

APR
2022



The Advocate for Berkeley's Rental Housing Providers

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Filling Your Apartments in a More Competitive Market

Mark Tarses, President, BPOA

As every Berkeley landlord knows or should know, the vacancy rate in Berkeley now is high. This is mainly due to all the new buildings coming on-line. Furthermore, there are a lot more apartments coming on the market soon.

In a market with rising vacancy, a landlord has three choices:

1. Accept having more vacancies.
2. Lowering your rents.
3. Offer tenants more value for the same rent.

The best and most profitable option for landlords is always #3.

Think about what amenities tenants value and that they will pay more money to get. I could make a long list but let me start with just one — bicycle sheds. Tenants will pay more rent for an apartment with a secure bicycle shed than one without it. If you don't have bicycle sheds or secure individual bicycle parking spaces in your basements or someplace else on your property, you are at a competitive disadvantage to the new buildings around town. Nearly all the new buildings around town have secure bicycle parking.

There are a lot of companies that will deliver and assemble a prefab shed on your property. Get an all-wood model with a raised wood floor and a good lock. Call or visit Tuff Shed. They are the 800-pound gorilla in this business. They can build sheds with multiple individual compartments.

Don't forget that bike sheds now need electrical outlets. That didn't used to be the case; however, lots of people now have electric scooters and electric bikes, and their numbers are growing. Electricity is a good thing to have in a bike shed anyway so you can have a ceiling light and a light outside the shed as well. Even if a tenant doesn't own a bicycle, a bike shed still has considerable value to tenants because it can be used for storage.

Bike sheds also benefits landlords. Think about it — if you don't have a secure bicycle storage area, your tenants will use their living rooms as their bicycle sheds. What else can they do? Do you want your tenants to do that, especially in the rainy season? Keeping your tenants' bikes out of their apartments also prolongs your carpet life and saves your walls from damage.

APRIL EVENTS

Member Open Mike Night

Thursday, April 7, 5:00 pm

***The Preliminary Move-Out Inspection:
Protecting Your Rights***

Thursday, April 14, 3:00 pm

Overview of the Current Legal Landscape

Wednesday, April 20, 3:00 pm

See pages 9 & 10 for details

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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

Editorial

Who Sets Rents?

Albert Sukoff, Editor

With rents in many markets on the rise, it is not surprising that one of the national networks reported this on their daily news broadcast. They featured a renter who lamented that her rent was \$850 a month and that nearby developers were building housing which would rent for double that.

"Why are they doing this to us?" she wondered, implying that adding to the housing stock at a given rent level was the cause rather than the effect of rising rents.

As Murray N. Rothbard said: *It is no crime to be ignorant of economics, which is, after all, a specialized discipline and one that most people consider to be a 'dismal science.' But it is totally irresponsible to have a loud and vociferous opinion on economic subjects while remaining in this state of ignorance.*

It is in fact economic ignorance to assume that rent levels are set by the rents charged for newly-built housing. What causes rents to be at some given level is of course the interplay of supply and demand. That's Economics 101. If there were only one rental unit available for rent in the entire Bay Area and Warren Buffett and Bill Gates wanted it, what would the rent be? On the other hand, if a city of two million literally lost half its population — read Detroit — what would rents be?

What the woman on the news report doesn't understand is that added supply is the only solution to rising rents. What she fails to appreciate is that, if the new housing which she sees as a detriment were not built, the people ultimately housed therein would be bidding up her rent.

One factor which drives rents up is routine inflationary pressure. In the United States, prices in general seem to increase every year between two and seven percent. These purely inflationary increases can spill over to the rental market with no substantial change in either supply or demand. Purely inflationary increases result because housing consumers *as a whole* have more money to spend on housing. It is not because there are more renters or fewer housing units. If both average rents and renters' average incomes simultaneously jumped by, say twenty percent, that's pretty much a wash. This would be so, even though some renters would have a smaller increase in income and therefore would be negatively affected by a significant rent increase due to routine inflation.

Beyond common inflationary increases, however, rent will increase beyond inflation when there is increased demand or decreased supply. This would be the result with a growing *local* economy with new in-migration and/or growing wages for both old and new residents.

Housing units, unlike widgets, cannot be produced at the snap of the fingers. The housing stock cannot be quickly increased by simply adding another shift to the local factory. Supply, therefore, is pretty much fixed in the short run in any given housing market. Not only is the product — housing — necessarily produced at a particularly large scale, it is also unusually complicated. Furthermore, the process of development is made all the more time-consuming and cumbersome by routine government processes which, in places like California, are Kafkaesque. The added burden in government-laden jurisdictions adds demands

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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.**

Spring Legislative Landscape

The California Rental Housing (our state association of which you are a member!) has reviewed all bills currently in the hands of the Legislature, creating a list of priority bills that the association will fight for or against.

It's clear the legislators used the shelter in place to hunker down and focus on the continued lack of housing that plagues the states. Unfortunately, this has resulted in some official bills that could impact the way you do business as a rental housing provider. Not all legislative policy at the state has an impact on Berkeley. The state often lets local jurisdictions lead with their own policy, if the policy is equal to or stricter than what the state has imposed.

Here is the watch list for the legislative calendar year:

AB 1738 (Boerner Horvath) EV Charging station –

Would require mandatory building standards for the installation of electric vehicle charging stations existing multifamily dwellings.

AB 1771 (Ward) The California Housing Speculation

Act – Additional 25% income tax on the portion of a qualified taxpayer's net capital gain from the sale or exchange of the qualified asset.

AB 2053 (Lee) The Social Housing Act – Creates the Social Housing Act establishing a quasi-governmental authority, California Housing Authority, to produce and acquire social housing developments for the purpose of eliminating the gap between housing production and regional housing needs.

AB 2393 (Jones-Sawyer) Ban the Box in Rental Housing Applications – a lift of Berkeley's Fair Chance Housing Ordinance where an owner may not inquire about a tenant's criminal background as part of consideration for tenancy.

AB 2469 (Wicks) Statewide Rental Registry – Create a rent registry similar to Berkeley's rent registry. May require rental housing providers to report their tenancies even if they already report them to a local jurisdiction.

AB 2713 (Wicks) Modification of AB 1482 – Makes modification to the state rent cap and just cause provision law as it relates to those properties who fall under state

law and are not subject to local law.

SB 1324 (Durazo) Rental Debt – This bill would define "consumer debt," for purposes of the Rosenthal Fair Debt Collection Practices Act, to additionally include rental debt that became past due on or after January 1, 2019 and would make conforming changes.

In addition, legislators are in discussion to extend the state's Eviction Moratorium one more time to the end of August. While the city of Berkeley remains in a continued state of no evictions, and will even prohibit the Ellis Act starting April 1, 2022 (due to a modification made by City Council in December 2020) this extension would be devastating for many owners. The state has dismal performance in disseminating the Rent Relief funds and while presumably this allows more time for tenants to be protected while the state distributes the money, it only kicks that can further down the road and gives Berkeley electeds the cover to continue the local eviction moratorium (in addition the County one) for even more time. The extension will be decided on by March 31, 2022. Regardless of what state legislators decide to do, the city of Berkeley and Alameda County Eviction Moratoria will continue indefinitely. They are tied to the state of emergency declared by the state and the local health officials. When the state of emergencies are lifted, Berkeley's Eviction Moratorium will end and Alameda County's will end 60 days thereafter.

If you'd like to learn more about recently filed lawsuits against eviction moratoria up and down the state, visit www.bpoa.org and choose About/BRHC/Legal.

Please help us fund our efforts to fight against unbalanced, unfair, and poorly thought-out rental housing policy. Upgrade your membership in the Berkeley Rental Housing Coalition. The BRHC employs the feet-on-the-ground who hold the elected officials' feet to the fire. To lend your support, contact Executive Director Krista Gulbransen, krista@bpoa.org or (510) 304-3575.

State Legislature Delivers Answer to UC Berkeley Enrollment Freeze

Sarah Klearman, San Francisco Business Times, March 14, 2022

The University of California, Berkeley will not have to slash in-person enrollment for the 2022-2023 academic year after all.

Gov. Gavin Newsom late Monday signed Senate Bill 118, a budget trailer bill that would exempt California's public colleges and universities from assessing the environmental impact of changes in their enrollment under the California Environmental Quality Act. The bill, which is intended to resolve the court-ordered enrollment freeze for UC Berkeley, was passed unanimously by the State Legislature Monday afternoon, just days after it was initially proposed.

The bill, which will take effect immediately, does not altogether absolve public institutes of higher education from conducting environmental review of the impact of their enrollment or its growth, said Michael Lane, policy director for the public policy think tank SPUR. What it does do, he said, is address the conditions under which a court would be allowed to order additional environmental review or an enrollment freeze based on a change in enrollment alone.

SB 118, which was introduced by the Committee on Budget and Fiscal Review, authorizes a court to issue an injunction on enrollment only if it is determined that an increase in enrollment at a particular campus is having significant environmental impacts, and only if that particular campus fails to provide an updated environmental impact report within 18 months of a court order. The text of the bill indicates it will apply retroactively to UC Berkeley's case.

Existing law requires universities to conduct review of changes in their enrollment and upholds the idea that such change is considered a project that is subject to review under CEQA. In 2019, the citizen group Save Berkeley's Neighborhoods sued UC Berkeley, asserting the university had failed to comply with the law by not conducting adequate review of its growing student population. As a result, the group said, the university had exacerbated the city of Berkeley's housing shortage.

In August of last year, an Alameda County Superior Court ruled in SBN's favor and ordered UC Berkeley to freeze its enrollment at 2020-2021 levels until it could conduct adequate environmental review of its growing student body.

The state Supreme Court at the beginning of this month declined to stay the lower court order, which UC Berkeley initially said would force it to cut around 3,050 seats

for prospective freshman and transfer students for the coming academic year. The university later said it believed would be able to limit that number to 2,600 by offering incoming students the option of an all-remote first semester.

In a statement, Berkeley Chancellor Carol Christ thanked the state's legislators for what she said had been a quick and effective response to the court-ordered freeze.

"At Berkeley," Christ wrote, "we are, and will remain, committed to continuing our efforts to address a student housing crisis through new construction of below market housing."

The university has said it plans to send out admission offers March 23.

Phil Bokovoy, president of SBN, said in a written statement that the group anticipates SB 118, which it described as "poorly drafted," would result in more litigation.

"This misguided bill gives the UC a unique free pass to avoid analyzing impacts associated with its own enrollment decisions directly impacting population density on campus and in the surrounding communities," Bokovoy said in the statement.

SPUR's Lane said additional legislation would likely be needed to address what he said was the larger issue at play: the lack of affordable housing available to students attending California's public colleges and universities. He pointed to SB 886, proposed at the end of February by Sen. Scott Wiener, D-San Francisco, which would exempt certain student and faculty housing projects from CEQA review. That legislation would play an important role in combating the housing crisis as it is affecting the state's college towns, he said, but there is more to do.

"The pressure on students and their families has never been greater," Lane said. "There's a large percentage of students who are homeless or in precarious living situations. We need a plan."

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New Law a Patch for UC Berkeley Growth Concerns

Nanette Asimov, San Francisco Chronicle, March 21, 2022

Swift work by California lawmakers last week rescued the academic hopes of thousands of applicants to UC Berkeley who would have been barred because of a legal interpretation that limited next fall's student enrollment.

But the new law that nullifies the enrollment cap doesn't let UC Berkeley off the hook for addressing the environmental impacts of its growing presence in the city. If certain legal puzzle pieces fall into place, the campus could find itself having to halt growth all over again or find other ways to mitigate any ill effects its expansion has on the community.

The new law "is just a kick-the-can-down-the-road partial remedy, a fig leaf," Jennifer Hernandez, an environmental lawyer in San Francisco and Los Angeles, said of the new SB118, which state lawmakers unanimously approved last Monday and Gov. Gavin Newsom signed into law that evening. The university "will have to do another environmental study and can be sued all over again."

For the 5,000 or so applicants who will receive admission invitations this spring that they otherwise wouldn't have, SB118 is a very good partial remedy. Still, the new law leaves UC Berkeley with a lot of work to do.

That's because the university lost a court case last summer that challenged its seemingly unchecked growth — a case it is appealing. The university also filed a separate appeal over the judge's enrollment cap requirement and took it all the way to the state Supreme Court, but lost there. That defeat prompted the Legislature to act.

Under that new law — which is retroactive and covers UC Berkeley's situation — campuses in a similar legal bind have 18 months from the time a court rules against them to rework their environmental impact plans.

Money is one compelling way to soothe that kind of town-gown acrimony. In July, the city of Berkeley dropped its objections to campus growth in exchange for \$82.64 million over 16 years to cover the city's costs in police and fire safety and other services because of students.

But Phil Bokovoy, president of a group called Save Berkeley's Neighborhoods that sued the university, says he isn't interested in its money. The group filed suit against UC Berkeley and University of California regents in 2019 on grounds they had allowed campus enrollment to grow far beyond what was planned for, creating more noise, diverting police and fire services, displacing local residents and even harming students because the campus couldn't house them all.

In fact, the school's 2005 long-range enrollment projection was off by nearly 9,000 students in 2020, hitting 42,237 instead of the predicted 33,450.

Bokovoy and Save Berkeley's Neighborhoods hoped to force UC Berkeley to admit only students it could provide a bed for — and to turn away everyone else. UC Berkeley accommodates just 22% of its students in university-owned housing, the worst rate of the nine undergraduate UC campuses.

The state's CEQA environmental quality law governs the impact of construction projects. Because of an earlier lawsuit from Save Berkeley's Neighborhoods, its scope includes the environmental effects of student enrollment.

In August, Alameda County Superior Court Judge Brad Seligman agreed with the group's claim about the environmental impact of burgeoning numbers of students. In his ruling, Seligman cited the university's own 2017 research that found more than 10% of students had been homeless.

He ordered UC Berkeley to cap its 2022 fall enrollment at 2020 levels — no more than 42,237 students, or nearly 3,000 students fewer than this year's enrollment of 45,057.

As part of its appeal, UC Berkeley filed court papers this month acknowledging that its enrollment exceeded what it had planned for, but arguing that it hadn't known extra students would be considered a "project" under CEQA, which requires government agencies to conduct an environmental review of new projects and include proposals for reducing any environmental harm they are likely to cause. The university has said its analysis was properly done.

Enrollment can no longer be considered under CEQA, according to SB118. Now, it's total population — students and employees alike — that counts.

Specifically, the new law says that if a judge finds that the total population of any public college or university exceeds what the campus planned for in its long-range development plan (required every 15 years), and if it creates "significant environmental impacts," campuses have 18 months from the court's order to create a new remediation plan.

Which raises the question: How will UC Berkeley address the environmental impact of its students as required? The

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'Dearth of Housing' Remains – 50 Years Later – At UC Berkeley

J.K. Dineen, San Francisco Chronicle, March 14, 2022

In the mid-1990s, developer Patrick Kennedy approached UC Berkeley with a deal he thought it couldn't refuse.

Kennedy owned a piece of property on Oxford Street, directly across from campus, that was approved for 56 apartments. Kennedy, who was short of cash at the time, was willing to sell it to the university for a bargain price of \$500,000. There was some initial interest from UC Berkeley's administration, but after months of going back and forth, the deal fizzled out. Kennedy eventually raised the cash to build it himself. The entire complex leased up "before it was sheet-rocked," Kennedy said.

"UC Berkeley couldn't get it together to buy it," Kennedy said. "At that time they were a bureaucracy that couldn't act nimbly if their lives depended on it."

A quarter-century later, it would not be much of an exaggeration to say that UC Berkeley's life — or at least its ability to grow as one of the premier public universities in the world — depends on whether it can act nimbly to produce student housing as fast as possible.

Over the past month the University of California — and thousands of students — has been the target of a lawsuit filed by Save Berkeley Neighborhoods. The organization argues that UC violated state environmental laws — the California Environmental Quality Act, or CEQA — by increasing enrollment by 30% over the past 17 years without properly analyzing the impact that the larger number of students would have on everything from traffic to housing costs.

The lawsuit has prompted a flurry of legal maneuverings that has left things very much up in the air. First, the plaintiffs landed a big win when a judge ordered UC Berkeley to freeze enrollment at 2020 levels. That prompted the university to announce that it would cut in-person fall enrollment by 2,629 students, in part by forcing over 1,000 incoming freshmen to spend their first semester online rather than in-person.

On Friday, identical bills were introduced in both the state Assembly and Senate that would give the University of California system 18 months to address CEQA-related issues before a court ruling on enrollment growth can be issued. The bills, which will go before the budget committee on Monday for an informational hearing, would be retroactive, meaning that UC Berkeley would be able to welcome its full class this fall.

But whatever happens to the lawsuit, the fact is that the university — and the city that grew up around it — has

failed miserably over the past 50 years to build enough housing for its students. Today, just 22% of roughly 40,000 students live in UC Berkeley-owned housing. The result is a student/housing imbalance that is felt by anyone looking for a place to live well beyond the borders of the campus.

Meanwhile, the university and the city are scrambling to make up for past mistakes. From the rolling lawns along the western edge of campus, pile drivers can be heard driving steel deep into the earth for what will be a 775-bed residence hall that will house transfer students, a group that makes up 21% of all undergraduates. Along the western edge of campus, demolition crews are knocking down a retail complex — it housed Urban Outfitters — to make way for an apartment complex with about 120 beds.

And last week the university announced a deal to relocate about 55 unhoused residents currently living in People's Park, a UC-owned, 2.8-acre open space that is scheduled to be developed with a pair of dorms big enough to accommodate about 1,100 students. Other projects in the works include a 750-bed complex at University Village in Albany. Construction on that project — which has been vociferously opposed by a group of neighbors — will start this year, according to Chancellor Carol Christ.

These projects have all faced opposition from Berkeley residents who fear that the race to put up dorm rooms for an ever-expanding student body will wipe out both the city's bohemian charm and what remains of its working class.

The city is working on its housing element, which will create capacity for more density on both the Southside and downtown. This will likely include about four sites for 12-story mid-rises on the South-side and some taller buildings downtown. Between those two areas, new development at BART stations and allowing fourplexes on single-family zoned areas, it will allow Berkeley to exceed the 9,000 units the state is requiring the city to accommodate over the next eight years.

Kennedy has spent the better part of 25 years building in Berkeley. While the university sat on its hands, he managed to complete eight projects totaling 500 units, often overcoming years of litigation and opposition.

"When I first started in Berkeley, there would be hundreds of people attending public hearings to stop a 40-

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Tiffany VanBuren, BPOA Deputy Executive Director

Rental Housing Safety Program Annual Inspections Due July 1, 2022

In order to maintain compliance with the Rental Housing Safety Program, it is the responsibility of owners or managers of rental housing to conduct complete inspections of all rental units (exempting new construction within the last five years) by July 1st each year using the City of Berkeley's RHSP Checklist (formerly Schedule A) *and* providing a copy of it to the tenants. Although it may seem like an inconvenient task, first and foremost, it's the law. It is important to identify any health and safety issues, items in need of repairs, or code violations so that they can be corrected. Secondly, the RHSP Inspection affords owners the opportunity to enter occupied units to observe how their tenants are maintaining their properties.

Through recent RHSPs, I was able to identify two potential fire hazards; one tenant had a network of overloaded power strips throughout the apartment and was running the "unsightly" electrical cords beneath his area rugs, while another tenant was storing books and newspapers in her oven because, "I only ever use the stovetop! I never bake!" Because I had put eyes on these potential hazards, I was able to have conversations with the tenants, giving

them the opportunity to remedy the issues before anything disastrous happened.

If you have not inspected a unit within the last 12 months, now is the time!

Remember to serve your tenants with no less than 24-hours of advance notice of your intent to enter for purpose of the RHSP Inspection. Afterwards, if the unit passes, share a copy of the checklist with the tenant and keep a copy for yourself. If the unit does not pass, notify the tenant and schedule repairs for as soon as possible. After the issues are resolved, remember to send them a copy of the RHSP checklist with all items marked as "passed". Unless a tenant refuses entry or the city has requested a copy of the RHSP, you are not required to submit a copy to the city.

The RHSP Checklist is available to BPOA members in our Rental Housing Forms Library under "Rental Addendums". If you have any RHSP-specific questions, please email tiffany@bpoa.org.



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Berkeley Now Goes All Out for Housing

Sarah Ravani, San Francisco Chronicle, March 6, 2022

When Berkeley officials voted last year to endorse the idea of opening up exclusive neighborhoods to denser housing, advocates saw the move as a step in the evolution of the city's attitudes about development. Once dominated by fervently anti-housing politicians and residents, Berkeley's City Council is now talking about how to build more homes quickly and even considering allowing apartments in single-family neighborhoods. But while officials are trying to address the region's housing and homelessness crisis by pushing density and all kinds of housing, the city has struggled to get homes built. Its challenges underscore what cities throughout the region face in generating housing even when they have the political will.

And those struggles are exacerbated by some residents. The California Supreme Court ruled Thursday that UC Berkeley must cut enrollment by nearly 3,000 students next fall and pause a project to build housing for professors and classrooms after residents sued, arguing the university's enrollment harms their neighborhoods and the project's impacts weren't properly studied. Before Thursday's ruling, the Berkeley mayor and City Council filed an amicus brief in support of the university, which says it will appeal the ruling.

Berkeley Mayor Jesse Arreguín, who is an example of the shift among city leaders, said in a statement he was disappointed by the decision and that the city believes "students are a valuable part of our community." Arreguín told *The Chronicle* his perspective has evolved over the years. Once skeptical of market-rate development, he is now embracing housing for all income levels because I recognize that we have a shortage of housing for everyone."

Council Member Lori Droste, who wrote the resolution to eventually end single-family zoning, said that since her election in 2014, more council members are pushing for pro-housing policies. Still, it's difficult to tell how much progress has been made. There are two main measures of the city's progress: how many units have been approved and how many have been built.

From 2015 to 2020, Berkeley issued permits for 2,943 units, city staff said. Data from 2021 was not yet available, said Jordan Klein, the director of the city's planning department. Klein said when permits from last year, this year and next year are factored in, Berkeley will "far exceed" the state mandated goal for total units permitted for 2015-2023.

But while Berkeley might be permitting more units, those units don't do any good if they don't get built. Experts say skyrocketing construction costs and slow approvals

are big reasons housing doesn't get built. Arreguín said he wants to find solutions for those problems.

Officials said data on how many homes have been built citywide since 2015 was not readily available. There was data on two areas where the city allowed more density over the last decade — downtown and San Pablo Avenue. From 2018 to 2020, 242 housing units on San Pablo Avenue and 316 units in the downtown area were completed, Klein said. While that's almost as much as was built from 1970 to 2000 in the entire city, the city needs to produce an average of a thousand of units a year to meet state goals.

Berkeley needs to plan for nearly 9,000 more units over the next decade, which Garcia said would be tough to pull off. City staff is exploring allowing multi-unit buildings in certain areas, building middle-income housing and prioritizing transit corridors for new homes.

To that end, Berkeley officials are now working on two potentially large projects at the Ashby and North Berkeley BART stations that could generate 1,200 new units at each station — with the council's backing. That's a shift. In 2018, the council voted to oppose a state law, AB2923, to make it easier to build housing at BART stations.

The council is also considering a \$500 million bond to put on the November ballot to fund affordable housing and infrastructure.

In addition, a Georgia-based developer has proposed a 25-story project downtown with 326 units and 33 affordable units that would be the tallest building in Berkeley. Jason Overman, a spokesman for the project who has previously worked on housing in Berkeley, said the city has "impressed a lot of people" with its shift in attitude to be more welcoming to housing.

The problem is that the deficit of housing is decades in the making and it will take many years to undo. In 1973, Berkeley voters passed the Neighborhood Preservation Ordinance, which stalled major housing development for years, said Council Member Ben Bartlett. From about 1970 to 2000, only about 600 new housing units were built in the city, Bartlett said.

The city's housing crisis has also been exacerbated by the university as enrollment numbers have increased and the university's housing production hasn't kept up. UC Berkeley houses just 23% of its students, the lowest of all UC campuses. In September, UC Berkeley approved a controversial \$312 million plan to build housing on the historic People's Park.

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campus lost in court last August, and even if the appeals court sides with the university and overturns the August ruling, it's unclear if that would happen by January 2023 — the 18-month deadline, if the clock started ticking last summer.

The new law authorizes the court to cap campus population if a new environmental impact report isn't certified within the time period.

Part of the process is to circulate the new environmental impact report and solicit public comments. "The public will suggest other methods, and in the final report, the university has to respond to every one," Elmendorf said.

Meanwhile, UC Berkeley already has an updated long-range planning document, approved in early 2021, that projects its total population will grow another 22% by 2036: 8,500 more students and 3,600 more employees.

"We have not been designated (by the UC regents) as a growth campus, and so we expect the undergraduate student population to grow by an annual average of only 1% or less," said campus spokesperson Dan Mogulof.

Bokovoy, of Save Berkeley's Neighborhoods, said the nuances don't matter much because only one kind of environmental fix matters, he said.

"We want the university to build housing before they add additional students."

unit apartment building in downtown Berkeley," he said. Those days are gone.

"It has turned around 180 degrees," he said. "It has become politically incorrect to fight against housing. You might not get invited to your neighbor's cocktail party if you are a NIMBY."

City Council Member Lori Droste said students are "living the ramifications of the housing shortage. Increased student homelessness. Students clamoring to find an apartment that is \$3,000 a month or piling into single family homes with dozens of students living there," she said. "There is just a dearth of housing. These kids don't have much of an alternative at this point."

Council Member Rigel Robinson, who represents the Southside, has a unique perspective on the UC housing situation because he graduated from the university just three years ago. As a student government leader, he led a crusade to stop a hotel from being built downtown because he felt it should be housing.

"It is so frustrating in a district that so embodies change that the neighborhood has grown so little in 50 years," he said. "And now we are paying the price for it."

He said the neighbors' fight for the enrollment cap "really overplayed their hand."

Join Us for Quarterly Social Mixers with Fellow Members

BPOA & BRHC will host the first mixer Thursday, May 19, 5:00-8:00 pm. Join us for drinks and appetizers at Cornerstone Brewery, Shattuck @ Durant.

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

DATE	TOPIC
April 7, 5:00 pm	Member Open Mike Night
April 14, 3:00 pm	The Preliminary Move-Out Inspection: Protecting Your Rights
April 20, 3:00 pm	Overview of the Current Legal Landscape
May 12, 3:00 pm	Cost-Saving Resources for Energy Efficient Rentals
May 18, 3:00 pm	Rats, Bedbugs & Roaches Oh My!
May 19, 5:00 pm	The Inaugural Quarterly Member Mixer at Cornerstone Brewery

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

and procedures which dramatically increase the cost and timing of development.

It is both amusing and infuriating to see the blame for high-cost housing placed on the owners and developers of housing. *Housing providers control neither supply nor demand in housing markets.* They do not move markets, they respond to market conditions as best they can. Housing providers did not spin Silicon Valley out of Stanford resulting in beaucoup more dollars chasing a limited supply of available housing. Housing providers were not responsible for catastrophic competitive decisions on the part of the Detroit automakers which undermined the economic base of the region.

Sometimes it works out well; the Bay Area has over the years been very good for housing providers. Sometimes

it doesn't. Be grateful you were not invested in Detroit, Cleveland, Baltimore or Philadelphia. (And yet other Rust Belt cities like Pittsburgh, Chicago and Minneapolis have fared pretty well despite the severe economic restructuring they have experienced. But that's another story.)

Interestingly, when it comes to housing, those who promote government as the solution to any societal problem want to socialize private gain — i.e. rent control — while they are perfectly happy to let losing investors die on the vine. Too bad we don't get the deal the banks get. When banks succeed, they keep the gains except for that part that goes to fund professional pols who then bail out the banks at public expense when they are about to fail. Gains are private; losses are socialized. Pretty good deal.

QUOTE OF THE MONTH

Few things blind human beings to the actual consequences of what they are doing like a heady feeling of self-righteousness during a campaign to smite the wicked and rescue the downtrodden.

— Thomas Sowell

APRIL ZOOM MEETINGS

Member Open Mike Night

with Krista Gulbransen & Tiffany VanBuren

Thursday, April 7, 5:00 pm

The Preliminary Move-Out Inspection: Protecting Your Rights

with Tiffany VanBuren, Deputy Director, BPOA

Thursday, April 14, 3:00 pm

Overview of the Current Legal Landscape

with Daniel Bornstein, Bornstein Law

Wednesday, April 20, 3:00 pm

Our First Member Mixer is coming on May 19th

at Cornerstone Brewery in Berkeley at 5:00pm

Check the calendar at www.bpoa.org/events for information & registration

BPOA WORKSHOPS — Go Beyond the Basics

Affordable Housing Talks to Include plans to Retain Artists, 'Cultural Workers'

Supriya Yelimeli, Berkeleyside, February 16, 2022

Berkeley's ongoing discussion to create 9,000 homes over the next decade will include plans to accommodate artists with affordable housing that meets their needs, including flexible live-work spaces throughout the city.

The report is based on a small citywide survey released in November, which the Planning Commission referred to the City Council's Housing Element process last week.

The Civic Arts Commission survey received responses from 163 artists across different disciplines who identify as both artists and "cultural workers." From these results,

the commission has recommended prioritizing multiple affordable housing options and the possibility of a guaranteed basic income program for artists who qualify.

These recommendations will be among several different priorities in the Housing Element discussion, which include affordable housing for marginalized groups, people who are homeless, families, residents who have been pushed out of Berkeley and the Bay Area, and many others, along with zoning changes to address the city's legacy of racist housing laws.

from page 8

Berkeley All About Housing Now

But rent-burdened residents are still struggling. More than half of renters are paying more than 30% of their income on rent. In the city of 124,000 people, more than 57% of residents are renters, city staff said.

And despite its advances, neighborhood opposition can still sway policy. For example, the City Council voted on Jan. 26 to limit construction of the accessory dwelling unit in the Berkeley hills, citing fire danger. ADUs are small dwellings located on the same lot as an existing home.

Council Member Rashi Kesarwani, who was elected in 2018, said she is focusing this year on plans to build at the North Berkeley BART Station. Kesarwani said some residents support the project, but others worry it will be too dense.

In the past, some council members would cave to neighborhood pressure, but Kesarwani said while she's willing to listen to neighbors' concerns and discuss alternatives, she's not going

to say "that we are not going to have housing at this site or that it's going to be so limited (that it) wastes the opportunity there."

The council is also focused on affordable housing. It voted in December to allocate \$67.5 million from a 2018 voter-approved bond toward 406 new affordable and permanent supportive housing units, as well as the renovation of 66 affordable units.

Newly elected Council Member Terry Taplin said housing is a big reason he decided to run for the council. Taplin, elected in 2021, introduced legislation to speed up permits for affordable housing projects. And his staff is studying a social housing program.

"Change is really hard, especially in Berkeley, where we have people who are very comfortable and very familiar with how to game the process to keep housing out of their neighborhoods," Taplin said. "We have to be on the lookout for that."



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Did You Know These Things Had Names?

- The space between your eyebrows is called a glabella.
- The way it smells after the rain is called petrichor.
- The plastic or metallic coating at the end at your shoelaces is called an aglet.
- The rumbling of stomach is actually called a wamble.
- The cry of a new born baby is called a vagitus.
- The prongs on a fork are called tines.
- The sheen or light that you see when you close your eyes and press your hands on them is called phosphenes.
- The tiny plastic table placed in the middle of a pizza box is called a box tent.
- The day after tomorrow is called overmorrow.
- Your tiny toe or finger is called minimus.
- The wired cage that holds the cork in a bottle of champagne is called an agraffe.
- The 'na na na' and 'la la la', which don't really have any meaning in the lyrics of any song, are called vocables.
- When you combine an exclamation mark with a question mark (like this?!), it is referred to as an interrobang.
- The space between your nostrils is called columella nasi.
- The armhole in clothes, where the sleeves are sewn, is called armscye.
- The condition of finding it difficult to get out of the bed in the morning is called dysania.
- Illegible hand-writing is called griffonage.
- The dot over an "i" or a "j" is called a tittle.
- That utterly sick feeling you get after eating or drinking too much is called crapulence.
- The metallic device used to measure your feet at the shoe store is called Bannock device.

How many of the above did you already know?

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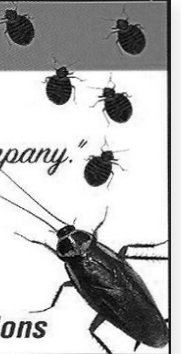
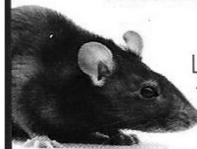
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