has not done enough to build affordable housing and opposes surveillance cameras in favor of expanding alternatives to policing.

“We can do both. We can be a city that has safe, paved roads — that has safety for all, that has affordable housing — and we can be a city with those new progressive firsts,” Alpert said at a candidate forum organized by the League of Women Voters.

Auerbach, a local activist involved with Berkeley Cop-Watch and the Treasurer of the People’s Park Council, a group working to protect the park from development, sits farther to the left. Like Alpert, Auerbach focuses on alternatives to policing, promising to “put the radical back in Berkeley.”

All four candidates have fundraised competitively using the city’s public financing program, which matches contri-

butions from Berkeley residents if candidates accept up to \$60 per person.

Hernández Story has \$62,357 to spend on his campaign, Alpert has \$54,429, Auerbach has \$48,020 and Tregub has \$42,707, according to the most recent campaign finance documents filed with the city Thursday.

All the candidates have the most contributions from zip codes within District 4. Hernández Story and Tregub also have fundraised from West Berkeley residents, Auerbach has also received significant support from residents in the Berkeley Hills and Alpert’s base is particularly concentrated in District 4 zip codes.

Their endorsements reveal the divisions between the candidates.

On housing, for example, Hernández Story has won the first endorsement of the East Bay YIMBY and Tregub, their secondary, while Alpert and Auerbach have the endorsement of the Berkeley Tenants Union.

Hernández Story and Tregub have been endorsed by Mayor Jesse Arreguín and five council members, though two gave Tregub a second-rank endorsement.

Alpert has endorsements from Harrison and Cecilia Lunaparra, the newly elected Council member representing Southside, while Auerbach has been endorsed by AC Transit Board Director Jovanka Beckles and former Council member Cheryl Davila.

*from page 4*

### **Oakland Rents**

Warnock said. But some could continue to build, he added, hoping to capitalize on downtown’s eventual rebound.

If Oakland’s rental market does shift in landlords’ favor, many downtown residents might not be able to keep their lower rents. Many of the apartment buildings downtown were built after 1982, meaning they’re not subject to Oakland’s rent control law. And California’s statewide rent cap doesn’t apply to units built in the past 15 years.

But for now, the relatively lower rents and concessions are attracting some tenants like Nathan Barker, who lives in the Adam’s Point neighborhood but decided to tour the Uptown, which he said was “surprisingly cheaper.” If that changed, he added, he might have looked elsewhere.

“I think it’s just about the price,” he said.

# Concord Rent Control Ordinance Finally Takes Effect Several Weeks After Passage

Anser Hassan, *Abc 7*, April 21, 2024

Months ago, Concord moved to keep rents from soaring. But there was a push to put it to a vote on the November ballot. Organizers came up short and now, the ordinance has officially taken effect.

The new ordinance caps rent increases at the lesser of 3% or 60% of the Consumer Price Index, or CPI. It also includes just cause eviction protections.

But city officials say the ordinance was challenged by those seeking to get a referendum on the November ballot. However, they failed to get the 7,204 signatures by Thursday. So the ordinance took effect on Friday.

“This was great. It was a great win,” said Saabir Lockett. “The reason this is so important is because people were being evicted. Rents were being raised like a \$1,000, \$2,000 at a time.”

Lockett is the Deputy Director for Civic Engagement at the East Bay Alliance for a Sustainable Economy, or EBASE. It fights for workers’ rights and tenant protections.

If you’ve been scrolling through the news, you probably saw this headline: “California approves statewide rent control bill authored by San Francisco lawmaker.”

He says too often the focus has been on cities Richmond and Antioch. Not Concord.

“So trying to address the work issue, also led to us understanding that, ‘Hey, they can’t even afford to pay their rent.’ So it was necessary to get involved in the tenant issue and in the tenant fight because no one else was organizing in Concord at the time,” said Lockett.

New census numbers show people are coming back to San Francisco. The exodus, in the wake of the pandemic, is over.

He believes this Concord ordinance strikes a balance which gives property owners a return on their investment while protecting renters.

“People aren’t making enough money to survive. So, it needs some type of equalizer or stabilization to be put into place so that people can actually survive. And have some type of sustainable income to take care of their whole family. And not spend their whole income on rent,” says Lockett.



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Tiffany Van Buren, BPOA Deputy Director

## Managing Maintenance Requests: Responding, Prioritizing, & Other Considerations

Never underestimate your residents' invaluable role as the daily "eyes and ears" of your property. Their feedback is crucial for maintaining and improving the quality of your investment. During the move-in walkthrough, emphasize the importance of communication regarding any maintenance needs. You might say, "If anything requires attention, please don't hesitate to let us know. Your comfort and satisfaction are our priorities, and your prompt feedback helps us ensure a well-maintained living environment for everyone."

Provide an easy but trackable method for your tenants to report maintenance concerns. Email is great as it establishes a time and date-stamped paper trail. One of the most frustrating experiences for a tenant is having their maintenance request ignored. Acknowledgment is essential! Whether they're reporting a loose doorknob or a burst pipe, it's crucial not to leave them in the dark — respond as quickly as possible. This clear and prompt communication is a cornerstone of a healthy housing provider-resident relationship.

When reviewing maintenance requests or creating work orders, you may try sorting them into four categories:

1. Emergency
2. Urgent
3. Non-emergent
4. Routine/preventative

Categories 1 and 2 are not just prioritized; they are our immediate focus. 3s are dispatched as time permits, and 4s are usually scheduled in advance.

An emergency threatens people or property. Anything that affects the residents' health and safety or the property's habitability should be given immediate attention. Though emergencies can happen anytime, they tend to occur late on Friday evenings and over holiday weekends, often requiring calling a professional. Here are some items that warrant immediate response, though not an exhaustive list:

- Water Emergencies — Any water intrusion or active water leak must be treated as an emergency. It is crucial to promptly repair the leak at its source, whether caused by leaking pipes, a failed water heater, or heavy rain. Acting quickly to dry the affected area will also prevent rot and mold.

- Toilets & Sewage- A single clogged toilet isn't an emergency when a unit has more than one bathroom. However, for units with one bathroom, a nonoperational toilet is indeed an emergency! Don't get caught up on the "why" it happened before sending help. Hire a plumber and have them investigate the cause. If they report back with findings of tenant negligence, such as flushing grease, baby wipes, or other non-flushable items, address it with them after repairs are completed. Any time there is sewage in the unit, it's an emergency that requires immediate remediation and biohazard cleanup! Don't clear the sewer main/clog and leave the mess for your tenants to contend with — clean-up with proper chemical detergents and disinfectants should begin as soon as possible to reduce the risk of exposure to harmful bacteria and viruses.
- Odor of Gas — This is an emergency — for 911! Instruct tenants to evacuate immediately and call 911. If they have PG&E in their name, call 1 (800) 743-5000 to request a Gas Service Representative to inspect all gas-powered appliances and relight pilot lights.
- Fire — Assuming the fire can't be suppressed, instruct your residents to vacate and call 911, then call you!
- Broken Windows — Broken glass is a safety hazard for your residents, and missing window glass compromises the security of your property. Clean up broken glass as soon as it is reported inside and outside the unit. If replacement glass is not immediately available, take temporary measures to ensure the property is secure. When replacing windows, ensure they have working locks.
- Broken doors or locks — A rental unit's habitability requires exterior doors in good condition with operable deadbolt locks. Tenants don't feel safe when they can't lock their doors, and unlocked or broken doors leave your assets vulnerable.

Why aren't water heaters on the list? Because it depends on what the tenant reports. If the tenant says, "The water heater broke, and there's water everywhere!" You've got an emergency on your hands. If they report "No hot

*continued on next page*

## Managing Maintenance Requests

water,” you should send someone out to investigate as soon as possible, but you don’t have to call an emergency plumber at 3 am on Sunday morning.

Next are those categorized as 2 -Urgent. While critical enough to warrant a higher placement on the list of priorities, these matters can wait a few days. However, the request should be addressed as soon as possible. These can become habitability issues if left for too long, so don’t procrastinate.

A few examples of urgent maintenance requests are:

- A small plumbing leak that can be contained.
- A range or refrigerator that has stopped working.
- A clogged sink drain.
- A broken smoke or carbon monoxide detector.
- Pest intrusions.

Fortunately, many maintenance requests fall under category 3, which is non-emergent. While they are lower on the list of priorities in terms of urgency, they should still be addressed promptly. Your residents took the time to report their concerns, and executing the repairs shows you are committed to maintaining your assets and fostering a positive relationship with your residents. A few examples of non-emergent maintenance requests are:

- A stove burner is not heating up.
- A torn window screen.
- A broken ceiling fan.
- A burnt-out appliance bulb.
- A broken pull-string on miniblinds.
- A loosened interior doorknob.

Sometimes, a resident will submit a maintenance request for an item that is the tenant’s responsibility to maintain, such as changing light bulbs or replacing batteries. Recently, I received such a request from a resident who’d only lived in the unit for eight months: “We need a replacement filter for the dishwasher. Our dishes haven’t

been coming out clean, and it smells really horrible!” Knowing the dishwasher was brand-new at move-in, how would you have responded to this request? Here is my reply:

*Dear Resident,*  
*I have received your maintenance request. I’m sorry to hear that the dishwasher isn’t performing at its best, but we do not provide replacement filters; the filter is washable. Here is an instructional video [link to a YouTube video] from GE, your dishwasher’s manufacturer, demonstrating the procedure. If you don’t want to wash it, you can purchase a replacement from GE’s website [link to part]. If the odor persists, you may want to use a dishwasher cleaner [link to product].*

The final category is 4 — routine/preventative. For example, a tenant’s report of a leak coming through their window may prompt you to create a recurring work order for bi-annual gutter cleaning. You may have landscaping that requires pruning on a schedule or a parking lot that needs a slurry coat every few years. You may want to mark your calendar for the annual RHSP inspections as 4 — routine; these are items you know about in advance and do as part of planned maintenance and care of your property.

In conclusion, effectively managing tenant maintenance requests is essential for maintaining the quality and value of your property, as well as fostering a positive relationship with your residents. By categorizing requests and responding promptly, you show your commitment to their comfort and safety. Remember, your residents are your partners in maintaining the property. Encouraging open communication and providing clear, efficient ways for them to report issues not only keeps your property in top shape but also ensures a harmonious living environment for everyone involved. Prioritize their concerns, respond with urgency when necessary, and always strive to maintain a high standard of living for your tenants. This approach will ultimately lead to a well-maintained property and satisfied residents.

### *From Cal Matters:*

Recently released data sheds more light on the uphill battle renters face to call a place a home in California. Citing information from *Apartment List*, the San Francisco Chronicle reported on Thursday that San Francisco — “a national symbol of unaffordable housing” — doesn’t even crack the top 10 most expensive Bay Area cities in which to rent a two-bedroom unit. The city comes in 13th place, behind several others in Silicon Valley: Santa Clara Mountain View, Campbell and Sunnyvale in Santa Clara County, with Foster City, in San Mateo County, topping the list. Using data such as how long a unit stays vacant and how many renters vie for each vacancy, the real estate listings company *RentCafe* deemed Silicon Valley the fourth most competitive rental market in the state, as reported by the Bay Area News Group. The top two most competitive places to rent? Orange County and San Diego.

Dustin Gardiner, Politico, May 14, 2024

## State Senator Toni Atkins and Assembly Appropriations Chair Buffy Wicks confirmed they're fighting the initiative.

A pair of top California Democrats and powerful unions are lining up against a ballot initiative on a topic that their party and labor has long championed: removing rent control limits.

State Sen. Toni Atkins, the former Democratic leader in the Senate, as well as Assembly Appropriations Chair Buffy Wicks confirmed that they are firmly against the November ballot measure. The initiative, bankrolled by AIDS Healthcare Foundation president and political provocateur Michael Weinstein, seeks to repeal a state law barring cities across the Golden State from rent-controlling newer apartments. Two of the state's largest construction unions, the United Brotherhood of Carpenters and Norcal Carpenters Union, are also against the initiative.

Those players are fighting the rent-control effort because, they argue, the ballot initiative contains a "Trojan horse" provision. They say it would undermine pro-housing laws by allowing wealthy coastal cities that oppose new development to impose steep affordability requirements that would effectively freeze growth.

Atkins, considered to be a leading contender for governor in 2026, said the measure is "as deceptive as it is dangerous," arguing it should be removed from the ballot.

"Conspiring with wealthy cities to undermine vital state housing laws is bad enough," said Atkins, who's carried several landmark bills to streamline housing construction. "Lying to voters about it is even worse."

The measure has created strange bedfellows across the aisle. It has drawn support from Republican city officials who've fought state housing mandates — and opposition from Democrats who say local governments must be forced to allow new construction to alleviate a housing shortage.

Weinstein's campaign, dubbed the "Justice for Renters Act," disputes the argument that the rent-control measure would allow cities to circumvent state laws, calling the complaint a distraction from an effort meant to alleviate rising rental prices.

The initiative is Weinstein's third attempt to lift statewide rent-control limits in California. The Los Angeles-based nonprofit leader's efforts have made him a target of a

landlord trade group, the California Apartment Association, which is bankrolling a different ballot initiative designed to curb his influence.

But even though Weinstein disputes the notion that his measure could block housing construction, some Republicans are backing it for precisely that reason.

Huntington Beach Councilmember Tony Strickland, a conservative Republican, announced in March that he would support Weinstein's measure. He has led the city's efforts to fight Gov. Gavin Newsom and Attorney General Rob Bonta in court over California's housing targets for the wealthy coastal enclave.

"Statewide rent control is a ludicrous idea, but the measure's language goes further," Strickland said at the time. "It gives local governments ironclad protections from the state's housing policy and therefore overreaching enforcement."

That blunt assessment from a Republican nudged Atkins and Wicks to come out against the measure, the opposition campaign confirmed. The pair didn't take a stance on a similar 2020 ballot initiative that failed.

"Make no mistake about it: This ballot measure will end housing production in California full stop," said Wicks, who has championed tenant protections as well as laws to make it easier for developers to build more housing.

from page 5

### Dogs & Insurance

breed dogs: any pit bull type of dog (also known as American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, bull terrier, miniature bull terrier, American bulldog, Dogo Argentino, or alpha blue bulldog), Rottweiler, Akita, also known as Japanese Akita or Akita Inu, Canary dog, also known as Presa Canario or Perro de Presa Canario.

#### Mercury

Bans Akitas, Cane Corsos, chows, pit bulls, Presa Canario (Canary dog), rottweilers, Staffordshire bull terriers, wolf hybrids, zoo animals, exotic animals, or any animal with a biting history. Any "mixed breed" dog that has any unacceptable breed as part of the dog's lineage is unacceptable. Households cannot have more than three dogs.

# California Rental Housing Association Public Policy Update

## California Rental Housing Association

### Contact Your Legislator to Help Stop Bad Housing Bills

CalRHA needs your help! Please call the state legislators in the districts where you own property and tell them to VOTE NO on the following bills:

1. Assembly Bill 2216 (*Required Acceptance of Pets*) — This bill will prohibit a rental housing provider from asking a rental applicant if they will have a pet living with them in the rental unit. The proposed bill does not allow rental housing providers to charge pet deposits or fees to offset and recover potential damages caused by pets.
2. Assembly Bill 2347 (*Extended Time for Tenant to Respond to Eviction Complaint*) — This bill will extend the time a defendant in an unlawful detainer (eviction) lawsuit has to respond from 5 court days to 10 court days (e.g., excludes court holidays and weekends) after the complaint is served on the defendant.
3. Assembly Bill 2493 (*Restrictions on Charging Applicant Screening Fees*) — This bill will prohibit charging applicant screening fees unless a housing provider permits the use of a “reusable screening platform” (see definition below) or when a housing provider knows or should have known no unit is available for rent. The bill also requires that housing providers deliver to each applicant a copy of their screening report within 7 days. Lastly, the bill requires that housing providers select from the pool of qualified applicants meeting their screening criteria in the order received — in other words, property owners will be required to select the “first” applicant meeting their rental criteria, and not the “best” overall applicant. (Note: A “reusable screening platform” means a service that allows an applicant to pay one fee that entitles the applicant to submit 10 or more credit history and criminal background reports with rental applications within a period of not less than 30 days.)
4. *Assembly Constitutional Amendment 10* — This bill would amend California’s Constitution and require that the state recognizes the fundamental human right to adequate housing for everyone in California. The measure would obligate state and local jurisdictions to respect, protect, and fulfill this right, by all appropriate means, including through expanded tenant protections and lower “rent caps,” free legal

representation for tenants, and similar anti-landlord rights measures.

5. Senate Bill 1201 (*Disclosure Requirement for Beneficial Owners of Corporations*) — This bill will require that any “beneficial owner” (see definition below) of more than 10% of a corporate entity provide an annual statement containing their names and complete business or residence addresses under penalty of perjury. (Note: A “beneficial owner” is a person that has ownership receives the benefits of ownership without being on title of an asset.)

#### Call to Action: Do Your Part Today! Act Now Before It’s Too Late...

Please contact your State elected representatives in the State Assembly (for AB 2216, AB 2347, AB 2493, and ACA 10), and contact your elected representatives in the California Senate about SB 1201.

**State Assemblymember** — Buffy Wicks, 916-319-2014

**State Senator** — Nancy Skinner, 916-319-651-4009 or 510-286-1333

Please call rather than email for best impact! Be sure to let your representatives know that you either live or own property in the legislators’ district!



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# Another Blow for Property Rights

Karen Garcia, Los Angeles Times, May 2024

## Monterey County resident Etienne Constable decided to make a statement after he was ordered to hide his boat behind a fence.

Ordered to put his boat out of sight behind a 6-foot-tall fence, a Seaside resident and his artistic neighbor decided to paint a photorealistic mural of the vessel on the fence.

The idea for the little jab at City Hall was sparked a year ago when Etienne Constable received a notice from the city of Seaside requesting that he comply with a municipal code regarding parking restrictions for non-passenger vehicles, such as boats.

According to the municipal code, the boat needed to be behind a 6-foot-high fence, so it wouldn't be visible from the street.

Constable has been a resident of Seaside for 29 years and previously parked a sailboat on his property long before he put this vessel in the driveway. The 19-foot-long Arima 19 Sea Ranger, named *Might as Well*, has been on his property now for the last four years.

He said he was surprised and unaware of the city code about non-passenger vehicles.

"We've been here for a long time," Constable said, "and nobody had ever said anything before."

Last year, the city hired a community enhancement staffer to identify code enforcement violations throughout the city that needed to be remedied, said Nick Borges, acting city manager and Seaside police chief.

If the boat wasn't concealed, the notice stated noncompliance was punishable by a first offense of a \$100 fee, according to Constable.

He started to look around his neighborhood and noticed that homes with fenced-in boats "didn't necessarily look good in my estimation," Constable said. But he didn't want to disregard the notice, either.

With a little brainstorming on how to put a creative spin on the situation, Constable reached out to his next-door neighbor, Hanif Panni, an artist who works with different mediums including murals.

Panni said he saw how upset his neighbor was by the situation, especially because Constable had to pave his driveway to install the fence.

"He kept asking for my input on the design of the mural and what it could possibly look like," Panni said.

At first they joked about having him paint a boat on the fence, a funny way to make the "eyesore" visible. Then they decided to do just that.

The feedback was almost immediate from neighbors and social media users who applauded the pair for their creativity and humor. Other neighbors have already asked Panni if he would paint their boats on their fences.

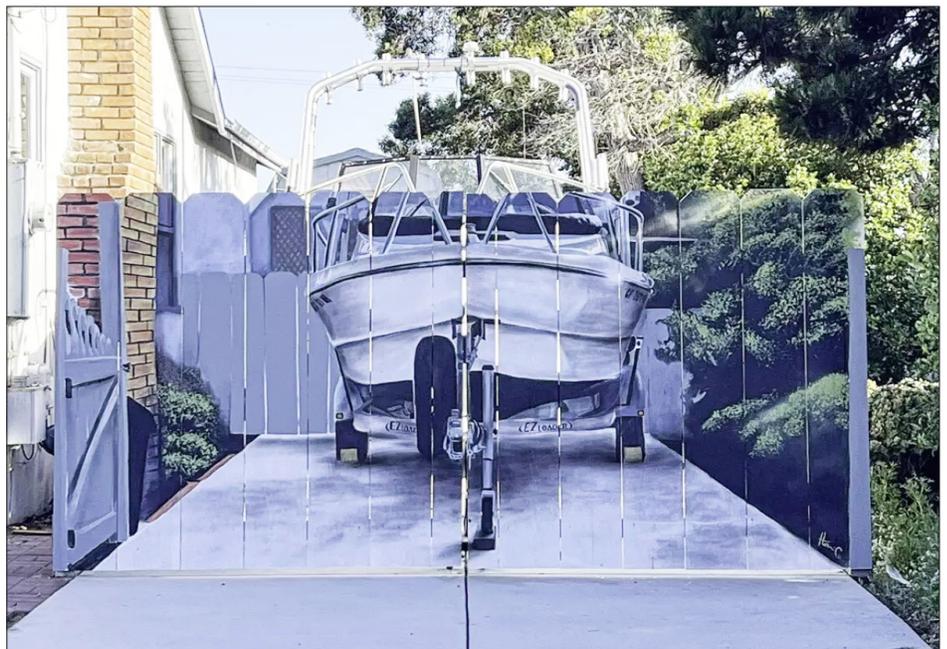
"Creativity is always a good tool to use against bureaucracy," Panni said, "if it's done thoughtfully and with the rules in mind."

Borges isn't offended by the mural, saying the creative response to the city's municipal code helped create a better relationship among neighbors.

"It does help cities like us get better" and identify whether some city codes should be enforced a certain way, he said.

Constable said he's tickled by all the positive attention the mural has gotten. He's seen drivers slow down to get a better look at it, and friends have called saying they've seen pictures of the mural online and recognize his boat.

"I've been laughing continuously for the last few days," he said. "It's just hilarious to me that so many people appreciate my sense of humor and way of looking at the work."



## Engage in public education

It's time to educate our policy makers and the public at large about the negative economic impacts of extreme rent controls and regulations, such as a causing the housing stock to deteriorate, encouraging people to take their units off the market, pushing rents up for new residents, reduced tax revenues and other long term negative effects on both small property owners and on tenants.

There have been many studies by economic and urban policy think tanks about the negative impacts of extreme rent controls. There is information available from the National Multifamily Housing Council, The Urban Land Institute, The Brookings Institution and others which could be distributed to policy makers.

Organizing forums or participating in events where housing providers, tenants, and policymakers can discuss the impacts of rent control and other housing policies before they are enacted would be another way to help come up with better policy.

## Political advocacy

Lobbying our local politicians to support housing measures that are good for the community without causing harm to rental property owners is an important activity. There are many examples of policies that promote housing affordability through market-oriented solutions without the need for onerous legislation.

Scheduling face-to-face meetings with our mayor and council to discuss housing policy is an opportunity to

bring data, research, and personal stories from constituents and it is something BPOA is doing. Actively supporting certain candidates in this election year is also important, as races can be very close in Berkeley. For example, in the most recent District 7 election, the difference between the winning candidate and the losing one was a mere 94 votes.

Regularly meeting with your councilperson, providing testimony at public hearings, and participating in policy forums to advocate for your position are all positive actions you can take.

## Media education and engagement

In general, rental property owners have been portrayed poorly in the local media. Since media is so important in influencing public opinion, it is extremely important that we improve relationships with journalists and educate them about the negative impact many proposed policies can have on the community.

Writing op-eds, participating in interviews, and holding press conferences to discuss issues are all strategies we must take.

## Grassroots mobilization

It is part of our plan at BPOA to get members more involved in advocacy efforts. Getting property owners and other community members to participate in email and letter-writing campaigns, attend specific city council meetings, participate in rallies, and financially contribute to campaigns are all things you can do.

*continued on page 14*

## Join Us for Quarterly Social Mixers with Fellow Members

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

DATE	TOPIC
Wednesday, June 12, 4:00 - 7:00 pm	New Member Social Mixer & Office Open House
Thursday, June 20, 3:00 pm	Monthly Members Forum
Thursday, July 18, 3:00 pm	Mold, Mildew & Mayhem: Protecting Your Property
Thursday, August 29, 5:00 pm	Warm Summer Nights Member Mixer

*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 Landlords Be Required to Allow Pets?

Mark Tarses: Landlording with Mark

There is a bill in the California State Assembly (AB2216) right now that would require landlords to allow pets in their rentals. This proposed law has nothing to do with service and emotional support animals, which are already protected by Federal law. If AB2216 passes, in addition to requiring landlords to accept pets in their rentals landlords would not be allowed to charge a pet rent or pet deposit. Landlords would also be prohibited from asking questions about a pet from an application until after the applicant is approved, and if a landlord denies a rental because of a pet, the landlord will need to prove his rejection was “reasonable” to the satisfaction of a local rent control board, if there is one. This bill is already out of committee and has a good chance of becoming law soon.

While I have always been willing to consider pets in my rentals, I want to be able to ask questions about the pet before I approve or reject an application. If an applicant has a dog, for example, I want to be able to ask questions about the dog’s breed and how big it is. When an applicant for an apartment tells me that he has a pet, I want to be able to ask: “What have you got?” I might be fine with a 20-pound dachshund but not a 100-pound rottweiler in my building. The other tenants in my building may well feel the same way.

If this bill becomes law, what will insurance companies do? The state can force landlords to allow pit bulls and rottweilers in their buildings, but they can’t stop insur-

ance companies from cancelling our liability insurance if they feel that they are taking on too much risk. And where would that leave us then?

## President’s Message

from page 13

These are just some of the ways we must start to push back on what has become a very one-sided debate where the assumption is “what is good for the tenant is good for the community” without looking at the costs and downside of implementing these policies.

By combining the above strategies, we can hopefully mitigate or stop any proposed legislation that would have a negative impact on our community. When I spoke at the recent BPOA “Nosh and Network” event, I was encouraged by all the people who wanted to take a more active role in getting the word out and protecting the rights of small property owners.

If any of you reading this have connections in the media, in the political realm, or have an idea for a good coalition partner to work with BPOA in our advocacy, please reach out to Krista. In the meantime, please find a way to get involved.

## COMING ATTRACTIONS

***New Member Social Mixer & Office Open House***

**Wednesday, June 12, 4:00 - 7:00 pm**

***Monthly Members Forum***

**Thursday, June 20, 3:00 pm**

***Mold, Mildew & Mayhem: Protecting Your Property***

**Thursday, July 18, 3:00 pm**

***Warm Summer Nights Member Mixer***

**Thursday, August 29, 5:00 pm**

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SCAN ME

## Construction Wrapping Up for UC Berkeley Dorm, Downtown Berkeley

*Christian Leonard, Nami Sumida, San Francisco Chronicle, April 7, 2024*

Where University Avenue meets the UC campus, construction is wrapping up for the 14-story student dorm at 1950 Oxford Street. The project, named the Helen Diller Anchor House, is expected to open in time to welcome UC Berkeley transfer students for the Fall semester this year.

The 14-story structure contains roughly 455,000 square feet and accommodates 772 students, or roughly 1.7% of all UC Berkeley students as of this year. The structure is around 180 feet tall, just a few feet shorter than the current tallest building in Berkeley, the 186-foot-tall Chase Building.

Anchor House will have 244 apartments on floors four through 14. Unit types will vary, with 47 studio apartments, 30 two-bedroom apartments, 3 three-bedroom apartments, and 164 four-bedroom apartments. Each apartment will feature rooms to offer students a private

single-bed apartment-like residence furnished with built-in desks, a kitchen, appliances, and a washer-dryer unit.

The property will primarily be for transfer students, undergraduate juniors, and seniors. Amenities will include a maker space, a culinary classroom for the Rausser College of Natural Resources, two event spaces, and an 8,600-square-foot fitness center. A large community center with a kitchen, outdoor courtyards, and terrace patios will serve as a gathering space.

Across the ten floors of housing, residents will be near several lounges and meeting rooms to facilitate social engagement. Open space will be abundant with the central courtyard, several terraces, and balconies facing towards the campus, Downtown Berkeley, and across the Bay. The rooftop deck will include a vegetable garden that will be available for students.

*continued on page 18*

## Homeless Count Shows 45% Drop in Unsheltered People in Berkeley

*Supriya Yelimeli, Berkeleyside, May 15, 2024*

### ***The overall number of people considered homeless in Berkeley fell 20%, while unsheltered people living outside in tents or vehicles dropped more drastically***

Berkeley's overall homeless population dropped by 20% and the number of people living outside, in tents or vehicles fell by almost half, according to initial results from Alameda County's bi-annual census.

There are 20% fewer people living without a permanent home in Berkeley than the same period two years ago according to the report, with numbers dropping from 1,057 people to 844 people total. The point-in-time census doesn't account for people who are living in temporary housing situations with friends or family.

Volunteers fanned out across Alameda County to conduct the informal census on the last week of January, interviewing residents for demographic data as well as noting numbers. The full results of these surveys will be released in a complete report later this year.

The number of people who are unsheltered in Berkeley dropped by the most significant margin, with 803 people counted in 2022 compared to 445 people in 2024, a 45% decrease. Under the county's definition, unsheltered refers to someone whose primary residence is a car, park, abandoned building, or another place that isn't designed to be housing.

The decreases are more significant than the previous three years' change, when overall numbers dropped by about 5% in 2022 compared to 2019. While there are generally two years between homeless counts, the 2021 census was delayed a year due to the pandemic.

"Having personally experienced housing insecurity, I'm deeply proud of how this community has come together to respond to this crisis, but I want to be very clear that our work is not done," he said in a statement.

Overall, Alameda County's homeless population rose by 20% from 2019 to 2022, but this year, data shows a 3% decrease by January, 2024. Sheltered homelessness in Alameda County, which refers to people with a consistent bed at local shelters, also increased by 11%. In Oakland, overall homelessness increased by 9%, but the rate of increase has slowed.



# Rent Control Possibility in Kern County

John Cox, Bakersfield.Com, May 17, 2024

Organizers behind a campaign to adopt rent control in Delano said that they have enough signatures to put the measure before city voters on the November ballot.

A representative of the Central Valley Empowerment Alliance said the organization has gathered, in cooperation with Fair Rents Delano, Impacted Delano Tenants and others, “way more than” the 1,700 signatures required to qualify the petition for the general election.

If the petition is certified by the city, voters will be asked to decide a question that has stirred passions at Delano City Council meetings in which residents have had little success pushing for limits on how much landlords can raise rent prices.

While other municipalities around the state are considering similar proposals, the largely working-class farmworker community of Delano would become the first city in Kern County with rent control if the measure passes.

The petition states the proposed ordinance would limit rent increases to a rate that’s 60% of the annual change in the federal consumer price index. Rents would not be able to rise more than 3% per year, though exemptions would apply.

There would also be new restrictions on landlords’ ability to evict renters, along with new prohibitions on actions such as intimidation of tenants and bad-faith negotiations.

According to the campaign’s coordinators, tenants make up 42% of households in Delano. According to an American Communities Survey, almost half are “rent-burdened,”

meaning they pay more than 30% of their income toward rent.

Last year, the City Council tabled a rent-control proposal so city officials could take a close look at how municipal finances might be impacted by rent control.

Councilman Salvador Solorio-Ruiz said Friday there is still no clarity on what it would cost the city to administer rent control. But that information is just starting to come before the council, he added, “which is exactly what I wanted from the beginning.”

He said he welcomed the petition, even as the city may want to conduct an informational campaign to help people understand how rent control might be carried out in the city and why some people oppose it.

“Democracy is a beautiful thing,” Solorio-Ruiz said. “I am neither against (rent control) nor for it.”

Arturo Rodriguez, communications and organization director for the Central Valley Empowerment Alliance, said campaign supporters plan to turn in the petition on Tuesday, weeks ahead of the deadline to qualify for the ballot.

“We’re turning in the petition a little early just to give the city a little more time to work with it,” he said.

Now that enough signatures have been gathered, he said, organizers behind the petition plan to shift to what he called a more traditional campaign with messaging and endorsements.



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## QUOTE OF THE MONTH

*Those wearing Tolerance for a label call  
other views intolerable.*

— Phyllis McGinley

## Oxford Street Dorm

from page 16

Morris Adjmi Architects is the design architect working in collaboration with BDE Architecture. Our recent site visit shows that the project is nearly identical to the renderings, imbued with a tripartite division along the facade delineated by the darker brick base, the center of pale brick and metal-framed windows, and the top two metal-clad floors. The structure is uncompromising in its scale, with a sheer wall rising up from the property line to maximize capacity.

The Regents of the University of California approved the project in July 2021, along with the \$300 million budget funded by the controversial Helen Diller Family Foundation. Construction started in early February 2022, and the structure topped out last summer. During our most recent visit, the exterior and landscaping around the building appeared practically complete, with interiors visible from the street. Students are expected to start moving in by Fall for the next school year.

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*New Member Social Mixer &  
Office Open House*

Wednesday, June 12, 4:00 - 7:00 pm

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*Mold, Mildew & Mayhem:  
Protecting Your Property*

Thursday, July 18, 3:00 pm

*Warm Summer Nights Member Mixer*

Thursday, August 29, 5:00 pm



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