

**AUG
2024**



*The Advocate for
Berkeley's Rental Housing Providers*

*Founded 1980 • Charter Member, California Rental Housing Association
2041 Bancroft Way, Suite 204, Berkeley, CA • www.bpoa.org*

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Don't Be the Frog

Dan Lieberman, President, BPOA

I'm sure many of you know the metaphorical story of the boiling frog. If you drop a frog in a pot of boiling water, it will frantically try to climb out. But if you place it gently in a pot of tepid water and turn the heat on low, it will float there placidly, enjoying the warm water. As the water gradually heats up, the frog will sink into a tranquil stupor, and before long, it will unresistingly allow itself to be boiled to death.

Rental housing providers are slowly being cooked to death. And, if anything, it looks like someone is turning up the heat! New laws and restrictions are being added practically every year, but few, if any, are ever repealed. By the numbers, renters will always outnumber the rental property owners. However, it is our job to be the vocal minority, and educate our legislators by showing which of these laws are counter-productive and fail to achieve their stated goals.

Many of the existing laws on rental housing started out in a 'less bad' form, and then have slowly been tightened over the years. For example, in the early years of Berkeley rent control, rent increases between 5 and 9% were not uncommon. Yet, with the exception of last year's 4.4% allowable increase, it has been nearly three decades since we were allowed to increase the rent by even 3%.

The initial fees to pay for the rent board were \$12 per unit per year. Inflation adjusted, this would be \$52 in 2024. But this year, we are paying \$344 per unit — more than 6 times what it should be. Do I feel that water beginning to boil?!

In addition, we've had a number of additional programs (along with their costs) thrust upon us over the years, designed to protect tenants, but for which we alone must pay.

We are severely restricted from generating income on the rent side, yet we are expected to keep up with rising wages for staff and rising costs for vendors. Insurance costs have climbed (when you can even get it) and the costs to maintain and/or upgrade our properties continue to mount.

Election Years are Critical Years

There are several reasons I bring this up now. This year, you have an opportunity to make a difference that will impact you for years to come.

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COMING ATTRACTIONS

On-Site Owner Discussion Group
Wednesday, July 31, 2:00 PM

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

College Student Rentals: Legal Issues
Thursday, September 5, 3:00 PM

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

See pages 13 & 14 for details & more events!

Issue Highlights

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Editorial

Two Birds, One Stone

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

Bird #1) The Chronicle recently reported that: *The final horse has crossed the finish line at Golden Gate Fields, setting the stage for the next contest: development of the 140-acre bayside property with panoramic views of San Francisco Bay.*

If history repeats, it will be many years before this property is put to productive use. Hamilton Field in Marin, the Alameda Air Station in the East Bay, and Treasure Island in the middle of San Francisco Bay are all huge tracts of land which remained largely fallow for decades while the development process lumbered along. With final court approval this year, development of Peoples Park in Berkeley will finally happen; more than fifty years after UC purchased and cleared the site.

Given competing interests and jurisdiction split between Albany and Berkeley, Golden Gate Fields may well likely remain undeveloped until we are closer to 2100 than 2000.

Development options are as narrow or as broad as the governing jurisdictions dictate. Given the site's proximity to the Bay, there is a strong push for parkland, always a favorite in currying public favor. However this land is ultimately used, it will sit there empty and unused for many years before anything actually happens.

In the meantime, based on a \$57,000,000 assessment, this property has a tax bill of \$2,300,000. (If I owned this property, I would appeal to the assessor to reduce the assessment to zero until its zoning is established. With no specified use allowed — and the public threat of a taking — I would contend the property has no possibility of development and therefore has no current value.)

Development for a public purpose, of course, would drop the taxes generated to zero. Privately developed, even for low-density use, the land is worth at least a million dollars an acre. Developed more intensively, it could have a value in the tens, maybe even hundreds of million dollars and it would of course produce taxes accordingly.

What ultimately happens is pretty much up to the city councils in Berkeley and Albany. Don't hold your breath for an early resolution.

Bird #2) It will come as a surprise to no one that the Bay Area has a severe problem with thousands of people living on the streets. Public and charitable efforts to deal with this problem seem to have largely failed. Homelessness persists.

The courts have ruled that governments cannot preclude living on the street unless there are enough shelters available to accommodate all in need. The argument is that you cannot deny someone a place to sleep if he/she has no other option than to lie his/her head on public property. However, last month, the Supreme Court ruled in *City of Grants Pass v. Johnson* that laws limiting living on the street are not in fact unconstitutional. This enhances the power of local government to make and enforce laws limiting the occupation of public property.

Two birds, One Stone: Where this is leading should be obvious. If the land which is Golden Gate Fields is to remain undeveloped for decades, why not make it available for the unhoused population?

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❖ THE COALITION CORNER ❖

Krista Gulbransen, BRHC Executive Director

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

The Attack on Costa Hawkins — Prop 33

We're excited to announce the launch of CalRHA's new Proposition 33 website dedicated to informing rental housing members and the public about the adverse consequences of expanded rent control and vacancy control policies.

On the website you'll find links and resources for understanding the complexities of the Costa-Hawkins Rental Housing Act, and rent control and its impact on housing affordability, availability, and public services.

You'll also find a downloadable fact sheet outlining the key issues associated with Proposition 33 and how it can:

- Impose vacancy control to prevent housing providers from adjusting rents to market rates upon a tenant vacancy.
- Worsen the housing crisis by reducing availability.
- Cause income loss and property value declines.
- Reduce funding for public safety, senior services, and homeless programs.

By staying informed, we can work together to promote quality affordable housing for all Californians. Share the website and check back often for updates!

To learn more go to www.Prop33Facts.org

Federal Rent Control

As you may have heard, President Biden recently proposed raising taxes on certain apartment owners and operators (those who own 50 units or more) and who raise rents more than 5% in a year. As we all know, rent control has proven unsuccessful in every jurisdiction where it has been tried. By forcing owners and manager to make difficult choices with limited revenue, rent control ultimately hurts the residents it is supposed to help.

The chances of this proposal passing in this particular election year are slim. The GOP-controlled house is not going to look fondly on any proposal put forth by the Biden administration, even with the recent change in the President's withdrawal for re-election. But if the democratic party wins the presidential race in November, the country could face the proposal once more.

Whether this proposal (or any version of it) would have impact on California remains to be seen. California is well

known for ignoring federal regulations when it feels its California version is better or stronger. In some cases, a 5% rent increase would be welcome (such as Berkeley) but in other parts of California it would be less than is allowable by state law (AB 1482).

Calling All Single-Family Home & Duplex Rental Owners

The BRHC-backed ballot measure has officially been put to the November ballot. If passed, it will exempt ALL single-family homes and duplexes from both rent control and eviction protections. This is critical and a big component of helping to drive rentals to the market to help with our issue of supply. But we can't get this across the finish line without financial support.

We need you to help contribute to our political fight fund to be able to communicate this ballot measure to the voters. If you are interested in donating, please contact bpoa@bpoa.org for donation information.

Bay Area Cities by Population Loss 2020-2023

Rank	City	2023-Pop.	2020-Census	Loss	% Loss
18	San Francisco	715,717	870,014	154,297	-6.30%
13	San Jose	930,862	1,010,908	80,046	-2.71%
184	Sunnyvale	145,302	155,860	10,558	-2.31%
170	Hayward	153,160	163,269	10,109	-2.11%
267	Berkeley	112,643	119,463	6,820	-1.94%
103	Fremont	219,419	231,673	12,254	-1.80%
45	Oakland	422,994	439,341	16,347	-1.26%
231	Concord	121,899	125,176	3,277	-0.88%
230	Vallejo	123,001	125,839	2,838	-0.76%
258	Richmond	114,450	116,238	1,788	-0.52%
261	Antioch	113,884	115,252	1,368	-0.40%
222	Santa Clara	126,603	127,426	823	-0.22%
242	Fairfield	119,461	119,827	366	-0.10%

Tearing Down Affordable Housing in Berkeley to Build New? You Have to Replace It

Supriya Yelimeli, *Berkeleyside*, July 17, 2024

After five years of negotiation and planning, the Berkeley City Council has tightened the rules for anyone who tears down residential buildings, requiring that all rental units, affordable and otherwise, be replaced with at least the same number of dwellings when a new structure is erected.

Changes to the city's demolition ordinance, approved last week, are meant to bring the city into compliance with a state law aimed at forcing cities to preserve housing stock, while also encouraging new development.

The 2019 state law, SB 330, mandated that all demolished housing units be replaced with the same number of homes, and allowed cities to determine requirements for replacing demolished affordable units, specifically.

In Berkeley, the new rules require that affordable housing units that are demolished must be replaced on a one-to-one basis. Previously, developers could pay a fee instead of replacing affordable or rent controlled units. That fee is no longer legal under state law, according to the city's ordinance. It also requires that many demolished market-rate homes be replaced with units that are affordable for low-income residents.

The move was the subject of much debate at the first reading of the ordinance in late June, with some councilmembers arguing that it would discourage developers from building housing in Berkeley, while others said it was the only way to protect the city's affordable housing for longtime residents.

Councilmember Rashi Kesarwani, with support from Councilmembers Mark Humbert and Terry Taplin, had suggested a set of amendments that eased affordability requirements for replacement units. The amendments failed.

The Berkeley ordinance also goes further than the state law in creating some protections for existing tenants.

The new ordinance says existing tenants of a below market-rate unit must be offered the same type of affordable unit in a new building if they qualify based on income limits. Tenants in affordable and market-rate units must be offered new units that are comparable not only in price, but size, amenities and neighborhood, and they will have 20 days to refuse or accept the offer.

The new ordinance also changes the rules for demolishing residential hotels by no longer allowing some rooms to be replaced with kitchens or other common spaces. Those

units must now also be replaced on a one-to-one basis.

Here's a rundown of changes in Berkeley's new demolition ordinance.

What are the requirements to demolish affordable housing?

All housing units that are demolished in Berkeley will now have to be replaced with an equal number of new units. "Protected" units, which include low-income housing and rent-controlled apartments, must be replaced with units that are considered affordable.

If the demolished unit is displacing a household that made 50% or less of median area income, the unit has to be replaced with housing that is affordable to a household earning 30% or less of area median income, based on federal guidelines.

If someone lived in below market rate housing, but their income level no longer qualifies them for that, they will be offered a market rate unit in the new building and their initial rent will be set at their prior rent. The unit will also be rent controlled.

Most homes built after 1980 are not under rent control in Berkeley under current state law, but the Rent Stabilization Board has placed an item on the ballot that could expand rent control to some new buildings if they demolished existing housing. The City Council will revisit this part of the ordinance after the November election.

If the unit was below market rate, or rent controlled, but the income of the household is unknown, it will be replaced with a unit considered "affordable" under the city's municipal code. That means it has to be affordable for people considered very low income or lower-income in Berkeley.

The ordinance also covers replacement units for market rate apartments that are demolished, when the income of the displaced tenants is unknown. It requires that some new units be made affordable based on the proportion of low-income renters in Berkeley, which is about 66%, according to federal data.

Do ADUs have to be replaced if they are demolished?

A single-family home with a single Accessory Dwelling Unit (ADU) such as a guest house is exempt from the demolition ordinance. That means no replacement units are required if the ADU is demolished, but property owners still have to provide notice and support a tenant with relocation.

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SF Supervisor Wants to Ban Rent-Setting Algorithms

Laura Waxmann, San Francisco Chronicle, July 19, 2024

San Francisco Board of Supervisors President Aaron Peskin is looking to bar the city's landlords from using rent-setting software that housing advocates allege has contributed to skyrocketing rental prices across the country.

Peskin announced legislation on Tuesday that would prohibit San Francisco property owners from using services provided by third-party revenue management companies such as Real Page and Yardi, which collect proprietary data on rents from participating landlords, and then suggest rates using algorithms — a controversial practice that has drawn legal scrutiny and calls for regulation in other parts of the country in light of a 2022 expose by ProPublica.

If adopted, San Francisco would become the first local jurisdiction to ban rent price-setting algorithms. The

proposed ordinance would make it illegal to sell, license or provide an “algorithmic device” — such as a software program — to set or suggest rents or occupancy levels that landlords may obtain from tenants in San Francisco.

It would allow the city attorney's office, as well as tenants, to pursue legal action for violations, including penalties of up to \$1,000.

Peskin described the proposal as a “sign” to other cities that “they can take these matters into their own hands.”

“The United States Department of Justice and attorney generals in numerous states are realizing that RealPage and similar price-fixing algorithms are extremely deleterious to our housing market in cities around the country,” he told the Chronicle. “We're taking action locally to ensure our working renters can afford to live here.”

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New Rules for Housing Demolition

However, if the ADU is located on a multi-family rental property, the property owner will be subject to the same replacement provisions as all other demolitions.

Unpermitted ADUs, or illegal units, would also be included in the ordinance if they are registered with the Rent Board or the Rent Board determines that the property was rented to a tenant in the previous five years. However, no replacement unit is required if fire and safety officials determine that the illegal unit is unsafe.

Small accessory units that are not used as homes can be demolished without replacing them.

Can single-family homes be demolished?

Yes, single-family homes can be demolished. Residents need to obtain a use permit to demolish a single-family home.

Now, they're eligible for a fast-tracked permit (called an Administrative Use Permit) if they can prove that the new building will result in an increase in density, and the home has no current tenants.

When a single-family home is demolished, a resident does not have to rebuild with the same or similar square footage. But they do have to provide the same number of bedrooms if it has three or fewer bedrooms. A home with four or more bedrooms must be rebuilt with at least three bedrooms.

If a single-family home is demolished and displaced tenants do not meet requirements for low-income housing, the replacement units can be market rate.

What types of buildings cannot be demolished?

Units cannot be demolished if the tenants who previously lived there were forced to leave under a no-fault eviction in the last five years, or if the tenant was found to have experienced landlord harassment or an illegal eviction in the last three years.

The Rent Stabilization Board would make the determination in these cases, and a property owner could appeal the decision. The Zoning Adjustments Board used to be the authority for this type of decision.

Units cannot be demolished if they were vacated in the past five years via the Ellis Act, a state law that allows property owners to clear out a building if they plan to take it off the rental market and some other uses.

Certain homes and structures that are protected by landmark status can only be demolished after going before the Landmarks Preservation Commission.

Who is exempt from the demolition ordinance?

The city does not have jurisdiction over homes on property owned by UC Berkeley, such as dormitories, sororities, fraternities or co-op homes. They are exempt from the demolition ordinance and replacement rules.

Developers who are building structures that will consist entirely of affordable housing do not have to follow the replacement requirements in the ordinance, but they do have to offer displaced tenants units in the new building, and provide notice.

Biden to Unveil Plan to Cap Rents as GOP Convention Begins

Jeff Stein and Rachel Siegel, *Washington Post*, July 15, 2024

President Biden will unveil a new proposal in Nevada on Tuesday to cap rental costs nationwide, according to three people familiar with the matter, as he works to assuage Democratic concerns about the viability of his candidacy while the Republican convention gets underway.

The policy push reflects the White House's efforts to respond to widespread voter anger over high housing prices, which have soared since the pandemic and undermined Biden's standing among voters about the economy. Nevada has seen among the biggest explosions of housing costs in the country, and Democrats have grown increasingly concerned that Trump could win the state in November.

Biden's plan — which would need to be approved by Congress — calls for stripping a tax benefit from landlords who increase their tenants' rent more than 5 percent per year, the people said. The measure would only apply to landlords who own more than 50 units, which represents roughly half of all rental properties, the people said. It wouldn't cover units that have not yet been built, in an attempt to ensure that the policy does not discourage construction of new rental housing. The people spoke on the condition of anonymity to describe a proposal that isn't yet public.

The president hinted at the plan during his news conference at the conclusion of the NATO summit last Thursday, surprising aides who didn't expect to reveal the announcement yet. Biden also referenced a plan to "cap rents" during his late June debate with Trump, although he has not explained the policy publicly or how it would work.

"It's time to get things back in order a little bit. For example, if I'm reelected, we're going to make sure that rents are capped at 5 percent increase — corporate rents, for apartments and the like, and homes, are limited to 5 percent," Biden said at the news conference.

A White House spokesman declined to comment.

Tenant advocates — and scores of renters — would probably welcome the move. Housing costs continue to drive overall inflation, and rent often ranks as a top budget

item for lower-income families with fewer and fewer options for affordable homes. Fresh inflation data released last week showed much-awaited progress on rent costs. But it is too soon to tell whether that will stick.

Tara Raghuvver, director of the National Tenant Union Federation, said the move was "monumental" and a strong signal of the federal government's responsibility to regulate the rental market.

"For now, this directive is just messaging," Raghuvver said. "Tenants need action. Congress must act, and the president can and must take the first step by immediately regulating rents in federally financed housing."

The plan is also likely to prove controversial among economists, including many Democrats. Experts on both sides of the aisle tend to argue that government limits on rent discourage new development by making it less lucrative. Housing is so expensive in America in large part because there simply aren't enough homes, with economists estimating a shortage of between 1.5 million to 5 million units. With construction and labor costs already high, some fear that developers could respond to new restrictions by reducing new construction.

"Rent control has been about as

disgraced as any economic policy in the tool kit. The idea we'd be reviving and expanding it will ultimately make our housing supply problems worse, not better," said Jason Furman, who served as a top economist in the Obama administration and is now a professor at Harvard.

That's the case even if future units are exempted, Furman said, because it could change how developers consider their incentives.

White House officials, however, say the rent cap would give short-term relief to renters before millions of new housing units become available in two years, which should also drive down prices. (The Biden plan would only apply to rental units for two years, by which point, in theory, this fresh supply would alleviate costs.) The Biden administration is also pushing numerous policies to increase housing construction, through incentives to local

"Rent control has been about as disgraced as any economic policy in the tool kit. The idea we'd be reviving and expanding it will ultimately make our housing supply problems worse, not better"

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Biden's Rent Cap Plan is 'Harmful', Housing Groups Say

Melissa Dittmann Tracey, Realtor, July 16, 2024

A new White House plan unveiled Tuesday calls for capping rents at 5% per year on landlords who own more than 50 units. Here's why it likely won't help.

President Joe Biden unveiled a proposal Tuesday to take aim at high housing costs, but his call to cap rent increases at 5% per year on large landlords has housing groups concerned. Leaders of these groups, including the National Association of REALTORS®, are speaking out against Biden's rent cap plan, saying it would ultimately hurt renters.

"NAR opposes misguided attempts to cap or control rental rates," says NAR President Kevin Sears. "Price controls may seem appealing, but they have backfired on local governments and harmed the people we need to help the most. Developers are reluctant to build in areas where the government imposes rent controls on new buildings, and these policies actually decrease the supply of low- to mid-range housing units."

NAR has long advocated against rent control, calling such a policy an "infringement upon private property rights" and arguing that property owners should have the right to set their own rents at fair market rates.

The Housing Solutions Coalition, which includes the National Apartment Association, Mortgage Bankers Association and National Multifamily Housing Council, also spoke out against Biden's rent cap proposal in a statement: "Decades of academic research from across the United States and around the world clearly show that rent caps — more commonly known as rent control — reduce the supply of available housing and fail to target those renters who need help the most while simultaneously harming other residents and the communities they reside in. Rent caps hurt renters and communities."

Biden: 'Sending a Clear Message to Landlords'

Biden's proposal would need to be approved by Congress to take effect. His plan calls for a rent cap that would only apply to larger landlords who oversee more than 50 units, which accounts for more than 20 million rental units nationwide, according to the White House. The plan excludes new construction and buildings that are substantially being renovated.

"I'm sending a clear message to corporate landlords: If you raise rents more than 5% on existing units, you should lose valuable tax breaks," Biden said in a statement (link is external) unveiling his plan. "Rent is too high, and buying

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The Nuts & Bolts: Streamline Your Document Management

Tiffany Van Buren, BPOA Deputy Director

Guidance on Retention Duration Requirements, Digitization, and Storage

Managing rental properties involves a significant amount of paperwork, from lease agreements and maintenance requests to financial records and tenant communications. For property managers in California, adhering to stringent document retention requirements adds another layer of complexity. The challenge becomes even more daunting when relying on physical documents, as the sheer volume of paper can be overwhelming, leading to storage issues and inefficiencies. To navigate these requirements effectively, property managers must understand the specific document retention mandates and adopt best practices for compliance.

Document Retention

Understanding the retention requirements is the first step toward implementing a streamlined and efficient document management system. Let's break it down:

Lease Agreements & Related Documents

Examples: Leases, rental agreements, addenda, disclosures, move-in/move-out inspections, etc.

Retention Policy: A minimum of four (4) years from the termination date of the lease

Tenant Application Information

Examples: Applications, screening reports, credit reports, background checks, reference checks

Retention Policy: At least four (4) years

Communications

Examples: Emails, letters, notices, and any correspondence related to the tenancy

Retention Policy: At least four (4) years

Eviction Records

Examples: Notices to Quit, UD actions, court documents, and correspondence related to the eviction process

Retention Policy: At least four (4) years from the date of final resolution

Maintenance & Repair records

Examples: Work orders, repair requests, invoices, and receipts for services performed

Retention Policy: At least four (4) years from the date of repair or maintenance

Financial Records

Examples: Rent payment records, bank statements, receipts, expense reports, financial statements, etc.

Retention Policy: At least seven (7) years

Insurance Policies

Examples: Property insurance, liability insurance, and any claims made

Retention Policy: At least four (4) years after the expiration date of the policy

Tax Records

Examples: Federal and State

Retention Policy: Six to seven years (6-7) is the recommended minimum, though some attorneys suggest tax records are retained for as long as the property is owned, plus 6 (six) years.

Management and Storage

Storing paper hard copies is the least efficient method of document management. Whether kept in filing cabinets or banker's boxes, paper is heavy, susceptible to damage from air and water, and occupies significant space. While generating some paper is unavoidable, minimizing its quantity is essential. In our digital age, BPOA advocates using electronic documents as a best practice. Request paperless statements and digitize paper files for long-term storage to streamline your document management. The easiest way to digitize paper documents involves a few steps and some essential equipment.

Equipment Needed

Scanner: A dedicated document scanner is ideal, especially one with an ADF (automatic document feeder) for quickly processing multiple pages.

Smartphone or tablet: Modern mobile devices have high-quality cameras that can scan documents using apps.

Document Management System/Software: A System to organize, store, and manage your scanned documents.

Steps to Digitize Paper Documents

1. Preparation

- a. Organize and sort the documents you want to scan.
- b. Remove staples, clips & tape — documents should be free of anything that could damage the scanner.

2. Scanning with a Document Scanner

- a. Load documents into the scanner's automatic document feeder (ADF) if available

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- b. Choose the appropriate scan setting (resolution, color, format — PDF is standard for documents)
- c. Start the scanning process!
- 3. *Scanning with a Smartphone or Tablet:*
 - a. Download a scanning app (e.g., Adobe Scan, CamScanner, Microsoft Office Lens).
 - b. Follow the app instructions to capture the document.
 - c. Adjust the edges and ensure the document is clear.
 - d. Save the scan in your desired format.
- 4. *Organizing Scanned Files*
 - a. Name Files Appropriately: Use consistent naming conventions for easy retrieval.
 - b. Create Folders: Organize files into folders and subfolders based on categories (e.g., invoices, contracts, receipts).
 - c. Add Metadata: Apply tags or metadata if your document management system supports it.
- 5. *Shredding*

After verifying the digitized documents, consider shredding the original paper documents if they are no longer needed for legal purposes.

Once you've digitized and organized your documents, you'll need a secure place to store them. Safe storage is crucial for property management documents because it ensures the protection of sensitive information, compliance with legal retention requirements, and easy access in case of audits or disputes. Properly stored digital documents help maintain organization, reduce the risk of data loss, and enhance overall efficiency in property management. The table below includes suggestions for low-cost document management systems (DMS). These options provide a range of services suitable for owners with smaller portfolios looking to manage their documents efficiently without significant costs.

Google Drive

Pricing: Free (up to 15 GB of storage), paid plans start at \$1.99/month for 100 GB.

Ideal for small property owners who need basic document management and sharing capabilities; the natural solution for gmail users.

Dropbox Basic

Pricing: Free (up to 2 GB of storage), paid plans starting at \$9.99/month for 2 TB.

Best for users who need straightforward cloud storage and sharing options with minimal complexity.

Microsoft OneDrive

Pricing: Five gigabytes for free; paid plans starting at \$1.99/month for 100 GB; MS365 subscription \$7.99/month.

Ideal for those with a Microsoft 365 subscription (Office apps plus 1000 gigabytes of storage).

PandaDoc

Pricing: Free (with trial), paid plans start at \$19/user/month

Ideal for owners who need electronic signatures along with document creation/management.

If the idea of self-scanning seems daunting, rest assured that local businesses in the Bay Area are ready to assist small businesses in making the transition. **Record Nations** (www.RecordNations.com/Berkeley/) provides document scanning and storage services through a network of local providers. They can connect you with Berkeley service providers catering to small businesses. These companies offer various document management solutions, including scanning, storage, and secure shredding, which can be tailored to meet your business's needs.

By implementing a robust document retention strategy and leveraging digital solutions, property managers can meet legal requirements and enhance their operational efficiency and security. Embracing these best practices ensures that critical information is easily accessible, secure, and well-organized, ultimately contributing to smoother property management operations. Whether you digitize documents in-house or partner with a local service provider, taking these steps will save time, reduce clutter, and help you stay compliant in the dynamic rental housing landscape. At BPOA, we're here to support you with resources and guidance as you transition to a more efficient document management system. All of the services mentioned are available for Windows, Mac, iPhone and Android.



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LA County Leaders Vote to Give Renters Free Eviction Attorneys, a First in SoCal

David Wagner, LAist, Jul 16, 2024

Los Angeles County's Board of Supervisors unanimously voted Tuesday in favor of creating a plan to provide free attorneys to low income renters facing eviction.

The policy — which still needs a final vote before it is scheduled to take effect on Jan. 1, 2025 — would be the first of its kind in Southern California.

It comes at a time when lapsed pandemic renter protections have caused a spike in eviction filings leading to thousands losing housing.

"Housing is a fundamental human right," said Sup. Holly Mitchell, who first introduced the idea for a "Right To Counsel" program last year. "I believe that our county's Right To Counsel ordinance is an important part of fulfilling that vision. And we'll have an L.A. County where, regardless of income, every Angeleno will have access to affordable, accessible legal services."

Who would be eligible for a lawyer?

The program will only serve renters in unincorporated parts of L.A. County. That includes areas such as East Los Angeles, City Terrace and South L.A. neighborhoods like Florence-Graham.

The plan also sets income limits on who can receive an attorney. Tenants will need to have a household income of 80% or less of the area's median income. Under current guidelines, that comes out to \$77,700 for an individual or \$110,950 for a family of four.

County officials estimate it will cost \$24.5 million to launch the program. Initially, the legal aid will be funded using federal pandemic relief money. But when that dries up, the county will need to find a new funding stream.

Pablo Estupiñan, director of the Right To Counsel campaign with Strategic Actions for a Just Economy, said future funding could come from a November ballot measure to raise sales tax for homelessness and housing programs. If L.A. County voters approve the measure, he said, some of the revenue could be set aside for the county's Right To Counsel program.

"Studies that have been done have shown that Right To Counsel saves money, because there's less of a burden on the county to pay for homeless services," Estupiñan said, pointing to results showing cost savings from a similar program in Cleveland.

What landlords think of the plan

Landlord groups have opposed plans to pay for tenant-side lawyers, saying that money would be better spent

providing rental subsidies to struggling renters.

"When permanent funding is identified, we urge the county to use the funds to pay the rent for low-income renters to completely avoid eviction, rather than attorneys' fees to merely delay eviction," said Janet Gagnon with the Apartment Association of Greater Los Angeles.

Data from inside L.A. courtrooms show that the vast majority of landlords have attorneys, but the vast majority of tenants do not. Unlike in criminal court, defendants don't have the right to an attorney in civil eviction proceedings if they can't afford one on their own.

A 2019 report by the consulting firm Stout found that 97% of L.A. County renters lacked an attorney in unsealed eviction proceedings, while 88% of landlords had legal representation. The report was commissioned by the L.A. Right To Counsel Coalition.

Why tenants say the playing field is uneven

Tenants who've represented themselves in court describe feeling like they're fighting on an uneven playing field.

At a rally ahead of Tuesday's vote, a tenant who goes by Nela said she was evicted from her apartment in Highland Park over a dispute with her landlord over how much rent she owed. She said she is now unhoused and does not want to use her full name because it could jeopardize her search for new housing.

Nela alleges that her landlord illegally raised her rent multiple times despite the city's ban on increases in rent-controlled apartments during the pandemic. She said she tried to find a pro bono attorney, but none were available. She felt confident in her case, but said the judge kept telling her to get a lawyer.

"The court rules are very esoteric, and they're hidden on purpose," Nela said. "You can be very smart. You can be highly intellectual. When you walk into that courthouse, you're not an equal to someone who's that familiar with the court rules."

L.A. would follow in other cities' footsteps

Right to counsel programs already exist in cities such as San Francisco, Philadelphia and New York. Advocates point to results from New York showing that since the policy took effect, eviction filings have dropped and the vast majority of tenants connected with an attorney stay housed. However, the city has also struggled to connect tenants with attorneys because demand often exceeds the number of lawyers available.

continued on page 12

California Rental Housing Association Public Policy Update

California Rental Housing Association

The Legislature is on summer recess until August 5th when they will reconvene to finish their final month of session for the policy year. Before adjourning, the rental housing industry had several favorable outcomes. First, the priority bill mandating pets in rental units, **AB 2216 (Haney, D-San Francisco)**, was moved by its author and shut down for the year. This is a huge win for the rental housing industry as the bill was wrought with problematic scenarios. Additionally, two bills that we were opposing, **AB 2584 (Lee, D-Milpitas) Corporate Owned Single-Family Homes** and **SB 1201 (Durazo) Beneficial Owners**, were pulled from their policy committee hearings by the authors because the authors knew they did not have the votes to pass. Both bills are dead for the year. Finally, we had been negotiating with the author of **SB 611 (Menjivar, D-San Fernando) Rental Advertising Fees**, who significantly amended to remove a very onerous section of the bill which allowed CalRHA to go neutral on the legislation.

Other updates on key legislation that is still moving:

- **AB 2278 (Carillo, D-Los Angeles) Publishing Rental Rates** — Would have the Attorney General publish the maximum allowable annual rent by July 1st of each year. AB 2278 is on the Senate Appropriations Suspense file and will be acted upon in August. (CALRHA SPONSORED BILL)
- **AB 2347 (Kalra) Evictions** — Would make various procedural changes to landlord-tenant law, including specified extensions of time for tenants to respond to notices and eviction papers. AB 2347 extends the time for the defendant's response to be filed from five court days to 10 court days after the unlawful detainer complaint and summons is served on the defendant. AB 2347 passed the Senate Judiciary Committee and heads now to the Senate Floor. (OPPOSE)
- **AB 2498 (Zbur) Rent Relief** — Establishes the California Housing Security Program (the Program) to provide counties with funding to administer a housing subsidy to eligible persons to reduce housing insecurity and help Californians meet their basic housing needs, subject to an appropriation. The bill would create a 2-year pilot in eight counties, including Los Angeles, Orange, and San Diego. The bill is pending a hearing in the Senate Appropriations Committee. (SUPPORT)
- **AB 2747 (Haney) Credit Reporting** — Requires specified landlords to offer each tenant obligated on a lease the option of having the tenant's positive rental pay-

ment information reported to at least one nationwide consumer reporting agency. AB 2747 is on the Senate Floor. (OPPOSE)

- **AB 2801 (Friedman) Security Deposits** — As introduced, the bill would have prevented using security deposits for professional carpet cleaning. However, the bill has been significantly amended to carve out exemptions for small owners and is pending on the Senate Floor.

The legislative calendar for 2024 is as follows:

Jul. 4 — Aug. 4: Summer Recess

Aug. 16: Last day for fiscal committees to meet and pass bills

Aug. 23: Last day to amend bills on the Floor

Aug. 31: Last day for each house to pass bills

Sep. 30: Last day for the Governor to sign or veto bills

Initiative Update

November 5, 2024, Ballot Measure numbers have been formally assigned by the Secretary of State for the ten measures, including:

- Prop. 2 — **AB 247 (Muratsuchi)** \$10 billion bond to fund construction and modernization of public education facilities.
- Prop. 3 — **ACA 5 (Low)** Repeal Proposition 8 and establish the right to marry.
- Prop. 4 — **SB 867 (Allen)** \$10 billion bond to fund state and local parks, environmental protection projects, water infrastructure projects, energy projects, and flood protection.
- Prop. 5 — **ACA 1 (Aguiar-Curry)** Local government financing, affordable housing and public infrastructure voter approval lowered to 55% from the current 2/3 requirement.
- Prop. 6 — **ACA 8 (Wilson)** Prohibits involuntary servitude as punishment for a crime.
- Prop. 32 — Raises minimum wage to \$18.
- Prop. 33 — **RENT CONTROL, Costa Hawkins repeal.** Expands local governments' authority to enact rent control on residential property.
- Prop. 34 — Restricts spending by health care providers meeting specified criteria (ex. AIDS Healthcare Foundation).
- Prop. 35 — Provides permanent funding for Medi-Cal health care services via MCO tax.
- Prop. 36 — Changes Prop 47. Allows felony charges and increases sentences for certain drug and theft crimes.

26-Story Residential Building Slated for 2128 Oxford Street Opposite UC Berkeley

Andrew Nelson, Yimby, July 17, 2024

The Berkeley Design Review Committee is reviewing plans for one of the tallest buildings in the city's pipeline at 2128 Oxford Street, Downtown Berkeley. The 26-story structure, called the Hub, will bring well over a thousand bedrooms across 456 units overlooking the UC Berkeley campus. Chicago-based Core Spaces is the project developer.

The application uses the State Density Bonus program alongside Senate Bill 330 to increase residential capacity and streamline the approval process. The proposal includes several community benefits required by the city standards, including retail assistance for existing commercial tenants, improved public open space, on-site affordable housing, and assured labor agreements.

Once complete, The Hub will have 40 very low-income affordable homes, including 16 replacement residences for rent-controlled studios that will be demolished for construction. An additional \$11 million will be contributed to the city's Affordable Housing Trust Fund. Rhoades Planning Group is consulting on land use.

The 285-foot-tall structure is expected to yield a combined 695,000 square feet, including 528,200 square feet for the 456 apartments, 14,900 square feet of retail, and 7,300 square feet for the ground-level garage. Unit types will vary, with 72 studios, 97 two-bedrooms, 265 three-bedrooms, and 22 four-bedrooms.

The structure will offer roughly 21,000 square feet of open space, including 9,700 square feet of balconies and 11,135 square feet across the rooftop decks. Parking will be included for 36 cars and 303 bicycles. Residents will gain access to tenant terraces on floors two and eight. The largest open space will be the 25th-floor rooftop deck, offering panoramic views across the city and region. Amenities will include outdoor grilling stations, seating, firepits, hot tubs, and a potential rooftop restaurant.

DLR Group is the project architect, working with Chicago-based Site Design Group for landscape architecture. The slab tower will rise up with articulation to break down the overall scale of the structure, visually establishing a five-story podium and the upper floors separated by distinct

material choices.

The tower's most prominent perspective will be from the UC Berkeley Campus across Center Street and Oxford Way. The project team writes that the "prominent corner

tower element accentuates the verticality of the building while incorporating cementitious materials that reflect that of Spanish colonial tiles found throughout the campus and within the surrounding downtown context."

The 0.82-acre parcel occupies a corner of Oxford and Center Street on a block bound by Shattuck Avenue and Allston Way. The site overlooks the crescent driveway that serves as the western



entrance to the iconic UC Berkeley Campus. Future residents will be in the city's heart, next to the Downtown Berkeley BART Station and just a few blocks from Southside's student-packed Telegraph Avenue thoroughfare. Construction is expected to last roughly three and a half years from demolition to completion. The estimated cost and starting time for construction have yet to be shared.

from page 10

Free Lawyers

L.A. County's ordinance states qualified tenants would receive help "subject to the availability of funding." If demand outstrips resources, the L.A. County Department of Consumer and Business Affairs would have the authority to prioritize legal aid based on criteria such as a tenant's income level and whether they live in a neighborhood with higher risk of displacement.

Currently, tenants needing legal assistance with an eviction can reach out to Stay Housed L.A., a consortium of legal aid providers funded by the county and city of L.A. Due to limited resources, that program primarily serves tenants within certain priority zip codes.

The city of L.A. is also considering a right to counsel ordinance, potentially funded by the ULA tax on real estate selling for more than \$5 million. That proposal has yet to be scheduled for a vote.

President's Message

On the local front, there is probably nothing more important than electing open-minded people to office, as their decisions will impact you for the duration of their term. Whatever your views, the two most recent council elections were decided by less than 100 votes. In the case of District 4, by less than 10 votes! Never has it been more important to participate and get your voice heard.

There is also a local ballot initiative sponsored by the BRHC titled *The Renters Relief and Homeowners Protection Act*. It helps enshrine some key protections for owner-occupied duplexes and for owners of single family homes, protections which the rent board has been trying to chip away at for years. It also codifies some protections that the rent board is trying to eliminate. You must let people know to vote 'yes' on this.

At the state level this year, there is a ballot initiative to end vacancy decontrol (Prop 33). Vacancy decontrol is one of the most significant property rights still allowed owners of rental property in California. It is only this 1995 law (known as Costa Hawkins) that keeps localities with extreme rent controls, such as Berkeley, from spreading rent control to vacant units, to single family homes and condos, and to new construction.

This is the third time this measure has come before the voters. The past two times, at great cost and with much effort, it was defeated. However, there appears to be a complacency this year amongst many owners of rental property that did not exist the last two times (the water is getting warmer). It doesn't matter that we 'won' the last two election cycles. If we lose this fall, we lose. Period.

Please inform your friends and colleagues to vote 'no' on Proposition 33. We will need the single family home owners support in order to defeat this. And, please donate a reasonable sum to CalRHA to fight this. There is a calculator that estimates how much money you will lose should this measure be allowed to pass. You can find it at <https://www.cal-rha.org/2024-rent-control>.

I would think that, if one stood to lose several hundred thousand dollars on the value of their property, it would be worth at least a few hundred dollars to try to stop this measure. But only you can make that decision.

And remember, the story of the boiling frog ends with the frog getting cooked. Unless we start pushing back, we are the frog. Don't let that be you. It's time to turn stay alert to the heat, jump out of the pot, and escape the slow boil.

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Thursday, August 29, 5:00 PM	Warm Summer Nights: In-Person Member Mixer
Thursday, September 5, 3:00 PM	College Student Rentals: Legal Issues
Wednesday, September 11, 4:00 PM	New Member Social Mixer & Office Open House

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

How to Avoid Getting Your Property Insurance Cancelled, Part 2

Mark Tarses: Landlording with Mark

A lot of homeowners and landlords have received cancellation letters from their insurance companies. In May, I had an article here on this subject. If you haven't had your insurance cancelled, you should be taking action now to avoid being left with no option but the California Fair Plan. You won't like it.

Google Earth and Drones

Several people who read my article in May disputed my assertion that insurance companies use drones to look at the roofs and yards of the properties they insure. People have told me: "They can't do that. That has to be illegal." Well, insurance companies do use drones, although they will usually start an examination of your property by looking at it on Google Earth. You should look at your property on Google Earth too. It's free. What do you see? Do you see a roof in great condition or an old roof coming to the end of its life? Do you see a neat and tidy yard, or do you see piles of junk, broken furniture, and dead vegetation? When was the last time you carefully looked over your roofs and yards?

Electrical

Another thing that insurance companies are paying attention to is electrical systems. Many old buildings still have fuse boxes, and many more buildings in Berkeley have old circuit breaker boxes that are now considered serious safety hazards. Insurance companies are demanding that

property owners send them photographs of their circuit breaker boxes inside and outside. Insurance companies can cancel your insurance if they feel an electrical panel or wiring is dangerous. Your insurance agent should be able to supply you with a list of brands that are considered dangerous by insurance companies. If in doubt, pay a reputable electrical contractor to look over your property carefully. They should know what insurance companies are looking for.

Don't wait until you get a cancellation letter from your insurance company to find out what alternative insurance will cost you. The wildfire risk in California is growing. Global warming is real and here now. This should not be a political issue, but unfortunately, for many people, it is. Global warming is not an unproven left-wing, crackpot theory. The West is getting hotter and drier, and this problem is going to get worse with time. For your own financial welfare, you should accept and plan for that.



COMING ATTRACTIONS

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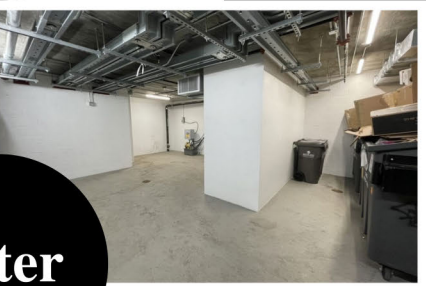
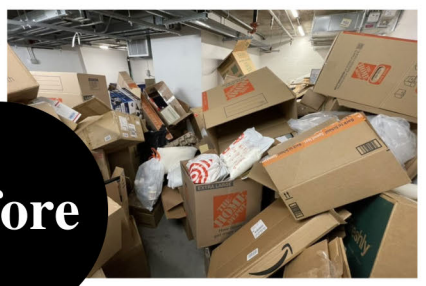


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Biden to Unveil Plan to Cap Rents

governments to change their zoning codes and new federal financial incentives for builders. If implemented, they could bring 2 million new units to the market in addition to the 1.6 million already in the pipeline.

“It would make little sense to make this move by itself. But you have to look at it in the context of the moves they propose to make to expand supply,” said Jim Parrott, nonresident fellow at the Urban Institute and co-owner of Parrott Ryan Advisors. “The question is: Even if we get all these new units built, what do we do about rising rents in the meantime? Coming up with a relatively targeted bridge to help renters while new supply is coming on line makes a fair amount of sense.”

After Biden raised the idea of a rent cap, a coalition of major housing groups, including the National Multifamily Housing Council, National Apartment Association and Mortgage Bankers Association, said such a policy would backfire on those who need it most.

“Despite President Biden’s mention of rent caps during the debate, he and his policy experts know that the real reason so many Americans struggle with housing costs is because we need to build more housing. There is no debate,” the groups said in a statement.

Housing Groups Say Rent Cap Plan is ‘Harmful’

a home is out of reach for too many working families and young Americans after decades of failure to build enough homes. I’m determined to turn that around.”

About 22.4 million renter households are considered “cost-burdened,” spending more than 30% of their income on rent and utilities. That marks a record high; the number has grown by 2 million households over just the last three years, according to a recent report (link is external) from the Joint Center for Housing Studies at Harvard University.

The Impact on Housing Supply

Biden also announced Wednesday a call to repurpose federally owned land for building more affordable homes and renewed his previous push to build 2 million new homes. “To lower housing costs for good, we need to build, build, build,” Biden said.

However, homebuilders say Biden’s call for a rent cap could ultimately curtail new construction. “President Biden’s tax plan to cap rents at 5% on existing multifamily structures will worsen the housing affordability crisis by discouraging developers from building new rental housing units at a time when the nation is experiencing a

Biden has been trailing Trump in most Nevada polls. On top of that, a national poll from Gallup in May found that 41 percent of Americans cite inflation and the high cost of living as the most important financial problem facing their families, followed by the 14 percent of voters who cite the cost of owning or renting a home.

The White House has for months tried different policy ideas to respond to voter frustration over housing, including rent caps on certain affordable housing units subsidized by the federal government and a proposal to provide a \$5,000 tax credit to first-time home buyers.

The administration has been under pressure by allies to mount a more forceful response: Rep. Alexandria Ocasio-Cortez (D-N.Y.), for instance, has pushed the White House to back more aggressive action on housing, according to a person familiar with the matter, who spoke on the condition of anonymity to describe private conversation. She also traveled to Nevada to call for action against corporate landlords last month.

“We’re going to make sure that we reduce the price of housing,” Biden said at the debate. “We’re going to make sure we build 2 million new units. We’re going to make sure we cap rents so corporate greed can’t take over.”

shortfall of 1.5 million housing units,” Carl Harris, chairman of the National Association of Home Builders, said in a statement. “These rent caps would also hurt existing tenants — those that the president is trying to help — because owners and developers would be unable to cover rising costs if rents are fixed.”

Instead, the builders’ group has called for policies that focus on increasing the rental housing supply, like strengthening the Low-Income Housing Tax Credit to finance the production of more affordable rental housing. NAR also has long advocated for states and municipalities to adopt zoning laws and building codes, as well as other legislation, to encourage the construction of more rental units.

“Policymakers should look at the tax code to incentivize the development of affordable housing units, not punish housing providers,” says NAR Chief Advocacy Officer Shannon McGahn. “We need more than 328,000 new apartment units each year to keep up with demand; that’s 4.3 million units by 2035. This plan would dig us further in a hole and harm the very people it purports to help. Government should work together at all levels to create not just more rental units but also the wide array of all housing types needed to remedy the affordability crisis.”

SF Supervisors Consider First-in-Nation Plan

President Joe Biden’s 2024 State of the Union Address identified “fighting rent gouging by corporate landlords” as a policy priority.

Last week, the Justice Department announced that it will be filing a lawsuit against RealPage, challenging what it described as “collusive conduct” in the housing market, according to reporting by Politico. The complaint could also focus on usage of the software as a tool to match vacancy rates in competing buildings, a practice that allegedly allows landlords to restrict supply.

State and district attorney generals in Arizona and Washington, D.C., have sued RealPage and more than a dozen of its landlord customers, and more than 20 lawsuits, primarily brought by renters in cities across the country, were consolidated in a Nashville federal court last year.

Some of the property owners named in the consolidated lawsuit own large apartment portfolios in San Francisco, like Brookfield Properties, which became the city’s largest multifamily landlord after acquiring two apartment portfolios from Veritas Investments at the start of the year.

Brookfield declined to comment on the proposed ban when contacted Tuesday.

The consolidated complaint provides potential insight into the prevalence of landlords and property managers using RealPage’s rent-setting software in San Francisco: it alleges that they account for about 70% of the city’s multifamily units, resulting in “San Francisco renters paying 12% more in rent today than they paid in 2016.”

The complaint also alleges that the San Francisco Apartment Association, which advocates for landlords, serves as a “conduit” for rent setting between RealPage and property owners. The SFAA did not respond to inquiries seeking comment on Peskin’s proposal.

San Francisco has seen its rental market soften in the years after the pandemic, causing new housing construction to grind to a halt. Developers are increasingly saying that the dipping rents and high interest rates are making new construction unfeasible — even as the city has provided concessions such as rolling back affordable housing requirements in market rate projects and reducing fees.

How the ban on rent-setting algorithms would impact the situation is not clear. However, the ordinance would not regulate the actual amount of rents.

“If your desire is to create more housing in a place like San Francisco so that rents will come down, you should absolutely want to stem the harm being caused by RealPage,” said Lee Hepner, an antitrust lawyer at the American Economic Liberties Project. “Housing markets function at their best when they produce lower rents for people in search of housing. New housing construction is not going to bring rents down if it is built into a cartelized marketplace.”

Peskin said that he is confident that the ban would “return units to the market that are being held off.”

“It is going to actually help return this to a real, capitalistic marketplace that is not being manipulated by large market actors,” he said.



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QUOTE OF THE MONTH

Maybe Congress should take a page out of NASCAR's book and wear their sponsors' logos on their jackets. That way we'd know who's paying them.

— Robin Williams

from page 2

Editorial

First, getting encampments off the streets has a significant, if largely aesthetic benefit. Aesthetics aside, geographically concentrating this problem in one place would ease dealing with all the problems associated with a large homeless population. Whatever social services are available would be more easily administered if centralized in one place. Welfare and other health and human services would be significantly facilitated. Policing a troubled population would be easier.

Golden Gate Fields may not be the only possible site on which to concentrate those unhoused; the Oakland Coliseum and the recently closed federal correction facility at Dublin come to mind. However, Golden Gate Fields is geographically isolated from other uses and is centrally located. It is also large enough to accommodate at least a couple thousand people, all without building permanent structures. Two hundred tents on an acre of land is doable. Furthermore, existing facilities which served the race-track would make the transition easier.

Is this a good solution to a major problem? Absolutely not. At best, it makes a terrible situation less terrible. But the problem is unsolvable. Any regional government effort which met the needs of all shelter-deprived persons would just attract more persons similarly situated. If there are any solutions, they are state or federally based and very long term. In the meantime, however, because the problem persists and there is no easy solution, the physical concentration of the unhoused makes sense, despite its many negatives.

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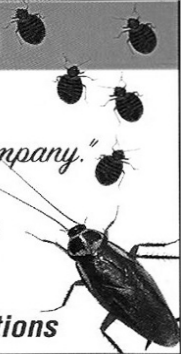
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