

OCT  
2024



## The Advocate for Berkeley's Rental Housing Providers

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### *Voting is the Starting Point, Not the Finish Line*

*Dan Lieberman, President, BPOA*

In this political season, there is nothing more important than voting to get the proper people into office and to put measures in place that protect your rights — or at least don't have them taken away. Realize that should any of these horrible ballot measures pass (such as Prop 33 or Measure BB), the rules of engagement will have changed. What you can now legally do (like raise rents when a unit becomes vacant), you may no longer be legally allowed to do in the future.

Perhaps that should be my focus, but there are other articles in this newsletter that will help guide you in making the right choices. Instead, I want to focus on the long game. Assuming that we do succeed in keeping these horrible propositions at bay (and even if we don't), we will then need to focus on the real work. Voting is a critical first step in any democratic process, but it's often treated as the endgame rather than the beginning of meaningful engagement.

When I wrote my first book years ago, I was told by my publisher that writing of the book was the easy part and the real work would only begin after it was published. This included doing book tours, getting booked on radio shows (and now podcasts), and other marketing and promotion efforts. I was told writing the book was 10% of the work and promoting it was 90%. Given how much work it took to write the book, I didn't really understand how they could say those things at the time. But now I do, and there are similarities in the politics of housing.

Who gets voted into office is extremely important. But real change requires continuous pressure from citizens to keep elected officials accountable and to ensure that bureaucratic institutions do not subvert the will of the voters. It is not just the City Council that makes decisions. There is an entire staff that writes ordinances, gives recommendations on how Council should vote, and then is charged with implementing the changes. It's common, even for elected officials, to face resistance from entrenched bureaucratic interests who may be more aligned with the opposition.

Housing policy, once institutionalized, can take on a life of its own, perpetuated by city staff, the rent board, and well-organized tenant groups. Berkeley has been 'anti-landlord' for so long, that the departments and institutions originally set up to reign in abuses have now evolved to create ever more regula-

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### COMING ATTRACTIONS

**Webinar: Shielding Your Assets for Protection**  
Thursday, October 3, 3:00 PM

**Event: East Bay Rental Housing  
Association Trade Show**  
Saturday, October 5, 9:00 AM-3:00 PM

**Event: Annual BPOA Membership Meeting**  
Saturday, October 19, 9:30 AM

**Webinar: Resident Screening Secrets**  
Thursday, October 24, 3:00 PM

*See page 14 for details & more events!*

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# Editorial

## *The Jerk and the Quirk*

*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)

In this space in the last couple years, I have occasionally strayed a bit afield from rental housing in Berkeley. Allow me to do so again.

In our November 2021 editorial, I lamented that this is a purple country where our political options have been limited to the red hot and the true blue. This is because the extremes have captured each of the two parties in our two-party system. I posited that at the national level, one-on-one, a middle-of-the-road candidate could easily beat a Donald Trump Republican or an Elizabeth Warren Democrat.

On this page last September, I suggested that it was time for Joe Biden to retire. I am a month older than the president and my faculties, I perceive, are clearly less deteriorated than his. Well before his disastrous performance in his debate with Donald Trump, it was clear to me that he was too far along in the inevitable aging process to serve another four years in the White House. I suggested Virginia Senator Mark Warner would have been an ideal candidate who could easily defeat Trump.

Donald Trump is a jerk. There are dozens of equally descriptive ways to sum him up in a word. I could leave it at jerk, but I can't resist. He is an ignorant, dishonest, amoral, petty, mean-spirited, vindictive, spineless excuse for a human being. Books can, have and will be written on what a jerk he is. There is no need for further elaboration.

Nevertheless, I think I understand the heart of the MAGA crowd. Contradictions notwithstanding, they fundamentally do not want government interference in their lives. They resent being told what to think, what to do and what to believe. They see meddling leftists as doing just that. They also resent paying for programs and policies with which they viscerally disagree (even when they benefit). Trump is the embodiment of this political stance. He constantly reinforces how they feel. They are therefore willing to ignore or forgive any or all of his obvious flaws and foibles.

The up-front Trumpers wear their red MAGA caps and whole-heartedly embrace Donald Trump. Less enthusiastic supporters hold their noses and support him because they like his policies. His policies, of course, are like a Rorschach Test; you see what you want to see. Either way, he gets their votes.

Kamala Harris, on the other hand, should not be the Democratic nominee for president. Her ascendancy to that position was a quirk. Had Biden not resigned so close to the Democratic convention, and had she as vice president not been the only Democrat entitled to his delegates and campaign funds, she would not be the candidate. Had there been an open contest, Kamala Harris would not have won the nomination.

If the polls are to be believed, Trump and Harris are in a very close election. Harris could well win but there are at least a half dozen other Democrats who could have beaten Trump handedly. In addition to Mark Warner, the list would include at least Amy Klobuchar, Josh Shapiro and Cory Booker.

Note that this list does not include Gavin Newsom. Why would the popular governor of the most populous state in the union not be an obvious choice? Because, accurate or exaggerated, the image of political California in the rest of the country is that it is a failed, or at least a fail-

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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.**

## HEADED TO THE BALLOT

Mark it Down — Tuesday, November 5 is Election Day. There is a Lot on the Local, County and State Ballot as it Pertains to Rental Housing in California. Learn More and Spread the Word Where You Can! **WHILE BPOA DOES NOT ENDORSE CANDIDATES OR MEASURES, WE DO PROVIDE INFORMATION TO OUR MEMBERS ABOUT CANDIDATES THAT ARE FRIENDLY TO OUR INDUSTRY.**

### **Berkeley Measure BB: Changes to the Rent Stabilization Ordinance (City Sponsored)**

*"Shall the measure to use existing revenue to fund housing retention and homelessness prevention; modify certain grounds for eviction; remove rent control and registration exemptions for certain units; allow tenant associations and require owners to confer with them; limit the ways tenants can be charged for utilities; limit the maximum annual rent increase to 5%; eliminate suspension of rent controls during high vacancy; and require notice to new tenants of their rights, be adopted?"*

This measure stems from a failed effort by social housing advocates to place their version of a revised Rent Stabilization Ordinance on the ballot. It includes a "Tenant Right to Organize" provision, which would empower tenants in a building to collectively pressure the owner or property manager to negotiate on issues of concern. If the owner refuses to engage, tenants could escalate the matter to the Rent Board, which could impose penalties for not negotiating. The right to organize would be classified as a housing service, allowing the Rent Board to lower the rent ceiling as compensation for the owner's failure to "confer in good faith."

While the measure also proposes a rent relief fund, it lacks clear guarantees that funds would actually be allocated to landlords whose tenants are unable to pay rent. Additionally, the measure seeks to cap the Annual General Adjustment (AGA) at 3%, down from the current 7%, and would prevent landlords from evicting tenants for nonpayment of rent until they are behind by at least one month's rent, based on Fair Market Rent standards set by the Department of Housing and Urban Development. This could be particularly detrimental to landlords with low-paying tenants, as it might take two or three months of unpaid rent before they could issue an eviction notice. To learn more, go to: [www.NoOnBB.org](http://www.NoOnBB.org)

### **Berkeley Measure CC: Changes to the Rent Stabilization Ordinance (Citizen BRHC Initiative)**

*"Shall the measure to use existing revenue to create a fund for rent payments to property owners on certain tenants' behalf; to expand exemptions from rent control and registration for certain single-family homes and two-unit properties; to allow property owners and tenants to agree to rent increases in exchange for services or amenities; to modify certain grounds for eviction; to allow tenants' associations; and to remove certain powers from the Rent Board, be adopted?"*

This ballot measure is courtesy of the Berkeley Rental Housing Coalition, BPOA's elevated membership. Measure CC aims to achieve two primary goals: increasing the availability of secondary units (Accessory Dwelling Units) and supporting both landlords and tenants in need. The measure would exempt all owner-occupied two-unit properties from rent control and eviction protections, and also exempt single-family homes from eviction protections. Additionally, it would create an estimated \$1.2 million annual rent relief fund. This fund would provide direct payments to landlords whose tenants are unable to pay rent due to unforeseen circumstances, such as car repairs or medical bills. The funding would come from an existing business license tax on larger rental property owners. To learn more, go to: [www.YesonMeasureCC.org](http://www.YesonMeasureCC.org)

## **OTHER BALLOT MEASURES IMPACTING (SOME) PROPERTY OWNERS**

### **Berkeley Measure GG: Gas Tax**

*Recommend vote: No*

This measure would impose a tax on buildings 15,000 square feet or larger, based on their annual therm usage. The tax would apply to all businesses and could particularly impact nonprofit organizations that rent space in larger buildings in Berkeley. For rental property owners, the tax cannot be passed on to tenants, requiring the property owner to bear the full cost.

### **Berkeley Measure W: Real Property Transfer Tax**

*Recommend vote: No*

This measure proposes an increase in the transfer tax on new real estate purchases, though it won't take effect until 2029, as the current tax remains in place until then. We believe any additional taxes proposed by the city gov-

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# Council Beefs up City's Power to Sweep Encampments

Alex N. Gecan, *Berkeleyside*, September 11, 2024

Now facing a lawsuit accusing the city of allowing public nuisances in the forms of longstanding encampments for the unhoused, Berkeley's City Council has given the city administration more latitude to clear people and property out of those encampments in certain circumstances.

The new policy, approved 8-1 Tuesday following an hours-long public hearing, reads that Berkeley will continue to offer shelter beds or other housing when closing encampments. But it also lays out a list of public safety-related exceptions under which the city can close encampments even when no other housing or shelter is available, such as public health and fire risks, public nuisances or encumbrances on work zones, medians, travel lanes and sidewalks.

In a state and region with more unhoused residents than beds available in which to place them — as of a 2023 point-in-time count, there were more than 181,000 unhoused Californians and a little more than 71,000 shelter beds available, according to a study this year by the Public Policy Institute of California — advocates for unhoused Berkeleyans say the new policy will leave people already pushed to the edges of society with nowhere to go. In this year's point-in-time count, there were 844 unhoused people living in Berkeley.

Local business owners and residents backing the policy, however, say they are not trying to criminalize anyone simply for not having housing or for sleeping outdoors but rather to fix specific problems like feces smeared on their doors, Dumpster fires and assaults by people who may be too unwell to know better.

The new policy follows a U.S. Supreme Court ruling in June, *Grants Pass v. Johnson*, that broadens cities' authority to remove encampments. Shortly after the decision, Gov. Gavin Newsom ordered California's state agencies to move more aggressively to clear encampments from their property and prodded local governments to do the same.

City leaders pointed out two clusters of encampments — several blocks of Harrison Street in Northwest Berkeley and the area of Second and Cedar streets, a few blocks to the south — as having generated a particularly large number of hazards, with human and animal feces and urine, garbage, used syringes, dead animals and fires proliferating around the encampments.

## Nowhere to go

Several people living at the encampment along Harrison Street said they had not heard specifically that the city

was considering this new policy in the days before the council vote but that it did not surprise them. Several also said the housing the city has offered has been unreliable at best.

Erin Spencer, who lives at the Harrison Street encampment, said that three times since he's lived there — once a year — city workers have come through and removed everything he owned.

The city has offered to set Spencer up in hotels, but that "comes with too many price tags in the way of impositions on my time, effort, energy," he told *Berkeleyside* in a Sept. 6 interview.

Thomas Barnett, who also lives along Harrison, told *Berkeleyside* last week the city had set him up with a motel room, but he'd been forbidden to keep his bike and hand tools inside, and when he stored them in his car, they were stolen.

Olivia deBree, a nurse practitioner at nonprofit health-care provider Lifelong Medical Care, headquartered in Southwest Berkeley, warned that scattering encampment residents would create several health risks since it could disrupt ongoing treatment for illnesses like syphilis, HIV and opioid withdrawal.

"When you live on the street, you rely on your community to provide for you. If you're pregnant, people in the camp bring you food. When you're paraplegic, people literally have a lookout to make sure that you will not be taken advantage of," deBree, speaking only in her personal capacity, said Tuesday. "When you sweep and people scatter, they don't have that community — you are hurting them and putting their lives in danger."

Councilmember Cecilia Lunaparra, who represents District 7 in the Southside neighborhood and was the lone dissenting vote Tuesday, said the new policy "will just shuffle around unhoused people" and lead to fines that people could not possibly pay.

## Businesses sue

A group of West Berkeley business and property owners have sued the city, accusing it of effectively sanctioning public nuisances in the form of encampments along Harrison Street and Cordonces Creek in Northwest Berkeley and several blocks of Dwight Way in Southwest Berkeley. The lawsuit, first reported by *The Berkeley Scanner*, does not seek monetary damages for the plaintiffs but rather a court order that Berkeley clear the camps and keep them clear.

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## Judge Throws Out Landlord Lawsuit Against Oakland and Alameda County Eviction Bans

*Natalie Orenstein, Oaklandside, Sept. 5, 2024*

A federal judge ruled this week that the COVID-19 eviction bans in Oakland and Alameda County did not constitute an illegal “taking” of landlords’ property, as a group had argued in a 2022 lawsuit.

U.S. Magistrate Judge Laurel Beeler dismissed the claims filed by several Oakland property owners and landlord associations. However, she said the property owners could file a new complaint based on narrower legal questions if they included more evidence that the regulations went too far.

“The eviction moratoria here did not permanently deny landowners a fundamental property right,” Beeler wrote in her Sept. 3 order. She said the bans were based on “legitimate government interests, for example those of promoting housing stability during a pandemic and preventing spread of the virus.”

Oakland and Alameda County each enacted eviction moratorium policies in March 2020, prohibiting landlords from kicking out tenants even if they didn’t pay rent. The policies, like similar bans in other cities and states, were designed to keep residents housed as the pandemic forced many businesses to shut down, and many tenants lost their jobs and incomes.

The local moratoria were considered some of the strongest COVID-19 tenant protections in the country, and they stayed in effect for far longer than many others. Alameda County lifted its moratorium in April 2023 and Oakland’s ended that summer.

In the months ahead of those decisions, landlords rallied together and demanded the governments lift the eviction bans. The group that filed the lawsuit claimed local rental property owners had experienced a collective loss “in excess of tens millions of dollars” from tenants who’d stopped paying rent but couldn’t be evicted. They argued that the government was unfairly placing the burden of the crisis on property owners, and in effect unconstitutionally “taking” their property.

Beeler said the loss of rental income wasn’t enough to prove the government took their homes through the moratoria. The legal threshold is demonstrating a significant “before and after” impact on the cost of the property, she said.

The landlords also criticized how long the local moratoria were left in place — something the judge herself had called “a little odd” at an earlier hearing. But she said their argument that it was “irrational” to force individual landlords to “bear the burden of nonpaying renters”

doesn’t override the “rationality of keeping the residential tenants in place during a pandemic.”

“The court also is not in a position to second guess the City and County’s judgment as to when the emergency ended,” she wrote.

In November 2022, Beeler had denied the landlords’ motion for summary judgment, which would have outright declared the eviction bans unconstitutional without a trial. That decision would have forced the government to end the bans, which were still in effect at the time, and could have set a precedent for future attempts to restrict evictions.

Oakland and Alameda County moved to get the case dismissed. In her order this week, Beeler sided with the government, dismissing most of the lawsuit “with prejudice,” meaning the landlords can’t refile it. However, she dismissed “without prejudice” their claim that the regulations went so far as to constitute a “regulatory taking” (versus a physical taking) of their homes. The landlords are allowed to refile that part of the suit within 28 days, with more information including the before-and-after effect of the policies on their property values.

Andrew Zacks, a lawyer for the landlords, told The Oaklandside that the individual landlord plaintiffs plan to file an amended complaint with more details supporting their argument.

Beeler removed two organizations from the lawsuit, including Housing Providers of America, which was created by prominent Oakland developer and landlord John Protopappas. His company Madison Park received attention for serving eviction notices to Oakland tenants during the moratorium.

The California Apartment Association, a statewide landlord advocacy group which had joined the case, was also dismissed. Beeler said both organizations no longer had standing to be associated. The landlords also sought to remove the tenant advocacy organization ACCE, which had joined on the city’s side, but the judge denied the request.

“We’re really happy with the decision,” said Leah Simon-Weisberg, executive director of Movement Legal, who helped write Oakland’s moratorium policy.

“These moratoriums were always lawful,” she said. “We’re hoping [the landlords] will stop wasting court and city resources, and allow cities not to be fearful when they’re trying to do the right thing.”

The City Attorney’s Office did not immediately provide a comment on the ruling. We will update this story if we receive one.



## City Council Sets New Encampments Policy

City Attorney Farimah Brown said the city had not yet been formally served the complaint and that “generally speaking, we do not comment on pending litigation.” The city is “fully committed to upholding the rights of all Berkeley residents,” she said.

The group’s civil complaint, dated September 10, enumerates a litany of health and safety complaints from those who live and work in the neighborhood.

Jeff Morgan, who founded one of the businesses named as plaintiffs, Covenant Winery, said that in the 10 years he’s run that business on Sixth Street, his workers have faced threats, syringes and feces littering the area and garbage dumped at their site.

“We’ve heard people getting raped and beaten in these encampments. To their credit, the Berkeley police have been very responsive, and we appreciate that they’ve even cleared out some of these encampments, only to see them reappear,” Morgan told Berkeleyside last week in an interview that predated the lawsuit’s filing.

Other business owners and workers in the area have reported fires, stolen and burglarized cars, BB pellets shot through office walls, smashed windows, harassment and assaults.

A fire last month in a section of the encampment on Eighth Street, just north of Harrison, burned so hot that it melted part of the steel fence around the Berkeley Repertory Theatre’s administrative building on Harrison — the same building where Morgan and dozens of other people who work in the neighborhood spoke last year at a town hall-style meeting, asking the city to intervene in nearby encampments.

Berkeley Rep has documented nearly a dozen other incidents in the past year — fires, trash blocking traffic, a rat infestation and a newborn and new mother living in a tent during a wind- and rainstorm — tied to the nearby encampment, Tom Parrish, the organization’s managing director, wrote in an email to the City Council.

“We have deep compassion for those individuals who, by circumstance or by choice, do not have permanent housing, but their years-long presence on the streets and sidewalks abutting our buildings has deteriorated the safety and security of everyone in the area and infringed on the legal rights of other individuals and businesses,” Parrish wrote.

### New policy is part of a bigger picture

Several council members emphasized that while they were backing the new policy to deal with specific safety concerns, the city’s broader approach to housing and homelessness was more comprehensive. A reconfiguration of the city’s tax on high-value real estate sales, which voters will decide in November, would bolster the city’s funds to pay for homeless and related services. City health workers, meanwhile, said they had done everything possible under the city’s former guidelines to deal with the health and safety issues at stake.

“We want our public spaces to be safe for everybody, and so we will continue to make the commitment to offer shelter when feasible and continue to expand those shelter options and also promote the safety of all in all our neighborhoods,” Councilmember Rashi Kesarwani, who represents District 1 in Northwest Berkeley and who co-authored the policy, said Tuesday.

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Tiffany Van Buren, BPOA Deputy Director

## Seasonal Maintenance Tips for Berkeley Rental Properties This Fall

As the summer fades and October ushers in cooler temperatures in the Bay Area, it's the perfect time for rental property owners in Berkeley to focus on seasonal maintenance. Regular maintenance will help you avoid expensive repairs and keep your property in excellent condition as winter approaches. Here are key maintenance tasks to keep your property running smoothly and tenants happy during the fall season.

### 1. Inspect the Roof and Gutters

With autumn rains on the way, you can't take any chances on a roof in poor condition. Look for damaged or missing shingles and clear out debris from gutters and downspouts. Clogged gutters can lead to water pooling on the roof or near the foundation, potentially causing leaks or flooding. Remind tenants to notify you if they notice any leaks inside the home.

### 2. Seal Drafts and Insulate

Though the Bay Area's climate is relatively mild, October is the perfect time to check that your rental property is adequately sealed and insulated before the cooler months arrive. Even small drafts can lead to discomfort for tenants and cause energy bills to rise unnecessarily. Inspect windows and doors for gaps or cracks where air might be leaking. Common culprits include worn weatherstripping, deteriorating caulk, or gaps around door frames. Replacing or repairing these can significantly improve the property's energy efficiency.

Beyond windows and doors, consider inspecting areas around baseboards, electrical outlets, and plumbing penetrations where drafts might occur. Though these areas are often overlooked, sealing them properly can prevent cold air from seeping into the home. In addition to improving tenant comfort, these measures can reduce heating costs and extend the life of heating systems by reducing the strain caused by frequent use.

### 3. Test Heating Systems

Many rental units in Berkeley are equipped with wall heaters, while fewer have furnaces or central heating. Regardless of the type of system, as winter brings cooler nights, verifying that your property's heating systems are functioning is essential. Remind your residents to test their thermostats early in the season to confirm their heaters are working properly. This can help prevent repair delays, as HVAC vendors often have longer waitlists later in the winter months. If you handle your property's wall

heater pilot lights yourself, thoroughly vacuuming the heaters will help prevent built-up dust from burning and setting off smoke alarms. These proactive steps will help you and your tenants stay prepared and avoid disruptions when the temperature drops.

### 4. Prepare the Exterior

October is the time to prune overgrown trees and shrubs around the property, especially those close to the building. Keeping a safe distance between your property and surrounding flora is essential to prevent moisture buildup and reduce the risk of pest infestations. Overgrown branches or dense vegetation can trap moisture against the building's exterior, potentially leading to mold, mildew, or water damage. Trim back any plants that touch walls, roofs, or windows to maintain the health of your property and the landscape. Trim branches to prevent them from falling and causing damage during wind or rainstorms. Additionally, inspect fences and gates for any necessary repairs after the summer season.

### 5. Test Smoke and Carbon Monoxide Detectors

As tenants start using fuel-burning heating devices such as wall heaters or furnaces, all smoke and carbon monoxide (CO) detectors must be fully operational. California law mandates that battery-operated smoke detectors must be powered by non-replaceable, 10-year lithium batteries. This regulation also applies to combination smoke and CO detectors. However, stand-alone CO detectors, which monitor emissions from fuel-burning appliances, can use replaceable batteries.

For proper device placement, refer to the **Rental Housing Safety Program (RHSP) checklist**, which includes a helpful diagram showing where smoke and CO detectors should be installed. Regularly testing these devices helps maintain tenant safety and keeps you in compliance with legal requirements.

### 6. Check for Water Leaks and Proper Drainage

As we approach the rainy season, inspecting for leaks inside and outside the property is crucial to prevent water damage and significant repairs. Leaks can originate from plumbing fixtures like sinks, toilets, and water heaters or external sources such as poor drainage around the property. Even minor leaks, if left unchecked, can lead to significant issues such as mold growth, wood rot, and structural damage.

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## Newsom Signs Bills for Cities to OK Housing

Annie Vainshtein & Sophia Bollag, *San Francisco Chronicle*, September 21, 2024

Gov. Gavin Newsom signed into law a package of bills intended to bolster California's response to the dual homelessness and the housing crisis, he announced at a news conference in San Francisco's Mission District on Thursday morning.

Standing on the roof of La Fenix, an 157-unit Bridge Housing affordable housing complex that has 40 units set aside for formerly unhoused individuals, Newsom also introduced guidance for up to \$2.2 billion in funding through Proposition 1, passed by California voters in March, to construct permanent supportive housing for individuals at risk of — or currently — experiencing homelessness.

The housing program, which he has called Homekey+, would also be offered to veterans or individuals experiencing mental health or substance use disorders, regardless of whether they are unsheltered.

Newsom described the program as a revamped version of the existing Homekey model, which provides funding for cities to acquire and rehabilitate existing buildings with the goal of converting them into permanent affordable housing. Applications for the program will go live in November and funding will be distributed beginning in May 2025.

"This legislature in the last four, five, six years has done more, arguably, than the last four or five legislatures have done in the last 40 or 50 years to address this crisis," said Newsom. "You've seen this tectonic mind-shift away from NIMBYism to YIMBYism ... this shift around accountability ... of understanding that state vision is realized at the local level."

He took to task cities like Huntington Beach, which he called "performative" in their approach to addressing the affordability gap — and vowed to "turn up the heat" for cities that turn their back on the housing crisis.

The Orange County city had argued it was exempt from following state housing law, an argument a federal judge dismissed.

The Proposition 1 funding for the Homekey+ housing will generate more than 4,000 permanent housing units across the state — with services — for impacted individuals, half of which will be reserved for veterans with "behavioral health needs," Newsom said.

Many of the housing bills Newsom signed Thursday are aimed at compelling local governments to approve the construction of more homes, including by enforcing penalties against cities and counties that fail to abide by state requirements to accommodate new housing.

"Every city has to participate in this process," said Assembly Member Buffy Wicks, D-Oakland, whose bill was one of

those signed into law Thursday morning. She recounted her experience as a child, growing up in a trailer. "Inertia and status quo is no longer acceptable in California ... we are going to change California and realize the true California dream."

Attorney General Rob Bonta announced Thursday the state would be taking more urgent and aggressive action to address the state's housing crisis by providing greater incentives and clarity for local jurisdictions to build more affordable housing, including by penalizing communities that shirk their state-mandated responsibilities around housing.

They include:

- AB3093 by Assembly Member Chris Ward, D-San Diego introduces two new categories of residents cities must include in their housing plans: those who are acutely low-income, and extremely low-income. The law defines extremely low-income as 30% of the area median income, which in the neighborhood where Newsom signed the laws is about \$50,000.
- AB1886 by Assembly Member David Alvarez, D-San Diego, clarifies that local governments must adopt a housing plan approved by the state to comply with state housing element law. AB1886 aims to block arguments from local governments that have claimed they determined themselves to be in compliance after passing housing plans the state did not approve.
- AB1893 by Wicks limits when local governments can reject Builder's Remedy projects.

Developers building moderate- and low-income housing can invoke the Builder's Remedy and bypass some local zoning rules in cities and counties that the state has deemed out of compliance with state housing law.

- SB1037 by Sen. Scott Wiener, D-San Francisco, makes it easier for California's attorney general to force cities to plan for more housing.
- AB2243 by Wicks expands provisions in California law that make it harder for cities to reject affordable housing projects near freeways, industrial sites and commercial areas, while creating exceptions for some parts of the coast.
- AB2488 by Assembly Member Phil Ting, D-San Francisco, will help San Francisco finance projects converting office buildings into housing downtown.

Cracking down on cities that reject housing projects has been a major component of Newsom's approach to addressing the housing crisis.

*continued on page 15*



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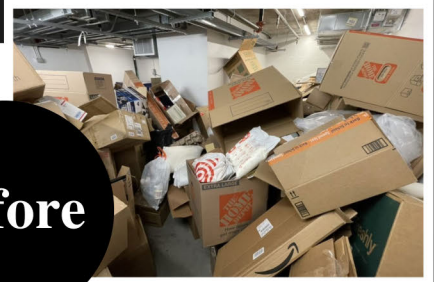
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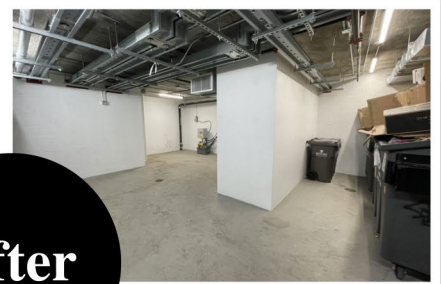
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ernment merit a “no” vote. Until the city demonstrates better management of its budget and expenditures, we do not recommend allocating more funds to city hall.

**Berkeley Additional Measures:** EE, FF, W, X Y and Z are all parcel taxes. We are not making recommendations on these ballot measures.

**State Proposition 33: Eradication of Costa Hawkins**

*Recommend vote: No*

There really isn’t anything to say other than the full eradication of The Costa Hawkins Real Estate Act of 1996 would be devastating, especially to Berkeley property owners. It would immediately place rent control on single family homes, condos and townhomes and it would drastically reduce the amount of rent you could charge upon vacancy (known as “vacancy decontrol.”) Learn more at: [www.prop33facts.org](http://www.prop33facts.org)

**State Proposition 34: Elimination of AIDS Foundation Funding Political Fights Against California Rental Housing**

*Recommend vote: Yes*

This measure aims to prevent Michael Weinstein, founder of the AIDS Health Foundation and advocate for Prop 10 (2018), Prop 21 (2020), and Prop 33 (2024), from using funds generated by his nonprofit to support political campaigns. It seeks to curb one individual’s efforts that have been harmful to rental housing and housing production in California.

**CANDIDATE RACES**

**Berkeley Rent Stabilization Board**

*Recommend vote: Carol Marasovic and Andy Kelley only*

Four seats are up for election, with six candidates running, including three incumbents. The Berkeley Tenants Union (BTU) has endorsed their typical “Right for Housing Slate.” The two independent candidates, who are not part of any slate, are Andy Kelley (a policy analyst for Councilmember Sophie Hahn) and Carole Marasovic (a lawyer turned disability rights activist). While no property owner candidates are running, the race is focused on electing the most progressive candidates, often at the expense of more moderate voices. The only two candidates who have shown a more balanced approach towards small property owners are Andy Kelley and Carole Marasovic. Although neither is particularly friendly to our industry, they are preferable to the BTU slate, which includes Xavier Johnson, Alfred Twu, Avery Arbaugh, and Dominique Walker.

**Berkeley Mayor**

*Recommend vote: None*

The mayoral race this political season is particularly disappointing, with three candidates running, none of whom

are supportive of our industry. Current Councilmember Sophie Hahn is vacating her District 5 seat to run for mayor. She has openly opposed the rights of Golden Duplex owners and co-authored Measure BB. Former Councilmember Kate Harrison resigned earlier this year, citing frustration with her colleagues, and is the author of the latest version of the Tenant Opportunity to Purchase Act (TOPA). Adena Ishii, a newer political candidate, brings experience as the former President of the League of Women Voters of Berkeley, Albany, and Emeryville. All three candidates are committed to strengthening tenant protections in Berkeley, making it difficult for the BPOA to endorse any of them. We encourage you to research each candidate through their websites or consult other trusted sources for guidance.

**Berkeley City Council District 2** (currently Terry Taplin)

*Recommend vote: Terry Taplin only*

Councilmember Taplin has consistently engaged with BPOA in a thoughtful manner to better understand the challenges faced by small rental housing providers. Having grown up in South Berkeley, where he and his mother rented from a small landlord, he appreciates the unique dynamic between owners who live on-site with their tenants. Taplin carefully considers the legislation before him and demonstrates fairness and equity in his decisions. The Berkeley Tenants Union has put forth a candidate, Jenny Guarino, to run against him. While ranked-choice voting is in play, we recommend casting your vote solely for Terry.

**Berkeley City Council District 3** (currently Ben Bartlett)

*Recommend vote: Deborah Matthews only*

Ben Bartlett has served on the city council for nearly two terms, but during his first term, he filed to run for a county position and later ran for the Alameda County Board of Supervisors, losing in the primary earlier this year. His actions suggest a lack of commitment to Berkeley, and over the years, he has been unsupportive of rental housing providers. Despite our efforts to collaborate with him, he consistently appears uninformed and uninterested in reaching fair outcomes on housing policy.

In contrast, Deborah Matthews is a long-time Berkeley resident and realtor with extensive experience in rental housing politics in both Oakland and Berkeley. She is unafraid to tackle difficult issues, thoroughly analyze them, and vote according to her principles. We believe she would bring fresh energy to a district that has become stagnant and ineffective.

*continued on page 12*



**Berkeley City Council District 5** (currently Sophie Hahn)  
*Recommend vote: Shoshana O'Keefe first then Todd Andrew*

With Sophie Hahn running for Mayor, her Council seat is now open, making this race highly competitive. Although the district is largely composed of homeowners and rental property owners, the outgoing Councilmember has not been particularly supportive of our industry. Shoshana O'Keefe, a well-respected Zoning Commissioner and long-time Berkeley High teacher, is running for the seat. Todd Andrew, a realtor and tenant, is also in the race. While he lacks a political background and previously ran unsuccessfully for City Council, he brings considerable experience in the rental housing industry.

**Berkeley City Council District 6** (currently Susan Wengraf)  
*Recommend vote: Brent Blackaby*

After nearly three decades of public service, Councilmember Wengraf will retire this November. District 6 is crucial for our industry, as it primarily consists of single-family homeowners and owners of secondary illegal (or non-conforming) units. It's vital to find a successor who will continue her support for small property owners. Wengraf has been the voice of reason, offering alternative solutions that we can't afford to lose. She has handpicked her successor, whom we recommend our District 6 members' support. Brent Blackaby is a long-time Berkeley resident with strong political acumen. He has taken the time to thoroughly research Measures BB and CC. While he is currently not supporting either measure — likely a strategic decision given his candidacy — our interactions with him give us confidence that he will advance Councilmember Wengraf's work and collaborate with our industry on reasonable policy alternatives.

**Alameda County Board of Supervisors** (currently Keith Carson)  
*Recommend vote: John Bauters*

While many people may not fully understand the role of an Alameda County Supervisor, this position is crucial for shaping housing-related policy and funding. The Alameda County Board of Supervisors implemented a county-wide eviction moratorium during the pandemic and managed the distribution of rent relief funds to Bay Area cities. Their responsibilities in county governance and funding have become increasingly vital for housing issues. As a result, this seat is important to both BPOA and our partner organization, the East Bay Rental Housing Association (EBRHA).

Together, we have engaged in extensive discussions about rental housing policy with John Bauters. We believe he possesses the political experience and acumen necessary

to enhance the county's efforts and secure additional funding for rental housing needs. Bauters has shown particular sensitivity to the challenges faced by small property owners who experienced significant financial hardship during the extended moratorium.

**California State Senator** (currently Nancy Skinner)  
*Recommend vote: Jesse Arreguin*

Nancy Skinner will be terming out of her state senate position this November, leaving the seat to be contested by either current Berkeley Mayor Jesse Arreguin or union-backed, pro-social housing activist Jovanka Beckles. While Arreguin started his political career as a Berkeley Rent Board commissioner and has primarily supported pro-tenant legislation, he has shifted more towards a centrist approach regarding housing production. He understands that supply and demand significantly affect rental prices. We are confident that if he wins, he will engage with us to prepare for state legislation — something we can't say for his opponent, Jovanka Beckles.

*The Berkeley Rental Housing Coalition is the political and legal arm of the BPOA. We fight against unbalanced, unfair, and poorly thought-out rental housing policy. To support this work, please consider upgrading your membership. The BHRC employs the feet-on-the-ground who hold the elected officials' feet to the fire. To lend your support, contact Executive Director Krista Gulbrandsen, krista@bpoa.org or (510) 304-3575.*



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tions and restrictions in order to justify their existence and their ever-growing budgets. So, how do you, as a small property owner, navigate the political waters and advocate for policies that protect your business?

### Understand the Institutional Landscape and Stay Engaged

In Berkeley, housing policies are often shaped by a mix of tenant advocacy, socialist-leaning ideologies, and deeply rooted government structures. These policies are usually implemented and enforced by long-serving and deeply entrenched government staff who may hold their own views about property ownership, often influenced by the broader political climate.

This means that even if more moderate politicians are elected, changing the institutional framework is often a slow and frustrating process. Staffers at the rent board and housing departments may continue to push for policies that make it difficult for small housing providers to operate sustainably.

If you do not already, you must begin to attend City Council meetings and other public hearings where housing policy is discussed. Even if the deck is currently stacked against us, consistently showing up and voicing your concerns — especially with data and specific examples — can make a difference. Small rental property owners bring a unique perspective that others don't have, particularly around the challenges of maintaining affordable housing in the face of increasing regulation. Although BPOA does some of this for you, you can't abdicate this function. It really is a numbers game. If large numbers of people with

a particular viewpoint show up to these meetings, that gets noticed.

### Continued Advocacy is Key — Don't Let Others Control the Narrative

Unless politicians, staff, and the media hear from you, small property owners will continue to be viewed as 'the enemy' rather than as one solution to the housing problem. You may have personal relationships with your tenants, live in the same area as your rentals, or even rent out part of your home. You need to reclaim the narrative by sharing your story and your challenges.

Write opinion pieces in publications like *Berkeleyside*. Engage with the press regarding how increasing regulation threatens your ability to continue to provide housing and what that would mean. Humanize your position, rather than getting lumped in with 'large, faceless, corporations'. This can help shift public opinion and pressure elected officials to consider policies that protect, or at least don't harm, smaller housing providers.

### Push for Fair Housing Policies

Many of the housing policies we have to deal with are built on the premise of protecting vulnerable tenants. However, these policies overlook how small rental property owners are critical in supplying affordable housing and how these regulations affect you.

Here are some examples of the type of policies you can advocate for:

*Incentives for Maintenance and Upkeep:* Push for policies that encourage owners who invest in maintaining or upgrading their rental properties. This not only keeps rental

*continued on page 18*

## Join Us for Quarterly Social Mixers with Fellow Members

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

DATE	TOPIC
Thursday, October 3, 3:00 PM	Webinar: Shielding Your Assets for Protection
Saturday, October 5, 9:00 AM-3:00 PM	Event: East Bay Rental Housing Association Trade Show
Saturday, October 19, 9:30 AM	Event: Annual BPOA Membership Meeting
Thursday, October 24, 3:00 PM	Webinar: Resident Screening Secrets

*Missed a webinar? Members can visit our On-Demand Library to watch playback recordings of past webinars, available one week after the live stream. Please note that some recordings are available for a limited time of just two weeks, so be sure to catch them before they expire!*

# About Earthquake Gas Shutoff Valves

Mark Tarses: Landlording with Mark

Do you have earthquake gas shutoff valves at your properties, including your own home? Every building in California that has natural gas should have shut off valves, but most don't. The state legislature passed a law requiring all buildings built in California after 2000 must have earthquake gas shutoff valves, but this law is not retroactive.

An earthquake shutoff valve stops the flow of gas into a building when the gas meter to which it is attached vibrates, like in an earthquake. To get the gas flowing again, most of these devices require someone to turn a screw in the valve.

The San Francisco earthquake and fire of 1906 probably would not have resulted in as much damage as it did if buildings had earthquake shutoff valves. During the earthquake, a lot of buildings lost their gas pressure for a few seconds or minutes. When the gas came back on, there was no flame, so houses that had gas lights or gas

heat filled up with gas, resulting in buildings exploding. That still happens.

Suppose someone was cooking something on a gas stove, and the gas pressure went to zero for a few seconds, and then the gas came back on. Unless there was someone in the kitchen to turn off the stove, the room would fill up with gas. Plus, some appliances still have pilot lights. Do you have gas water heaters? Most gas water heaters have pilot lights. If the gas went out and came back on a minute later, would the gas continue to flow into your water heater's pilot light?

If you don't already have earthquake gas shutoff valves, call your plumber and get them. Many insurance companies are demanding earthquake shutoff valves on properties in California that they insure, and more probably will with time. Some insurance companies are also demanding earthquake water and electricity shutoff valves.

## CalRHA Policy Update October 2024

California Rental Housing Association

The Legislature worked into the final hours of this year's Legislative Session on August 31. There was a lot of drama and "hot topic" issues pursued during this year's end-of-session.

CalRHA had a successful year, managing to block several potentially harmful proposed bills during policy and fiscal committee meetings. However, a number of bills of interest have advanced to the Governor's desk and are pending action by the September 30 deadline, including:

- **Assembly Bill 2347 (Kalra) Eviction Delay** — This bill proposes various procedural changes to landlord-tenant law, including specific extensions of time for tenants to respond to notices and eviction documents. Assembly Bill 2347 extends the time for a tenant to file a response from five court days to 10 court days after being served with an unlawful detainer complaint and summons. CalRHA has submitted a letter to the Governor requesting a veto of this legislation.
- **Assembly Bill 2493 (Pellerin) Rental Application Fees** — If passed, this bill would allow landlords to charge a lease applicant for a residential property an application screening fee only if they either process applications in the order they are received or provide a refund or credit to any applicant who is not selected for tenancy. CalRHA has submitted a letter to the Governor requesting a veto of this legislation.
- **Assembly Bill 2747 (Haney) Positive Rental Credit Reporting** — This bill requires certain landlords to offer tenants the option to have their positive rental payment information reported to at least one nationwide consumer reporting agency. CalRHA opposes this legislation.
- **Assembly Bill 2801 (Friedman) Security Deposits** — This bill specifies that a landlord's claims against a tenant or their security deposit for materials, supplies, or contractor work must be limited to the reasonable amount necessary to restore the premises to its original condition, excluding ordinary wear and tear. Starting April 1, 2025, landlords will be required to take photographs of the unit within a reasonable time after regaining possession, but before any repairs or cleaning for which deductions will be made from the deposit, as well as after the repairs or cleaning are completed. For tenancies beginning on or after July 1, 2025, landlords must take photographs of the unit immediately before or at the start of the tenancy. CalRHA has submitted a letter to the Governor requesting a veto of this legislation.
- **Assembly Bill 3057 (Wilson) CEQA Exemption for ADU and JADU** — CalRHA requested the Governor's approval of this bill, and it has now been enacted.

continued on page 15



# 26-Story Oxford Street Highrise Gets Green Light

Alex N. Gecan, Berkeleyside, September 13, 2024

A 26-story apartment complex across the street from BAMPFA and the UC Berkeley campus has received the sign-off of a key city committee.

Dubbed “Hub Berkeley,” the 456-unit, all-electric high-rise at Oxford and Center streets has been in the works since 2021, when the Chicago-based developer Core Spaces submitted an application for what was then projected to be a 17-story building that would require knocking down two buildings home to more than a dozen businesses, including East Bay Spice Company and Daryoush.

The city’s Zoning Adjustments Board green-lit the final design Thursday following a public hearing with just a handful of commenters, several of whom were representatives of construction trade unions throwing their support behind the proposal.

The Hub will rise just over 285 feet, plus a 7-foot parapet on top of that, making it among the tallest buildings Berkeley’s downtown will likely see in the coming years. The zoning board approved a 25-story building at 2190 Shattuck Ave. in 2023, and another project, over the McDonald’s at 2071 University Ave., may rise as high as 28 stories — taller than the Campanile.

The developer says the Hub Berkeley project will include 72 studio, 97 two-bedroom, 265 three-bedroom and 22 four-bedroom apartments, plus a bike room, two courtyards, roof decks and a rooftop restaurant and bar, as well as 9,690 square feet of retail space on the ground floor. There was no projection yet on what shops or restaurants would move back to the block once construction is finished.

On the site now are a two-story mixed-use building at 2132-2168 Center St. and a one-story commercial build-

ing at 2128-30 Oxford St., both of which must be demolished before construction can begin. Several businesses in those buildings, including Cinnaholic, Top Dog and Starbucks, closed or moved in recent years.

The demolition will eliminate 16 rent-controlled units in the mixed-use building, which will be replaced by 10 housing units in the new project classified as “very low-income,” reserved for renters making less than half the area median income, and six units classified as “extremely low-income, for renters making 30% the median or less.

To qualify for a state “density bonus,” which allows developers to build taller or denser buildings if they include 11% affordable units, the Hub will also include an additional 40 units of very low-income housing for a total of 50 under that classification. Those 40 additional units allowed Core to build an additional 130 more units above the base number of 333. (They opted to include only an additional 123.) Core Spaces will also pay \$11 million into Berkeley’s Affordable Housing Trust Fund to meet affordable housing requirements.

The Hub falls under the auspices of 2019’s SB 300, which limited local control over developments with certain thresholds of residential and affordable units and streamlined public meeting processes.

The five zoning commissioners present Thursday — Yes Duffy, Kimberly Gaffney, Michael Thompson, Brandon Yung and Debra Sanderson — all voted in favor of the project.

If nobody appeals the board’s decision to the City Council within two weeks of the vote, the project will be awarded a use permit. Demolition and construction are projected to take about three and a half years once started.

from page 14

## CalRHA Update

Assembly Bill 3057 expands an existing California Environmental Quality Act (CEQA) exemption for city or county adoption of ordinances facilitating accessory dwelling units (ADUs) to also include ordinances facilitating junior ADUs (JADUs).

The Housing and Community Development Department (HCD) is currently updating its ADU handbook, and we’re collaborating with them to include recent ADU legislation, address approval timelines, and clarify which spaces can be converted into ADUs.

from page 9

## Newsom Signs

In the past month he announced a settlement with the city of Elk Grove (Sacramento County) over its rejection of an affordable housing complex, and threatened a lawsuit against the city of Norwalk (Los Angeles County) for passing a measure banning new homeless shelters.

Not every solution proposed by lawmakers has won Newsom’s support: Earlier this month, he vetoed a bill that would have allowed undocumented immigrants to access state funds meant to help people buy homes.

# Berkeley Approves Terms for Building Housing on Ashby BART Station Parking Lots

Alex N. Gecan, *Berkeleyside* September 17, 2024

The City Council has signed off on a deal with BART to advance a project bringing hundreds of apartments, more than a third of them affordable, to the Ashby BART station.

The agreement that was approved Monday night calls for Berkeley to drop a claim, one it has held for decades, to the air rights over the Ashby station in exchange for a slate of community benefits from BART. It paves the way for BART to build up the station's west parking lot, a 4.7-acre wedge of land between Martin Luther King Jr. Way, Adeline Street and Ashby Avenue. The city, meanwhile, will take over and lease a smaller 1.7-acre lot adjacent to the Ed Roberts Campus along Adeline Street to a developer for construction.

Under the terms of the deal, which BART's board of directors approved last year, at least 35% of all homes built at the lots must be affordable, including at least half of the first 602 apartments built on the BART-managed west lot. Berkeley will contribute \$26.5 million towards the affordable housing, \$8 million of that at its own east lot site. The agreement also mandates the project provide new site for the Berkeley Flea Market and at least 5,000 square feet of commercial space for community groups at below-market-rate rents, among other terms.

New construction is projected to shrink parking available to Ashby BART riders from 535 spaces to 85, an 84% reduction, said Rachel Factor, a principal planner for BART. Berkeley will acquire the Ashby BART station's smaller "secondary lot," near the Ed Roberts Campus, as part of a deal that has freed up BART to pursue a housing development atop the larger west lot along Martin Luther King Jr. Way. Credit: City of Berkeley

Though the council has effectively blessed the terms of the deal in an 8-0 vote Monday (Councilmember Susan Wengraf, who attended virtually, was not present for the vote), the city manager and city attorney must still draft official contractual agreements for the council to approve, likely in November, said Alisa Shen, a principal planner for the city's Planning and Development Department. BART anticipates soliciting developers beginning in December.

Council members and some speakers were enthusiastic about the agreement. But several other public speakers criticized the deal for not mandating a greater share of affordable housing.

"I think that 'power over' instead of 'power with' the community approach — not necessarily from the city, but by BART — has really declinated the opportunity that we

*continued on page 17*

*from page 8*

## Nuts & Bolts: Seasonal Maintenance Tips

Indoors, inspect areas under sinks, around toilets, near water heaters, and in basements or crawl spaces for any signs of water accumulation or moisture. Outdoors: make sure rainwater is directed away from the building with clean, functional gutters and downspouts, and check that the landscape is graded for proper drainage. Water pooling near the foundation can seep into the structure, potentially leading to long-term damage to walls, floors, and the foundation. Addressing leaks and ensuring proper drainage protects your investment and helps avoid disruptions to tenants' lives, maintaining their comfort and the property's value throughout the season.

### 7. Inspect the Perimeter and Grounds

October is an ideal time to inspect the entire perimeter of your property for any potential issues that could lead to expensive repairs or safety and habitability concerns. Start by checking for **exterior breaches**, such as cracks, holes, or gaps in the building's walls, windows, and foundation. These openings allow rodents, pests, and other vermin to enter the property while seeking shelter from

the cooler weather. Sealing these entry points will help keep unwanted pests out and maintain a comfortable living environment for your tenants.

Additionally, assess the **grounds for any damage or hazards**, such as uneven pavement, loose handrails, or broken steps, which could pose a safety risk to residents. These issues are liabilities and detract from the property's overall condition. Addressing them early in the season helps prevent accidents and ensures the property is safe and well-maintained for the fall and winter months.

By thoroughly inspecting the perimeter and grounds, you can catch problems before they escalate and keep your rental property in top shape.

By taking these preventative steps in October, you'll help maintain the value of your rental property and the comfort and safety of your tenants throughout the fall and winter months. A little preparation can save time, money, and hassle in the long run. Make seasonal maintenance an essential part of your property management routine, and you'll see the benefits year-round.

## Ashby BART Housing Project Approved

have to reach affordable housing,” Mina Wilson, executive director of the South Berkeley nonprofit Healthy Black Families, said Monday.

Critics also said the agreement fell short of redressing the displacement of wide swathes of South Berkeley, particularly Black residents, when BART first began building in the neighborhood.

“Gentrification has been destroying Black Berkeley and anything short of 100% low income, including large percentages for very low income and extremely low income units, will continue this harm and continue this extraction,” said Aya de León, the city’s poet laureate and a UC Berkeley professor.

Mayor Jesse Arreguín said that while the city also wanted to get as much affordable housing as possible, “there is a certain reality in terms of what we can actually achieve.” Were the city to have held out for a 100% affordability requirement, he said, there might not be enough funding to build it, nor any developers interested in doing so.

Arreguín and South Berkeley Councilmember Ben Bartlett brought up the 2022 failure of Measure L, a \$650 million bond measure that would have funded affordable housing and infrastructure repair.

“This is not the Shangri La, but it is useful and it is unique,” Bartlett said. “We’ve afforded this opportunity, all of us together, to create something new, something dynamic, that can live on ... So be optimistic, because the story is not yet written.”

from page 7

## Encampments

Kesarwani had also supported other supportive housing initiatives in her district, including converting motels into shelters and building affordable housing at the North Berkeley BART station, she told Berkeleyside previously.

Councilmember Terry Taplin, who represents the city’s southwestern District 2, which is home to the Dwight Way encampments, pointed out that the simple existence of a tent would not necessarily trigger the city’s new policy.

“I’m getting asked why we are asking for more and more money to fund programs, and people are seeing their conditions deteriorate,” Taplin said. “It’s not because someone is just down on their luck or doesn’t have a roof. People are experiencing behaviors such that they and their families don’t feel safe.”



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ing state. Economically, they see California subside while Texas soars. For many Americans, this is the left/liberal/progressive view of the world brought to life. Gavin Newsom is left coast politics personified. This is not a winning position on the national stage, and this is how the Trump campaign will portray Kamala Harris. At best, she will eke out a victory. Mark Warner would have won 40 states.

In the broadest sense — ignoring the hypocrisy and the inevitable contradictions — the MAGA crowd wants little government; the progressives want a lot. In an even broader sense, one side believes government to be its enemy, the other believes it is its friend. Either of these positions can be rationally or delusionally embraced. The further one gets from the center, however, the greater the delusion.

I fear the next administration no matter who wins. Harris's career to date suggests an effort to replicate the California experience on the national level. This could either succeed or fail. I don't know which would be worse. Unlike 2016, Trump in 2024 would be unconstrained by political naivety and by experienced and serious-minded advisors. This is even more scary.

We will survive either of these two as president, although I am less sanguine about Trump. Nevertheless, I fear the results if either of these two is completely free to implement their vision of America. I am almost at the point where my best hope is that, whoever wins, the other party controls one or both houses of Congress. Sad to say, but it is probably better that nothing gets done than that bad things happen.



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## from page 13 *President's Message*

units in good condition, but improves the lives of tenants while also helping small housing providers to stay financially viable.

*Streamlined Eviction Processes for Problem Tenants:* The focus, at least since the eviction moratoria during Covid, has been to stymie the eviction process. This has led to problem tenants (and their lawyers — that you now pay for) negotiating paid settlements to move, usually with non-disclosure agreements that allows them to go to another property and repeat the process. Advocate for exemptions to some of these eviction protections for repeat offenders.

### Voting is Just the Beginning

Voting is the first necessary step. But voting is not enough. Only through continuous advocacy, engagement, and coalition building can small rental housing providers have a real chance at pushing back against an agenda that historically sees you as 'the enemy'. I hope you join me in this effort.

## QUOTE OF THE MONTH

*Procrastination is a wonderful thing:  
you always have something to do  
tomorrow and nothing to do today.*

— Anonymous

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