

AUG  
2021



## The Advocate for Berkeley's Rental Housing Providers

Founded 1980 • Charter Member, California Rental Housing Association  
2041 Bancroft Way, Suite 203, Berkeley, CA • [www.bpoa.org](http://www.bpoa.org)

M  
O  
N  
T  
H  
L  
Y

### Words You Should Never Use in a Rental Listing

Mark Tarses, President, BPOA

There are words and phrases that are commonly used in rental listings but never should be used. Some words will turn off prospective tenants. Other words will get you sued. Here are a few.

*Clean* — Tenants have a right to assume that an apartment is clean or that it will be clean when they move in. If you think that delivering an apartment 'clean' is a feature or an amenity, that reflects badly on how you maintain your property. It's like advertising that an apartment is 'rat-free' or that 'the water heater works'. Tenants have a right to expect these things.

*Could be three bedrooms* — I see this a lot in Berkeley rental ads. Everyone knows that 'could be three bedrooms' means that the apartment has two bedrooms and that the 'could be' third bedroom is either a sofa-bed in the living room or a bed in a walk-in closet. You aren't fooling anybody but yourself with 'could be'.

*As-Is* — Using 'as-is' makes people instantly suspicious. Everyone knows that if a microwave oven is 'as-is', that means that there is something wrong with it and that you aren't planning to fix or replace it.

*Cozy & Cute* — People assume that these words mean 'small'. If a bedroom meets the legal requirements for a bedroom, let prospective tenants decide for themselves whether the room is too small for their needs. There are a lot of Cal students who would be happy to live in an 80 square foot bedroom if it were \$100 a month cheaper than a bigger bedroom.

*No Section 8* — You will get sued. This is now illegal. It is also illegal to discriminate based on source of income unless the income is either illegal or unverifiable.

*Perfect for Young Couple* — This indicates you don't want children. You could be sued. It also indicates you don't want old people. That's another lawsuit.

*Not wheelchair accessible* — This could also get you sued. If someone calls you on the phone and tells you that he is in a wheelchair, it is legal and appropriate for you to describe things about your apartment that could be a problem for a person in a wheelchair, like stairs or narrow doors, but let disabled people decide for themselves whether they can live there.

### AUGUST ZOOM MEETINGS

#### *Evictions & Other Legal Traps: A Legal Discussion*

Thursday, August 19th, 2:00pm

#### *Maximizing the Financial Health of Your Rental Property*

Thursday, August 26th, 2:00pm

Check the event calendar at [bpoa.org](http://bpoa.org)  
for information & registration

*In-Person Meetings Coming in September!*

### Inside this Issue

Editorial.....	Page 2
Coalition Corner .....	Page 3
California Rental Debt Pay-Down: A Question ...	Page 4
Berkeley Reaches Settlement with UCB .....	Page 5
Portland Feeling the Pinch of Bad Policy.....	Page 6
UCB Might Move an 8-Unit Building .....	Page 7
BPOA Member Survey Results.....	Page 8
2020 Report on Average Buyout Cost in SF.....	Page 9
Monthly Event Calendar .....	Page 9
Some Details from UCB/COB Deal .....	Page 11
Quotes of the Month .....	Page 12
Services & Businesses.....	Page 13



# Editorial

## *Should Long-term Tenants under Rent Control Get a 1099?*

*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.

### **2021**

#### **Board of Directors**

Mark Tarses, President  
Sid Lakireddy, Treasurer  
Jon Vicars, Vice President  
Richard Genirberg, Secretary  
Will Flynn  
Paul Tuleja  
Albert Sukoff  
Kathy Snowden  
Alison Simon  
Bahman Ahmadi

#### **Editor:**

Albert Sukoff

#### **Advisor:**

Michael St. John

#### **Our Office Location:**

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

#### **Office Hours:**

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

#### **About the Newsletter**

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

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

Direct comments and material to our Bancroft Way office or to [bpoa@bpoa.org](mailto:bpoa@bpoa.org)

Allen Weisselberg is the long-time Chief Financial Officer of the Trump Organization. According to a federal indictment, he has failed to pay income taxes over the years on substantial benefits he has received in lieu of salary. Among other things, he has been charged with tax evasion for not paying income tax on value of rent on a Manhattan apartment paid by his employer. The Trump Organization has also been indicted for practices which must include its failure to report this income to the IRS.

I have been trying to differentiate between the largess bestowed upon Mr. Weisselberg by The Trump Organization and that granted to long-term tenants (LTTs) under rent control. There may be legal esoterica of which I am unaware, but taking a straightforward logical approach, I do not readily find a difference.

I have a building in Berkeley with 24 virtually identical units. Based on the most recent rental, the market rent for these apartments is \$2,200 a month. Six units are still occupied by pre-Costa/Hawkins tenants with the lowest rent set at less than \$700. The difference — the value of the benefit to the LTT — is \$1,500 a month, or \$18,000 a year. If Mr. Weisselberg owed taxes on rent covered by someone else, why are my (and your) long-term tenants any different?

We are not talking about small sums here. If my LTTs' rent control benefits were taxed and they had very little income, they would pay little or no additional tax. At least rent control would then serve its intended purpose. However, if they are solidly middle class — and I believe most of them are — they could have a combined federal and state liability exceeding 50%, i.e. over \$9,000 a year. For the sake of argument, let's say that the taxes not paid on the rent benefit average \$6,000.

I was under the impression that winners of the MacArthur grants did not pay income taxes on the money they receive because the grant is not sought-after. One cannot apply for a MacArthur. Turns out that is not true, at least according to the only internet posting I can find on the subject. This is significant because I thought that maybe rent control benefits would go untaxed because they are neither sought nor voluntary. Apparently not.

Based on the Weisselberg case, one could argue that rent reductions should be taxable. There is no reason that a property owner or a benefitting tenant would or should assume this to be the case. I have never heard the issue raised in the nearly forty-plus years I have owned rent-controlled housing. However, it makes sense. If I collected \$18,000 more from each LTT, I would pay income taxes on that amount at my tax rate. Since the tenant gets the benefit of that money, why should they not pay taxes at their rate? The rent reduction is arguably income and taxable.

Post-Weisselberg, are we not legally obligated to report rent control benefits to the IRS?

# ❖ THE COALITION CORNER ❖

By Krista Gulbransen, Executive Director

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

## Don't Fall Prey to a Tester

Violating Fair Housing law is a very serious violation in the eyes of the federal, state and local governments — so much so that these government agencies employ “testers”, workers who act the part of a prospective tenant. Their job is to see if you are denying a person housing because of their race, color, national origin, religion, gender, sexual orientation, disability or family status, or because they are receiving public assistance. If you fail the test, a Fair Housing complaint is filed against you in which you must typically retain a lawyer to defend.

Problem is, it's easy to mistakenly discriminate against a prospective tenant without even really knowing it. A BPOA member relayed a recent experience when showing her one-bedroom in-law unit in the basement of her house. The prospective tenant revealed that she had a two-year-old child with cancer that lived with her and who often needed to make trips to Children's Hospital. The woman asked the owner what she would think about having a two-year-old living below her? An innocent enough question, right? Wrong! Many of us may not want a two-year-old making noise and running beneath our feet and we might innocently respond (as this owner did), that it wouldn't be a preferred tenant situation because there could be too much disturbance. The tenant later texted the owner a portion of Fair Housing law as it relates to familial status and warned the owner not to discourage children living on site. While this may not have been actual Fair Housing tester, it was a wake-up call to the owner to be careful about how she answered questions posed by the prospective tenant.

As the Executive Director of both the BRHC and BPOA, I regularly attend Fair Housing workshops on your behalf, keeping you as updated on the laws as possible. The obvious discriminations (race, gender, sexual preference) go without saying, but the less obvious ones (emotional support animals, invisible disabilities, or source of income) can be more difficult to navigate.

Here are some do's and don'ts of discrimination.

## Emotional Support Animals

This is the most common area in which landlords are confused, flabbergasted and just plain shocked. There is a difference between a service animal (one that is pro-

fessionally trained to help an individual with a specific disability), and an emotional support animal (one that is not trained for a task yet provides emotional support for a disability). Both are protected classes under state and federal law and are where a landlord is required to make “reasonable accommodation.” If your building has a no pet policy, and a tenant requests the presence of an emotional support animal, the landlord must “reasonably accommodate” the tenant by waiving their no pet policy. You have the right to place house rules that dictate certain responsibilities as it relates the animal being on property. That can include requiring it to be on a leash in common areas, cleanup of animal waste and proper care of animal to reduce flea infestations. But you *do not* have the right to request additional “pet rent” or add to the security deposit. You cannot ask what specific disability they have that requires their need for the animal. You *do* have the right to request verification of the need for the animal by a professional (and to check that professional's credentials).

But what if a tenant requests more than one emotional support animal? You may ask that a trained professional verify and clarify in a letter, the need for more than one animal. Either way, that dog, cat, miniature horse, hamster or pig must be permitted if the tenant has written proof of need.

## Other Accommodations of Disabilities

There are many ways in which a tenant may request reasonable accommodation of their disability — whether visible or invisible. This can include adaptation of procedures related to communication or payment of rent, permission

*continued on page 8*



**COMPLETE ELECTRIC**

[www.complete-electric.org](http://www.complete-electric.org)

Lic.# 966283

**Clay Bartley**

Master Electrician

(510) 325-7462

[cmplteltrc@gmail.com](mailto:cmplteltrc@gmail.com)



# Can California Pay Off Everyone's Rent Debt Before Evictions Begin?

Alissa Walker, CURBED, June 24, 2021

For the last few weeks, California Governor Gavin Newsom has been playing game-show host, spinning a giant wheel and plucking lotto balls out of a dispenser to award millions of dollars in prizes to a handful of lucky vaccinated Californians. This week, Newsom seemed to be gleefully reprising his role, but this time he had a lot more prizes to give out: a \$5.2 billion plan to forgive all unpaid rent for the state's lowest-income tenants.

As first announced in mid-May, Newsom is reportedly over-seeing final negotiations on a proposal that would use \$5.2 billion of federal money to cancel all the state's rent debt, plus an additional \$2 billion to resolve unpaid utility bills. Renters make up about half of all California households, and because homes here are so expensive — the median sales price hit \$700,000 during the pandemic — the state has a much lower ownership rate than average. "California isn't the hardest hit, but with our very high housing prices, we are one of the states that have the highest precarity in that renters are accumulating a very large amount of debt," says Carolina Reid, associate professor in the Department of City and Regional Planning at the University of California at Berkeley and advisor for the Turner Center for Housing Innovation. "When they are behind in rental payments, it can quickly become thousands of dollars." One data tracker shows that approximately 758,000 households in the state are behind on rent, owing an average of \$4,700.

President Joe Biden has extended the federal eviction moratorium to July 31, buying time for Newsom to finalize his plan. But while that gives tenants some breathing room, the federal moratorium is more difficult to enforce than state or local protections, and advocates worry that 30 days is still not enough time to distribute the funds, which is the biggest challenge facing the state. California already offers programs where renters can apply for assistance and landlords can be paid up to 80 percent of rent debt owed, but both require arduous application processes and have so far disproportionately distributed more money to landlords. Reid supports a stepped-up effort to give money directly to renters instead. "It's really important that the money hits the ground quickly and that there's a strategy in place to get to hard-to-reach households," she says. "Just giving it to landlords might not address all the informal rental agreements out there, and doesn't provide oversight for the power asymmetries between renters and landlords."

California's push to forgive rent is driven by an unexpected economic windfall that can help cover other urgent needs: Last month, Newsom announced that the state was run-

ning a \$75.7 billion surplus, largely generated by taxing the state's richest residents — those who stayed, anyway — whose income and investments generally rose last year. Although about half of it is allocated by law in certain areas, like education, Newsom and the legislature will be directing a lot of the rest to pandemic relief. (He has already used some of that money to send direct cash payments of up to \$1,100 to lower- and middle-income Californians.) Of course, political rivals are writing off any comprehensive aid program as a way for Newsom to curry support in his recall election, which is scheduled for this fall. Former San Diego Mayor Kevin Faulconer, a Republican who is running against Newsom, called the rent forgiveness plan a "one-time gimmick." Canceling billions in rent debt will probably be a one-time event, but this is the third time in 16 months that the state's protections of renters have been negotiated in a flurry of last-minute, closed-door sessions that have placed undue stress on tenants as the end of the month looms. Without a plan in place soon, even with the federal moratorium extended one month, tenant advocates from the No Renter Left Behind coalition, which includes over 100 California organizations, say they need more time and more specific policies to make sure people stay housed. They would like to see the moratorium extended to at least until September — as it has been in New York, and in many California cities and counties — and ideally through the end of the year.

But lobbyists for landlords, who hold a talon-tipped grip on the state legislature, are angling to end the moratorium as soon as possible. As Manuela Tobías reports at CalMatters, the California Apartment Association (CAA), which represents the landlords and property owners of 2 million rental units statewide, put out its own report this week arguing that the financial burden on California's renters has been greatly reduced in recent months due to stimulus payments and assistance programs. Tom Bannon, CEO of CAA, went a step further, insinuating that the moratorium is causing renters to withhold payments from landlords. "The money is there, but it's not getting into the hands of the people who need it quickly enough," he said in a statement. "For more than a year, too many tenants with the means to pay have withheld their rent simply because they could do so without consequences." (The data shows that renters do not do this, says Reid. "When you give money to people, they pay rent, they buy food; they do things that make them financially secure and healthier, regardless of the method with which it's relayed.")

# City Of Berkeley Reaches \$82.6M Settlement With UC Over Campus Expansion

CBSN Bay Area, July 15, 2021

The Berkeley City Council approved an \$82.6 million settlement with the University of California that drops lawsuits challenging long term development projects the campus is pursuing.

In a closed session on July 11th, the council voted 8-1 to accept the settlement, in exchange for agreeing to drop two recent lawsuits it filed against the university.

One suit seeks compensation for the environmental and community impacts of a faculty housing development planned at 2698 Hearst Ave. The other alleges the university violated an environment impact review requirement during development for a volleyball facility.

The settlement also has the city dropping its challenge of the UC Berkeley 2021 Long Range Development Plan, and the two housing projects that will house almost 2,000 more students and overtake People's Park and apartments located at 1921 Walnut Street.

The settlement, to be distributed in roughly \$5 million annually for the next 16 years, will go towards city and emergency services, along with "projects supporting residents" close to UC Berkeley campus. The university was already paying about \$1.5 million annually for city services in 2005, and \$1.8 million in recent months, though the city argued the campus uses services worth upwards of \$21 million a year in prior meetings.

The approval for the settlement is expected to be affirmed next week by the University of California Board of Regents.

Throughout the planning process, neighborhood groups have collectively shared frustrations over a perceived lack of transparency. One petition by Berkeley Citizens for a Better Plan has racked up

over 1,000 signatures thus far for the UC system to draft a better plan.

"All Berkeley residents will see increased traffic, congestion and pollution; renters will be particularly challenged as new housing is swallowed up by UCB to accommodate its swelling student and faculty population," the petition reads.

For longtime residents of 1921 Walnut St., the hope is that council members and the mayor will keep their word on alleviating some of the impacts the plans have on residents, like preventing their displacement as the university plans to demolish the eight rent-controlled units for student apartments.

The 1921 Walnut St. Association asks for relocation assistance equal to today's market prices, rather than eviction, and for the UC system to not acquire rent-controlled properties in the future.

"This fight is not just about 1921 Walnut St. and the tenants who

currently live here. It was about making sure that UC does not target vulnerable Berkeley tenants and existing rent-controlled housing as UCB's new real estate acquisition strategy," said Natalie Logusch, a member of the association.

The university is still in the midst of two legal battles with community group Save Berkeley Neighborhoods for its enrollment trends as well.

---

*The settlement, to be distributed in roughly \$5 million annually for the next 16 years, will go towards city and emergency services, along with "projects supporting residents" close to UC Berkeley campus.*

---

*Tax planning and preparation for landlords*

**Lance W. Lee**

Certified Public Accountant

1300 Clay Street, Suite 600  
Oakland, CA 94612

510-564-7203  
info@lwleecpa.com  
www.lwleecpa.com

# Inclusionary Zoning: Portland Feels The Consequences of Bad Housing Policy

*Roger Valdez, Director of Seattle For Growth*

Lasting damage is being done to the housing economy by endless eviction bans and growing efforts to back private property owners into becoming semi-public entities, providing housing for “free.” But before Covid-19 there was an equally significant threat spreading across the country, Mandatory Inclusionary Zoning (MIZ). The policy grants modest increases in density for new development but charges significant fees for every square foot of the project. The money generated goes to pay off non-profit housing agencies to build subsidized housing. There is a realization in Portland, Oregon that the policy is having negative effects.

Portland it is becoming a case study in how imposing fees on housing produced by the market has a disastrous effect on the housing economy. Portland passed an inclusionary scheme in 2016 and now the effects are becoming apparent. In an opinion editorial (reporters never cover the impact of inclusion schemes), Gerard Mildner, an associate professor of real estate finance at Portland State University, calls attention to the impacts.

“The city’s housing policy is in shambles. Housing production in the city has collapsed in recent years, despite record home prices and rents. Portland remains attractive to migrants from California, yet our excessive regulation of new development has caused existing housing to become ever more unaffordable.”

Why has this happened? Since the imposition of the fee mandate, “housing permits in the city fell from 5,094 housing units in 2019 to 1,779 units in 2020, a decline of 65%” Mildner says. He goes on to point out that apartments are already expensive to build, as much as 50 percent per square foot more expensive because of materials. Mildner says, “once the additional burden of inclusionary zoning became effective, developers stopped proposing new projects and the apartment pipeline dried up.”

Back to the fork in the road. If one believes that rising demand for housing and lagging supply is the source of higher prices, then the impact here is obvious. When added to the underlying costs and rising

inflation, fees make building in Portland infeasible. When that happens and more people want housing, its price goes up and thus only people with higher earnings can afford it. Poor people suffer. Does local government stop in its tracks when this happens? Of course not. The higher prices mean “we need more affordable housing,” which means, as I said, “more money!”

There is no tsunami of evictions coming because of Covid or any other reason. What is coming is a further tsunami of consequences from policies based on the notion that by taxing something — in this case housing — we can somehow make it more “affordable.” Mildner points out the “mind-numbing delays caused by permitting processes and design review; requirements for tenant relocation fees and year-long eviction delays for non-payment of rent” that already make building housing, a good thing, harder and more expensive to do.

The solution to all of this is to stop meddling with the relationship between the buyers and sellers of housing with egregious laws on rental housing operations and expand supply by ending zoning and any housing rules and regulation that are not strictly about health and safety. When it comes to housing, we should be building all sorts of it everywhere without any limits. Doing this would empower the consumer with choice, better pricing and it would create jobs, more tax revenue, and ultimately more opportunity for everyone. Taxing and over-regulating housing hurts people who have less money. Inclusion schemes are just plain wrong.

## PREMIUM PROPERTIES

SAM SOROKIN  
BROKER & PARTNER  
CRAIG BECKERMAN  
BROKER & PARTNER

REAL ESTATE SERVICES  
◆ PROPERTY MANAGEMENT  
◆ LEASING  
◆ INVESTMENTS  
◆ CONSULTING  
◆ SALES & BROKERAGE  
◆ DEVELOPMENT

2941 TELEGRAPH AVENUE  
BERKELEY, CA 94705  
510.594.0794 MAIN  
WWW.PREMIUMPD.COM  
CA DRE LICENSE #01886322



## UC Berkeley to Explore Moving 8-Unit Rent-Controlled Building

*Frances Dinkelspiel, Berkeleyside, July 28, 2021 [abridged]*

### New details have emerged after UCB and the City of Berkeley signed a settlement agreement that governs how the two entities will interact

As part of its commitment to pay \$82.6 million to Berkeley in the next 16 years, UC Berkeley will funnel \$920,000 into the city's Housing Trust Fund as recompense for demolishing eight rent-controlled apartments in order to build the 772-bed Anchor House dormitory, according to a settlement between the city and the university.

The university also will "explore relocation and the cost of relocating the eight-unit building at 1921 Walnut St. and if it is technically feasible, to a site to be determined," according to the agreement. Mayor Jesse Arreguin said today that the city is already looking for land and will soon reach out to private developers with expertise in moving historic properties.

Those are some of the new details that emerged after UC Berkeley and the city of Berkeley signed a new settlement agreement Tuesday that governs how the

two entities will interact over the next 16 years. The settlement supersedes the one the two bodies signed in 2005 over Cal's long-range development plan. This agreement goes from 2021 to 2037, about the length of UC Berkeley's newest long-range development plan, which the UC Board of Regents approved July 23, along with an accompanying environmental impact report.

Berkeley and Cal had released some, but not all, of the details on July 14 after the Berkeley City Council voted 8-1 in a closed session on the overall concept. City Councilmember Kate Harrison voted against the agreement.

UC Berkeley Chancellor Carol Christ told the Regents last week that the \$82.6 million payment was a "historic campus investment."



trashscouts.com • 510.788.0462

510 3rd Street #200B, Oakland, CA 94607



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



to have a live-in aide, changing of parking rules or waiving a “no co-signer” policy for a tenant whose income is limited because of their disability. Although an owner is not always required to pay for the reasonable accommodation, best practice is to engage a tenant in meaningful dialogue that helps clarify what their specific need is and how you might reasonably accommodate them. A landlord does have the right to deny an accommodation if the landlord can demonstrate that the accommodation provides an “undue financial or administrative burden.” For instance, if you are asked to install an elevator in a two-floor building so your tenant may get to their second-floor unit, you may have grounds to deny based on an undue financial burden related to the cost of an elevator installation.

### **Making Lawful Inquiries of a Prospective Tenant**

Once you’ve selected the tenant you are *most likely* to consider for the unit, you have the right to make “lawful inquiries” into their background. They include employment history, rental history, references, social security number, identification, bank account numbers, number of intended occupants in the unit and proof of income. Be careful at what point in the process you make these inquiries. Many of us are used to having multiple prospective tenants fill out applications requesting such personal information as social security number, bank account details or proof of identification. It is recommended that you only ask for this level of detail once you have identified the tenant(s) you are most likely to offer the unit to. You don’t want to be responsible for holding onto applications with personal information for tenants you never offer the unit to. You also may no longer ask about criminal background convictions in an application nor run background checks that are inclusive of criminal records. This is called the Fair Chance Ordinance and applies to all properties (including single family homes!) except for owner-occupied duplexes or triplexes.

### **Renting to Single Moms with Kids Only**

It is illegal to discriminate based on “familial status.” Most of us translate this into making sure we don’t discriminate against those who have children. But what happens if you want to help certain class of people you think deserves a helping hand? Take the case of a landlord who specifically requests that only single moms with children be considered for their units. This is the perfect example of unintentional discrimination. You think you’re helping someone out, but according to law you’re discriminating against others who have the right to be reasonably considered for the rental.

What’s the best way to protect yourself against unintentional discrimination? Make sure you have a clear and written rental criteria policy. This will help guide tenants as to what your requirements are that make them “fit for tenancy.” And make certain that you truly consider all potential applicants, regardless of what is initially presented to you (i.e. “do you accept pets?” or “do you accept Section 8?”). Don’t get caught in the trap that’s constantly set for the uneducated landlord. And don’t forget that you can no longer state that you do not take Section 8 housing vouchers. You must consider that tenant’s income assistance (the Section 8 voucher) just as you would any other prospective tenant.

This information is brought to you by me — the Executive Director of the Berkeley Rental Housing Coalition. The only way we can continue to provide you with this information is with your financial support. **Please consider joining the BRHC — Your BPOA membership is automatically included.** If you are interested in lending your support so we may continue as a strong organization, please contact Krista Gulbransen, Executive Director at 510-304-3575 or [krista@bpoa.org](mailto:krista@bpoa.org).

### ***Our Members Have Spoken!***

Thanks to those members that took the time to answer our member meeting survey. The pandemic drastically changed the way in which we delivered rental management education to our members. We’ve all gotten more comfortable with online meetings, but we know that many of you also crave the personal interaction of our standard meetings at St. John’s Presbyterian Church. With that in mind, we queried what kind of meeting format you wanted moving forward.

Most of you responded that you would prefer a hybrid format (both in person meetings and online meetings) with more online meetings being offered than in-person meetings. You also indicated that a mix of both Saturday morning meetings and weekday evening meetings would be helpful.

We also received a lot of wonderful suggestions about subject matter you’d like us to cover. We are actively working to find experts to deliver that education.



## Average Tenant Buyout Was \$45K in San Francisco Last Year

Socketsite.com, February 3, 2021

With a moratorium on evictions having been in place for most of last year, landlords in San Francisco inked a total of 333 legally recorded tenant buyout agreements, which was down from 365 inked agreements in 2019 and included a few deals which had been in the works since early 2016.

According to our queries, the average buyout agreement totaled \$44,713 in 2020 or \$29,216 per tenant, which was down 6.9 percent from an average of \$48,006 (\$31,491 per tenant) in 2019.

For the third year in a row, the Mission was the San Francisco neighborhood with the most inked buyout

agreements (59), followed by Haight-Ashbury (28), Eureka Valley (24), the Tenderloin (22), and SoMa (19).

And while down from a record-setting deal that paid out \$325,000 to a single tenant in North Beach in 2019, the highest reported buyout last year still totaled \$248,975, an amount which was paid to the tenant of a little single-family home in Noe Valley “with possibilities.”

[n.b. The Financial Times reports a new record for San Francisco: \$475,000. ed.]

### Coming Soon!

*BPOA is happy to announce the future unveiling of our new website! During the pandemic we've taken the time to dust off the cobwebs and prepare for the next iteration of our brand. We figure it's time to give ourselves a fresh look and give our website administrator (Ross Technical Associates) a much needed rest. The new website will include a Members Only section that will provide easy access to forms, past education and other helpful materials. We anticipate the unveiling to be by year's end and will be sure to make much fanfare of it!*

*We hope to resume our in-person meetings in September and November of this year.*

We will continue to hold member education online for those that don't feel comfortable attending in person. We look forward to welcoming you back and seeing your shining faces!

**<https://www.bpoa.org/eventcal.php>**

DATE	TOPIC
August 11, 4:00 pm	Landlord 101: A Deep Dive into the Lease Package
August 19, 2:00 pm	Evictions & Other Traps: A Legal Discussion
August 26, 2:00 pm	Maximizing the Financial Health of Your Rental Property

*Our Landlord 101 series is for new rental housing providers or members that want to brush up on the basics of being a landlord in Berkeley. Each month we take on two topics in depth, examining everything you need to know to manage your own property. Check the BPOA calendar for more details.*

In San Francisco, Supervisor Dean Preston has introduced relief legislation which would excuse rent due by commercial businesses which were required to shut down under pandemic health orders. According to the Chronicle, the legal underpinning of the law is that state law excuses a party from a contract because fulfilling it has become impossible. Really?

Preston is quoted as saying that he believes the ordinance is “*consistent with existing contract law and on firm legal ground.*” He goes on: “*For the most part, as a class, the owners of commercial properties are better able to withstand some loss of revenue than most small business shut down during the pandemic.*”

Let’s paraphrase the Supervisor’s position. *I have found a group of people who owe money to other people who, mostly, have more money than the debtors. I propose that local government therefore mandate that the debt for all the debtors be forgiven, the specific economic status of the two parties notwithstanding.*

God bless the nanny staters and the crony capitalists. Every day, they blithely and blindly run our lives a little more.

—ed.

○ — ZOOM MEETINGS & WORKSHOP FOR AUGUST — ○

***Landlord 101: A Deep Dive into the Lease Package***  
Wednesday, August 11th, 4:00pm

***Evictions & Other Legal Traps: A Legal Discussion***  
Thursday, August 19th, 2:00pm

***Maximizing the Financial Health of Your Rental Property***  
Thursday, August 26th, 2:00pm

*Check the event calendar at [www.bpoa.org](http://www.bpoa.org) for information & registration*

○ — BPOA WORKSHOPS — Go Beyond the Basics — ○

## Some Details in the UCB/City of Berkeley Settlement

*Frances Dinkelspiel, Berkeleyside, July 28, 2021 [abridged]*

- UC Berkeley will pay Berkeley \$4.1 million annually, adjusted 3% a year for inflation. That adds up to about \$82.6 million over the life of the settlement. UC Berkeley had been paying the city \$1.8 million annually under the 2005 agreement. Some of the spending specifics for the next two years were detailed in the document.
- \$2.8 million of that will go annually to pay for fire and other city services.
- At least 30% of the annual payment, about \$1.3 million, will be used to benefit Berkeley residents living within a half-mile of the university. This could include paying for police patrols, new street lights, vegetation management, and improving bike and pedestrian pathways, among other ideas, said Arreguín.
- In 2021, \$130,000 of the \$4.1 million payment will go toward building a public restroom in the Telegraph Ave area.
- In 2021, some of the proceeds will go toward funding a daytime drop-in service center in the Telegraph Avenue area for those who are unhoused.
- In 2022, \$250,000 will be allocated to the Piedmont/Channing area for traffic circle pedestrian and street lighting improvements.
- Funds will be allocated in 2022 to wildfire risk management and fuel reduction on UC Berkeley property.
- UC Berkeley will donate land off the main campus for the construction of a new city fire station, most likely on the Clark Kerr campus or the Fernald-Smyth property, said Arreguín.
- UC Berkeley will continue to fund the position of a campus social worker to work with the unhoused population as long as there is a demonstrated need.
- UC Berkeley will endeavor to continue its \$300,000 annual Chancellor grants to joint projects.
- UC Berkeley “will cooperate in good faith” with Berkeley to collect certain parking taxes from university-owned lots.
- Cal will require its commercial tenants operating in the city environs to get Berkeley permits and pay city impact fees.
- UC Berkeley will collaborate in good faith to reach an agreement to “reduce or eliminate its use of master leasing of residential facilities.”
- Berkeley, in the interests of increasing student housing opportunities, will evaluate zoning adjustments to do this, including allowing 12-story buildings in south Berkeley directly south of the campus. A planning process for this is underway, said Arreguín.
- The parties recognize the importance of keeping properties on Berkeley’s tax roll, and Cal commits to trying to put new programs and parking facilities on UC Berkeley-owned land.
- UC Berkeley agreed to lease land in People’s Park to Resources for Community Development or another group to build affordable and permanent supportive housing for the homeless. UC Berkeley has verbally done this but now this is more enforceable, said Arreguín.

**Fried & Williams**  
Attorneys at Law

1901 Harrison St., 13th Floor  
Oakland, CA 94612  
www.friedwilliams.com  
510-625-0100

**Real Estate Attorneys**

- Defense of Tenant Lawsuits
- Difficult Evictions
- Transaction Disputes
  - Ellis Act
  - Buyouts

**Legal Excellence.  
Dedication to Clients.**



### QUOTES OF THE MONTH

*The Democrats seem to be basically nicer people, but they have demonstrated time and time again that they have the management skills of celery. They're the kind of people who'd stop to help you change a flat but would somehow manage to set your car on fire. I would be reluctant to entrust them with a Cuisinart, let alone the economy. The Republicans, on the other hand, would know how to fix your tire, but they wouldn't bother to stop because they'd want to be on time for Ugly Pants Night at the country club.*

— Dave Barry

*After having thus successively taken each member of the community in its powerful grasp and fashioned him at will, the supreme power then extends its arm over the whole community. It covers the surface of society with a network of small, complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate, to rise above the crowd. The will of man is not shattered, but softened, bent, and guided; men seldom forced by it to act, but they are constantly restrained from acting. Such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd.*

— Alexis de Tocqueville



**Total Integrity**  
Insurance Services LLC



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

• Independent • Professional • Friendly • Knowledgeable •

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

### Bayside Pest Elimination

**Helmut Tutass** Owner/Operator  
OPR 11473, PR 6778

*"Your Green Pest Management Company."*

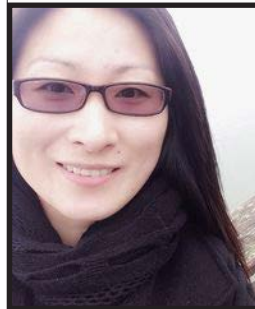
**510-717-3506**

LICENSED • BONDED • INSURED  
1474 University Avenue, Suite 148  
Berkeley, CA 94702

**Specializing in Bed Bug Solutions**

**www.BaySidePestControl.com**

## COMPASS



- Sell your property for the best possible price
- Small details make a difference

**Grace Sun**

**626-500-7082 (Berkeley)**

Languages: English & Chinese

ruobilin2009@hotmail.com

Wechat 微信: ishowxiu

License: 01945799

**FIND YOUR PLACE**

Serving Berkeley for 25 years



Property Management  
and Rental Services

**We can help you find qualified tenants!**

2980 College Ave. Suite 5, Berkeley, CA 94705

(510) 883-7070 ~ info@erihomes.com ~ www.erihomes.com

Legal Consultation and  
Representation for  
Landlords



Law Office of Michael M. Sims

2161 Shattuck Ave., Suite #232

Berkeley, CA 94704

Tel: (510) 848-6601

## Beacon Properties

Careful, Conscientious  
Property Management

**Aaron Young, Broker**

466 40th Street, Oakland CA 94609

aaron@beaconbayarea.com

## PREMIUM PROPERTIES

### REAL ESTATE SERVICES

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

SAM SOROKIN  
BROKER & PARTNER

CRAIG BECKERMAN  
BROKER & PARTNER

2941 TELEGRAPH AVENUE  
BERKELEY, CA 94705

510.594.0794 MAIN

WWW.PREMIUMPD.COM

CA DRE LICENSE #01886322

## BAY AREA CONTRACT CARPETS

747 Independent Road, Oakland

**(510) 613-0300**

*Carpet & Linoleum  
Residential & Commercial*

Serving the Bay area since 1971

**www.bayareacontractcarpets.com**

Contractor's License Number 714467

## House Cleaning Services



Maricruz Bernal

**510.355.6201**

bernalbernal69@gmail.com

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

*Thorough • Reliable • Detail-Oriented • 10+ Years*

## BORNSTEIN LAW

BAY AREA REAL ESTATE ATTORNEYS

East Bay / San Francisco Offices

### AREAS OF PRACTICE

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



482 W. McArthur Blvd  
Oakland CA 94611

**Daniel@bornstein.law**  
(415) 409-7611

[www.bornstein.law](http://www.bornstein.law)

## Jon Vicars Realtor

*Over 25 years  
selling Berkeley Apartments*

**BPOA member since 1982**

(510) 898-1995

[jon@vicarscommercial.com](mailto:jon@vicarscommercial.com)



### MULTIFAMILY SALES SPECIALIST

Sell your apartment property for optimal value.  
Use our proven services.

COMMITMENT TO EXCELLENCE.



### Joey Wang

510.592.4244

[joeywang@kwcommercial.com](mailto:joeywang@kwcommercial.com)

CA RE Lic. 01890931

201 N. Civic Dr. #130, Walnut Creek, CA

[www.kwcommercial.com](http://www.kwcommercial.com)

## THE SHEPHERD LAW GROUP

Affordable attorney with landlord/tenant expertise.

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

Dependable, skillful and caring approach to tenant problems

## NOT YOUR TYPICAL ATTORNEY

Call and Hear the Difference

Michael Shepherd

3542 Fruitvale Ave. #316

Oakland, CA 94602

[theshepherdlawgroup@netzero.com](mailto:theshepherdlawgroup@netzero.com)

**Tel: 510-531-0129**



# Business Directory

Residential Leasing Company



► Kimmi Kataria, Broker  
CalBRE # 01185967

**A.S.K. RENTALS**

TEL. : 510.524 2985  
e-mail : askrentals@gmail.com

## ST. JOHN & ASSOCIATES, LLC

Property Management Consultants

Rent Control . Condominium Conversion . Real Estate Planning

Michael St. John, Ph.D., Principal Consultant

Andrew W. Fingado, Associate Consultant

Marti Dion, Associate Consultant

[www.stjohnandassociates.net](http://www.stjohnandassociates.net)

2115 West Street, Berkeley, CA 94702  
(510) 845-8928 . North Coast Office (707) 937-3711



Property Management

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

Lic. # 1207977

Lic. #1329248

2119 West St., Berkeley, CA 94702

tel: 510.665.4350

fax: 510.665.6005

[www.shawprop.com](http://www.shawprop.com)

## HOLL LAW & MEDIATION

BENJAMIN J. HOLL

Attorney/Mediator

Tel 415-324-8860

Fax 510-665-6005

Email [benjamin@holl-lm.com](mailto:benjamin@holl-lm.com)

369 Pine St., Suite 420

San Francisco, CA 94104

[www.holl-lm.com](http://www.holl-lm.com)

## JUST FIX IT

Expert Computer Support & Repair

Website Design & Development

Site Administration

MICHAEL ROSS

510.549.9912

[michael@rosstechassociates.com](mailto:michael@rosstechassociates.com)

*Twenty Years of Just Making Things Work*



## COMPLETE ELECTRIC

[www.complete-electric.org](http://www.complete-electric.org)

Lic.# 966283

Clay Bartley

Master Electrician

(510) 325-7462

[cmpltelctrc@gmail.com](mailto:cmpltelctrc@gmail.com)

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

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

**...NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC  
USE, WITHOUT JUST COMPENSATION.**

**5TH AMENDMENT, US CONSTITUTION**



2041 Bancroft Way, Suite 203 Berkeley, CA 94704 • [www.bpoa.org](http://www.bpoa.org) • [bpoa@bpoa.org](mailto:bpoa@bpoa.org)

PRESORTED  
STANDARD  
US POSTAGE PAID  
OAKLAND, CA  
PERMIT #2508

## Berkeley Property Owners Association

### AUGUST ZOOM MEETINGS

*Evictions & Other Legal Traps:  
A Legal Discussion*

Thursday, August 19th, 2:00pm

*Maximizing the Financial Health  
of Your Rental Property*

Thursday, August 26th, 2:00pm

*Check the event calendar at [bpoa.org](http://bpoa.org)  
for information & registration*

### LANDLORD 101 SESSIONS:

*Are you a new member or new to being a landlord? In 2021 we are hosting a Landlord 101 for new rental housing providers or anyone that needs to brush up on the basics of being a landlord in Berkeley. Each month we will take on a new topic in depth, examining everything you need to know to manage your own property. Check the BPOA calendar for more details.*



THE  
**PRESCOTT**  
COMPANY  
PREMIUM REAL ESTATE SERVICES

## DAVID WEGLARZ



Senior Partner | Real Estate Services

**CALL TODAY FOR A FREE &  
CONFIDENTIAL PRICING ANALYSIS**

# 510.398.1027

[david.weglarz@theprescottcompany.com](mailto:david.weglarz@theprescottcompany.com)

[WWW.THEPRESCOTTCOMPANY.COM](http://WWW.THEPRESCOTTCOMPANY.COM)

DRE#01785615