

MAY  
2023



## 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)

### About Kitchen Stoves

Mark Tarses, President, BPOA

#### Gas or Electric

The California Air Resources Board is planning to ban the sale of new gas furnaces and water heaters beginning in 2030. For the time being, gas stoves aren't included, but I think it is just a matter of time before gas stoves are banned as well. You should think about that when buying stoves, remodeling kitchens, or making changes to your electrical service.

*For an update on this story, see [Berkeley Ban on Natural Gas Hookups Tossed by Ninth Circuit](#), on page 13 in this issue.*

#### 20-inch Stoves

There is an old saying that you should put small things in small rooms. That doesn't apply to stoves. The only reason to put a 20-inch stove in a kitchen is because there isn't room for a 30-inch stove. Nobody wants a 20-inch stove. For one thing, the burners are so close together that if you are cooking something in a 10-inch or 12-inch skillet, you often can't use the other burners at the same time. A 20-inch stove won't save you money. Most 20-inch stoves cost more than 30-inch stoves, and replacement parts are more expensive as well.

#### Self-cleaning Ovens

Putting a self-cleaning oven in an apartment may seem like a valuable amenity to prospective tenants, but don't do it. By far, the #1 source of service calls to stove repairmen is the result of using a stove's self-cleaning oven feature. A self-cleaning oven works by bringing the interior temperature of an oven up to around 1,000 degrees and keeping it there for 3 to 5 hours. This reduces the grease and gunk in an oven to ashes. However, that much heat can damage a lot of a stove's components, including the electronic relay board and the controller. Touching a stove during the self-cleaning period can cause severe burns or carbon monoxide poisoning. And worst of all, a self-cleaning oven could set your building on fire.

### MAY EVENTS

**Thermostat Rebate Program: Earn Cash Rewards**  
Wednesday, May 3, Noon

**Winding Down the Eviction Moratorium**  
Wednesday, May 10, 3:00 PM

**Internet Marketing Demo: Listings that Work**  
Thursday, May 25, Noon

**We're Back in Person!**  
**The Future of Rental Housing in Berkeley**  
Saturday, May 20, 10:00 am,  
Coffee & pastries at 9:30 am

See pages 13 & 14 for details & more events!

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# Editorial

## San Francisco Bureaucracy and Housing Costs

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)

A recent Opinion piece in the Chronicle (*How Bureaucracy Fuels San Francisco's Housing Crisis*, March 11, 2023) presented an exhaustive expose of the bureaucratic costs of producing housing in the San Francisco. It concluded as follows:

*All told, housing development projects over \$25 million can in turn incur at least \$500,000 in combined impact and permitting fees, according to San Francisco's Housing Element. This can add up to \$74,000 in costs to an individual apartment or condo in San Francisco, compared to \$39,000 per unit in Oakland, \$54,000 per unit in Emeryville and \$62,000 per unit in San Jose.*

As a developer of projects in the under \$25 million range, these figures ring true to me for smaller projects as well. Smaller projects would have even higher costs per unit because many of the fees on development are fixed regardless of size.

These costs for impact and permitting fees are dramatic as presented above but let's look at the impact more closely. *Ultimately, all the costs of development are borne by the future residents of the housing produced.* Unless subsidized, all the developer's costs must be recouped sooner or later if a project is to be built. The subsequent users of any new housing must logically cover all the costs of production, including government fees and assessments.

So, what does an added \$74,000 mean to these ultimate users?

Developers get their money back by selling houses and condos, or by renting apartments. New homeowners typically buy their new homes with a mortgage. The owners of the newly developed rental housing also cover as many of the costs of production as possible through mortgage financing.

Mortgages for both owner and rental housing tend to be amortized over a thirty-year term. Home mortgage rates have varied dramatically over time. Over the last fifty years, the range has been from a low of under 3% (November 2020) to a high of over 18% (November 1981). The average over the last half century has been a bit under 8%. The going rate today is a bit under 7%.

To measure the quotidian effect of government charges in the production of housing, let's translate the costs to a monthly mortgage payment. At 7%, the cost of a thirty-year mortgage is \$6.65 per \$1,000 borrowed. This means that, to cover the \$74,000 in processing costs, the ultimate users must pay \$492.10 per month each and every month for thirty years.

*So there's your bottom line: in San Francisco, it costs \$500 a month for thirty years to cover just the government component of the cost of housing production. No land. No architects' or engineers' or surveyors' fees. No concrete, lumber, pipes, wires, siding, drywall or flooring. No fixtures, appliances, doors, windows, shingles, plantings or railings. Just to cover government fees: \$500 a month for thirty years.*

But that is not the end of government-imposed costs for new housing. There are at least two more ways in which costs are unnecessarily driven upward. First, there is the sales tax. The materials which go into a new building are subject to a sales tax, currently in the ten-percent range in the Bay Area. It's an

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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.**

## **Senate Bill 466 is an Attack on Property Rights**

Despite valiant efforts made by rental housing providers throughout California, including tens of thousands of emails and phone calls, the Senate Judiciary Committee approved this past Tuesday various amendments to Senate Bill 466, which now advances to the Senate floor and possibly onto the Assembly for further review.

Senate Bill 466 would eliminate many of the protections property owners now have under the Costa-Hawkins Rental Housing Act of 1995. Costa-Hawkins exempts properties constructed after 1995 (or following an earlier date if local rent control went into effect prior to 1995) from local rent control. Costa-Hawkins also exempts from local rent control any single-family home or condominium of any age. Senate Bill 466 would eliminate these exemptions.

Following a recent Senate Committee meeting, the following amendments were adopted:

- Exemptions from local rent control of single-family homes and condominiums would remain in place.
- After 28 years, rental properties previously exempt from rent control that have 5 or more units would be-

come subject to local rental control laws. For example, starting in 2024, properties that were constructed and issued a certificate of occupancy in 1996 will fall under Berkeley's rent control laws (and 1997 properties in 2025) only if local jurisdictions choose to include those properties. We presume that in Berkeley they will enact this, and there would be an 8-year period in which the city would have to adjust to the new amendments provided by this law.

Despite this temporary setback, do not give up. Look out for further updates as this horrendous bill progresses and BE READY to take action. As we standby and wait for the next hearing on Senate Bill 466, please call your representative in the State Senate and ask that he or she VOTE NO on S.B. 466.

If you want to STOP harmful regulations like Senate Bill 466 from passing in the future, give us the resources we need to successfully fight back. Upgrade your membership to become a Berkeley Rental Housing Coalition member. Your membership with BRHC will support our legislative fight in Sacramento and at the California voter box. Contact [krista@bpoa.org](mailto:krista@bpoa.org) for more information on how to join.

## *Aids Healthcare Foundation Tries Again to Pass Destructive Rental Housing Initiative*

*By Susan Shelley*

A proposed ballot initiative that proponents call the "Justice for Renters Act" is on the street for signatures. If you'd like to see more housing built in California, don't sign it.

The measure is circulating under the official title, "Expands local governments' authority to enact rent control on residential property." It's the third try by the Los Angeles-based AIDS Healthcare Foundation to convince California voters to repeal the Costa-Hawkins Rental Housing Act of 1995, which placed limits on local rent control laws.

AHF's first try was Proposition 10 in 2018. The campaign in support of the measure spent \$25.6 million, of which the AIDS Healthcare Foundation provided \$22.5 million. Prop. 10 was defeated by a margin of 59.43% to 40.57%.

Then in 2020, AHF tried again with Proposition 21. The

campaign in support of Prop. 21 raised an eye-popping \$40.8 million, \$40.6 million of it donated by the AIDS Healthcare Foundation. Prop. 21 also went down to defeat, 59.85% to 40.15%.

Last year, on December 22, a new initiative was filed with the Attorney General's office to try again to convince voters to repeal the 1995 law. The measure needs 546,651 valid signatures by August 28, 2023, to qualify for the November 2024 ballot.

But the voters were right the first two times. It's a terrible idea.

The Costa-Hawkins Rental Housing Act of 1995 did a few things to limit the reach of local rent control laws. For example, it protected the right of property owners to raise the rent to market rate on a unit after a tenant moves

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## 12 Berkeley Homeowners Are Taking Advantage of SB9. Here's What They Want to Build

*Nico Savidge, Berkeleyside, March 30, 2023*

Jodi Nishimura is looking forward to enjoying a view of the Berkeley Hills from a corner window in the house she's planning to build in her Elmwood District backyard.

Zaytuna College, a small Muslim institution high in the hills, hopes to provide affordable housing for faculty and staff by building a duplex on a vacant lot near its campus.

Tamara Manik-Perlman isn't planning to build anything right away, but wants to split the lot where she lives into two parcels so she could eventually add another home for her mother.

Those are a few of the projects put forward by Berkeley property owners looking to take advantage of the highly touted state law known as SB9, which eliminated single-family zoning throughout California.

But for all of the attention the law received when it was passed in 2021, it has gotten off to a slow start across California and here in Berkeley.

As of mid-March, the city's planning department had received just 12 proposals to build housing under SB9 since it took effect at the start of 2022, according to data obtained by Berkeleyside. None of those projects has been built.

The law requires cities to automatically approve proposals to build up to two homes on a property, or split a larger parcel into two lots. It's meant to allow slightly more dense development in neighborhoods that were long zoned exclusively for single-family homes, and also makes the approval process faster and simpler for would-be builders.

While interest in SB9 has been tepid, city officials are working now to develop new local zoning regulations that would be much more permissive than the state law in allowing smaller apartment buildings in Berkeley's less-dense neighborhoods. Those rules, which could be adopted later this year, may prove more enticing to builders.

Still, the list of a dozen projects proposed under SB9 so far reveals some interesting trends about where and what Berkeley homeowners want to build under one of California's most sweeping and controversial housing laws.

Supporters of SB9 argued the law would be a significant step toward resolving California's housing shortage. But it has a long way to go before it lives up to that potential.

The 12 Berkeley projects that sought approval under the law would create a total of 19 new homes — if they were all built.

By comparison, in 2022 the city issued permits for 180 accessory dwelling units, the popular housing category that includes backyard cottages and basement apartments.

And two of Berkeley's SB9 projects, representing five homes, are in limbo. Berkeley planning staff told one property owner their plan to build a house and ADU on a vacant lot in the Berkeley Hills didn't qualify for fast-tracked approval under the law because it called for cutting down a protected coast live oak. Another proposal, to build a three-unit building in a North Berkeley backyard, is the subject of ongoing negotiations between city staff and the would-be builder.

Oakland has similarly seen very little new housing proposed under SB9, and UC Berkeley's Turner Center for Housing Innovation also found few projects sought approval through the law in an analysis that covered 13 cities across the state.

Muhammad Alameldin, a policy associate at the Turner Center who co-authored the analysis, said it's not surprising that more people are trying to build ADUs than use SB9.

The law only applies to properties that were previously zoned exclusively for single-family homes — a zoning category covering about half of Berkeley — while ADUs can be built in any residential neighborhood. And Alameldin noted an entire industry has sprung up to help homeowners build backyard cottages, and the state and local rules governing ADUs have been revised several times over the years to make them more permissive.

"ADUs are so much easier," he said. "It's smaller, it's less of a financial lift and they're eligible on a lot more parcels than SB9."

Berkeley Planning Director Jordan Klein echoed those points. SB9, Klein said, "is still relatively new — and it's not the simplest piece of legislation in the world." He also noted economic conditions such as rising construction costs could be making projects too expensive for homeowners to pursue.

Alameldin's analysis recommends local governments and the state Legislature adopt laws and regulations that would further clarify and loosen rules for developments under SB9, a step Berkeley is taking with its planned zoning changes.

"If they keep doing reforms, similar to what they did with ADUs, I can imagine a lot more SB9 developments," he said.

When SB9 was being debated in Sacramento, one front of opposition to the law came from groups that worried it could fuel speculation and gentrification in California.

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# Berkeley's Downtown is Facing Major Changes

*John King, San Francisco Chronicle, March 28, 2023*

Downtown Berkeley, more than any spot in the Bay Area, shows how statewide housing policies could soon alter the scale of our local cities — for better or worse.

Six buildings of 16 to 28 stories are proposed in the central core, a setting where only one structure above 13 stories has been built since 1971. An eclectic two-block-wide corridor of buildings of various dimensions and architectural styles would be joined by chunky structures of a much different scale, three at heights that rival UC Berkeley's Campanile.

One reason for the shift is that more Berkeley residents — and those in other Bay Area cities — now accept that the region needs to provide homes for all types of people. But there's another factor at work: Legislators in Sacramento have passed a raft of bills to make it easier for developers to build residential buildings, meaning that cities like Berkeley have little choice.

"Ultimately, this is a big change," said Mayor Jesse Arreguin, who also is president of the Association of Bay Area Governments. "Because communities for many years have refused to permit housing, the state has stepped in to remove those obstacles. ... It does affect our ability to shape the urban form."

The half-dozen tall buildings that are on the drawing board wouldn't stand out in downtown Oakland or northeast San Francisco. But Berkeley, though a city of 115,000 people that includes a university with 45,000 students, has only three downtown towers above 12 stories; the most recent, an 18-story hotel, opened in 2022.

It's also a city where, after a downtown plan allowing a handful of taller buildings was approved in 2012, opponents tried to overturn it via ballot initiative. (They lost.) The first tower to be proposed endured more than 30 public meetings and a lawsuit before all the hurdles were cleared — only for developers to pull the plug in 2020, saying the economics no longer worked.

But the playing field is different now, and not just in Berkeley. There's a state-mandated density bonus of up to 50% for building proposals that include lower-income housing on site, while limiting a city's discretion to seek design alterations or "community benefits" (financial concessions) beyond what are spelled out by prior law. This even applies to cities like Berkeley and San Francisco, where affordable housing requirements exceed what Sacramento now requires. In other words, developers seeking to build in those cities almost automatically qualify for the bonus.

Equally important, cities and counties can now hold no more than five public hearings before voting on a project. Bluntly, growth-averse municipalities can't stretch out the public process.

How might this change the look and feel of where we live and work and play? The proposals for downtown Berkeley make this all too plain.

The most startling example is the 26-story apartment building proposed to rise across from the Berkeley Art Museum and Pacific Film Archive on Center Street, the main pedestrian route into the campus from downtown. It would replace two low-slung buildings that, for decades, held a procession of small storefronts; some now are vacant, but such student-friendly perennials as Top Dog and Bongo Burger remain.

At 288 feet, the height would be 19 feet shorter than Sather Tower, better known as the Campanile, the beloved icon from 1914 that can be seen for miles in all directions. The newcomer also would stretch 295 feet from east to west, with no setbacks along the way.

To put this girth in context, the Campanile tapers from 33 feet at its base to 30 feet where the pyramid-like cap begins, barely one-tenth the width of what developer CoreSpaces is calling "The Hub." Here's a contemporary measuring rod — the Skylyne apartment tower at the MacArthur BART Station, which opened shortly before the pandemic. That gray shaft rises 240 feet and is "just" 161 feet wide.

The lone rendering is angled so as to emphasize the structure's northeast section, which would wear a reddish cladding that "accentuates the verticality of the building," the developer's planning submission tells us. (The rest of the facade is mostly white.) But there is nothing towering in what is proposed. It is a slab, pure and simple, wider than it is tall.

An even taller would-be addition to the skyline is proposed at University and Shattuck avenues, where a single-story block of small eateries and a cozy saloon would be replaced with an apartment building reaching up 28 stories and 317 feet, 10 feet beyond the Campanile. Thankfully, though, the northern end of the block-long proposal steps down to 14 stories. The design by Berkeley's Trachtenberg Architects also pulls back the top floor on all sides and caps it with a cornice-like overhanging roof.

The Shattuck-University corner is home to a McDonald's, incidentally. I hereby dub the replacement "Big Mac."

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*Adhiti Bandlamudi, KQED News, April 6, 2023*

Housing advocates touted the “builder’s remedy” as a clever way to circumvent NIMBY politics and get more housing built. But in the two months since the law has been available to Bay Area developers, few have submitted proposals. In a survey of more than 30 cities, five have received Builder’s Remedy applications: San Jose, Mountain View, Los Altos Hills, Fairfax and Brentwood. If they move forward, the nine projects would total 1,203

That’s a trickle compared to the deluge Southern California cities received, with 26 applications totaling more than 8,600 homes — almost 2,000 of them affordable.

The difference, said UC Davis law professor Chris Elmendorf, is a growing reticence to use the law in the Bay Area. Developers are wary of potential legal challenges and worry a builder’s remedy project could sever important relationships with city officials they rely on to get other projects approved. Despite the slow uptick, housing advocates say the law is already doing its job by forcing cities to adopt housing plans that meet the state’s ambitious goal to build 2.5 million new homes and apartments by 2031.

“There’s a lot of uncertainty for developers that makes most developers pretty reluctant to pull the trigger on a [builder’s remedy] project,” Elmendorf said. He added that even without the volume of applications seen in Southern California cities, “it has done an enormous amount of good.”

The builder’s remedy is a 1990 law that allows developers to circumvent local building rules, if the city is out of compliance with state housing law, and if it meets certain affordability requirements. Developers have long had the ability to invoke the law, but according to Elmendorf, many have only recently been willing to use it. This is due, in part, to newly passed legislation and growing concern about the state’s housing crisis.

“The usual basis on which a city denies a project is [that it might be] too tall, it’s too big, it doesn’t conform to community character,” Elmendorf said. “All of that is off the table.”

To meet its housing goals, California now requires cities to plan for more housing than it ever has in the past. But rather than rubber-stamp the plans, it’s mandating they place new housing in neighborhoods with highly rated schools, grocery stores and access to transportation. All of this has raised the stakes of compliance, often forcing cities to resubmit plans multiple times, which in turn has allowed developers more time to submit builder’s remedy proposals.

In Southern California, cities had to win state approval for their housing plans by October 2021. Developers waited

nearly a year to submit builder’s remedy projects, which Elmendorf said reflected a lack of awareness about the law. But once they caught on, some cities got a flood of applications. Santa Monica notoriously received 16 applications within the span of a few weeks starting in September 2022 and has begun processing them.

In Huntington Beach, city officials chose a more combative approach by trying to ban builder’s remedy applications outright. The Attorney General’s Office filed a lawsuit in Orange County against the town, arguing the ban is illegal under state law. And, in the Bay Area, some developers are already running up against legal challenges of their own.

Rothman, who has been trying to build these homes for a decade, wants to sue the city over its steep fee, but fears a lawsuit could be even more costly.

“I’m a contractor and I don’t have a lot of money,” Rothman said. “At this point, I have a piece of property I’ve been supporting for 10 years.”

“It’s not hard to read between the lines that the only reason you need a special [legal] consultant for a builder’s remedy project is if you are hiring a lawyer to stop it. Sonja Trauss, founder of nonprofit YIMBY Law is helping Rothman develop a lawsuit against the city and said Fairfax officials don’t need a legal review unless they plan to litigate the project.

“It’s not hard to read between the lines that the only reason you need a special [legal] consultant for a builder’s remedy project is if you are hiring a lawyer to stop it,” she said.

In Los Altos Hills, Sasha Zbrozek wasted no time submitting a builder’s remedy application, filing his plan the first day he legally could.

He wants to build and rent a five-unit townhouse on his property to make up some of the money he’s been spending to repair his home. But just a month after he submitted, city officials found the application incomplete. Zbrozek said he also plans to sue the city to get his townhouses built.

Zbrozek and his wife, Stella Wang, bought their house in 2019 to make room for children they hoped to have one day. But after the first rain, Zbrozek noticed wet patches on the walls and discovered a crumbling foundation. It took him more than two years to fix the leaky roof, and more repairs are still pending. He blames the planning department for moving too slowly to allow him to fix his house.

“It never occurred to us that planning departments could be quite so recalcitrant towards doing literally anything,” Zbrozek said. “I’m going to exit this process older, without

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# Proposed Bill Would Allow Oregon Cities, Counties to Set Their Own Rent Control

Christina Giardinelli, *Katu2*, March 30th 2023

SALEM, Ore. — Oregon lawmakers are again considering repealing a 1985 law that bans cities and counties from enacting their own rent control measures.

In 2017, then Speaker of the House Tina Kotek (who is now governor) proposed a similar bill that passed the House but failed in the Senate. Since then, lawmakers have enacted a statewide cap on yearly rent increases.

Representative Farrah Chaichi (D-Aloha), Sponsor of House Bill 3503, said the statewide measure equates to “rent stabilization” rather than “rent control.”

“What rent stabilization doesn’t affect is how much a landlord can increase rent when a unit is vacant, nor how much a landlord can charge overall,” she said. “Rent control allows governments to decide what limits, if any, should exist on how much a landlord can charge for rent for a unit of a given size and level of accommodations, similar to how government control the prices of other essential needs like water, gas, and electricity.”

She quoted stats recently released by Oregon State Economist Josh Lehner that noted that 44% of Oregon’s estimated 1.5 million renters are rent-burdened. That means they spend over 30% of their income on rent.

Oregon’s rent cap is set at 7% plus the Western Consumer Price Index which varies with inflation. The CPI for 2023 was

set at 7.6 bringing allowed rent increases to 14.6%, the highest they have been since the rent cap went into effect in 2019.

As an example, renters paying \$1,600 a month in rent could see increases of up to \$230. Newer buildings, with certificates of occupancy released less than 15 years ago, are exempt from rent caps in Oregon and have no rent increase limits.

Lawmakers are also considering SB 611 which would adjust the cap to 3% with a max of 8% regardless of CPI.

Tenant advocates testifying at the hearing warned that this year’s rent increases would more people on the street.

“One of the more tragic eviction hearings I attended involved a single mother working full time and doing gig work to keep up with the rent she had once been able to afford. The rent would always get paid but later and later each month which meant \$150 late rent fees also compounded her balance,” said Margo Black, a Metro Area tenant’s rights advocate. “She agreed to move out to avoid eviction and moved herself and her daughter into a friend’s Livingroom futon. The plan was to get back on her feet and into an apartment as soon as possible, we lost track of each other until she called me almost two years later from under the Burnside bridge.”

Though landlord associations submitted written testimony opposing the bill, all live testimony at the hearing was in fa-

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Tiffany Van Buren, BPOA Deputy Director

## Photographing Your Rental Property: Tips for Getting the Best Pics

You've heard the adage, "A picture is worth a thousand words", and it is just as true when advertising your rental property as it is when illustrating a children's book. Rental ads with photos get 90% more views than those without. Visuals convey crucial information that prospective renters want to know about your property, such as what the unit looks like, the condition it's in, and if they can picture themselves living there. The more photos you have, the longer a viewer will spend looking at your listing. If you can keep them there long enough to start thinking about where they'd place their furniture, you've increased the chances of generating a lead from your ad. But — not all photos are created equal! I've seen too many photos in listings that only show a corner of a room or were obviously taken right after a move-out; dirty walls, debris on the floor and countertops — there is no place for bad photos in good marketing! You want to show your property in its best light, literally and figuratively. I'm going to list some tips and tricks below, but a lot of it just comes down to patience and practice. Make friends with your smartphone camera; it's amazing what they're capable of.

### Getting Started

- **Lighting:** Believe it or not, overcast days are optimal because they cast the least shadows. Turn on all the interior lights and open the window treatments.
- **Close the lid on the toilet:** No one needs to see inside the bowl. Thank you.
- **Ensure cleanliness:** Don't photograph dirty properties. Anything you can see will be captured in your photos, and viewers might zoom in; don't risk it by taking photos before a thorough cleaning.
- **Consider features,** such as crown moldings, built-ins, high-end appliances, hardwood floors, picture windows, skylights, etc., and how to best represent them with your photography.

### The Phone Camera

- **iPhone users:** Open the Camera app. Hold your phone horizontally. Press the 0.5X icon to use the Ultra-Wide lens. Make sure you're not in "Live" mode (the concentric circle-shaped icon in the corner—tap it off) and you probably don't need the flash. If your phone camera has an HDR setting, use it.

- **Android users:** Google made it impossible for me to advise since every manufacturer of Android phones stocks their devices with its proprietary application. Google is a very useful search engine, though, so search "taking real estate photos with my <phone model> phone", or "the <appname> app."

### Taking the photos

- **Use both hands:** You want a steady grip on your camera.
- **Hold your phone somewhere between chest and shoulder height:** This way, you'll capture a bit of the ceiling and the floor in your shots.
- **Show transitions:** Showing how rooms connect to one another instead of shooting each room singularly will give the viewer a better idea of the layout. For example, when you're shooting the living room, the doors in the distance that lead to the bedroom and bathroom should be open, and try to capture a bit of that view in your photo. If the kitchen is off the living room, show that transition, too.
- **Shoot in a clockwise order:** Starting with the living room, work your way through the unit clockwise. It's helpful later when you're sorting through your photos since empty bedrooms can look a lot alike.
- **Stand in the corners of larger rooms:** This is how to get the widest shot.
- **Stand in the doorway of smaller rooms:** You can capture an entire small bathroom from the doorway.
- **Experiment with holding your phone vertically and horizontally:** Vertical shots are great for showing detail, but they are a narrower view, so you want to hold your phone horizontally to photograph large spaces.
- **Capture no more than three walls in your photo:** Photographing all four walls in one frame makes the room appear smaller.
- **Don't be in a rush:** Look at each photo after you take it. Does it express what you hoped to capture? Do you need to position yourself, your phone, or anything else differently before you snap another photo? Reset and try again.
- **Take more photos than you need:** Thanks to digital cameras, you don't have to be conservative when

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out. Without that protection, an incoming tenant would pay the same rent as if the outgoing tenant was still there, even as the owner's cost of maintenance, utilities, landscaping, insurance, taxes, security and mortgage interest rates rise. The rental housing business would be unsustainable.

Costa-Hawkins also prevents cities and counties from enacting rent control on single-family homes and condominiums. And it prevents local rent control on units built and first occupied after February 1, 1995.

If Costa-Hawkins is repealed, every city council and county board of supervisors could, at any time, pass a radical rent control law that completely changes the economics of the rental housing business. Even without actually passing a law, if the distant sound of voices simply proposing new laws reaches the offices of lenders and developers, that could be enough to cause new housing projects to be called off. Housing developments require long-term financing, and the possibility of unlimited rent control in coming years will become a new risk factor.

In 2017, three scholars at Stanford University published a paper titled, "The Effects of Rent Control Expansion on Tenants, Landlords, and Inequality: Evidence from San Francisco."

The study by Rebecca Diamond, Tim McQuade and Franklin Qian found that "rent control increased the probability a renter stayed at their address by close to 20 percent." Those renters experienced a benefit. However, the study also found that landlords whose properties were subjected to rent control "reduced their supply of available rental housing by 15%." They did this by redeveloping buildings, converting to condos or "selling to owner-occupied."

The result was "a city-wide rent increase of 7%" and "\$5 billion of welfare losses to all renters."

In other words, rent control is good for the people who get in on the deal, but inevitably it reduces the number of available apartments, and that ends up costing everybody else more money.

Costa-Hawkins isn't the only law that rent-control advocates love to hate. Some have expressed a desire to repeal the Ellis Act, which protects the right of rental housing owners to go out of business.

Now why, you may be asking yourself, in a free country, does California need a law stating that people have the right to go out of business?

Because in 1984, the California Supreme Court ruled that they didn't.

The case was *Nash v. City of Santa Monica*. Jerome J. Nash bought a six-unit apartment building in Santa Monica in 1978, and then in 1979 the city's voters passed an initiative to implement rent control. Nash decided that he did not want to be a landlord, and he applied for a permit to demolish the building.

Santa Monica said he would first have to prove that he couldn't earn a fair return on his investment, and he would also have to show that the removal of the units would not displace low- or moderate-income people or adversely affect the city's supply of housing.

The state Supreme Court sided with Santa Monica and said Nash did not have the right to go out of business because the city's housing supply was simply more important than his rights.

That caused a fair amount of outrage, and the result, two years later, was the Ellis Act, a law that allows the owners of rental property to vacate an entire building and get out of the rental housing business.

California now has statewide rent control, and in case that wasn't enough to discourage investment in new apartment buildings, we've just had three years of pandemic restrictions that prevented countless owners of rental housing from collecting rent at all.

Is the government supposed to step in and use public funds to build all the housing that's needed when private investment flees the housing sector? How many tax increases would that require, and how many U-Haul rentals and "Going Out of Business" signs will be the result?

Rent control is a sadly counter-productive policy that gradually reduces the supply of housing. It's unfortunate that the AIDS Healthcare Foundation is again pursuing this quest to repeal sensible limits on it.

*Susan Shelley is a columnist for the Southern California News Group and VP of Communications for the Howard Jarvis Taxpayers Association.*

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## California Rental Housing Association

The Legislature reconvened from Spring Recess on April 10th and is busy with policy committee hearings. We are coming upon policy committee deadlines. If any bills are not heard by May 5th, they are considered two-year/dead bills for the year. Here is where we currently stand on key legislative bills that impact your rental housing business.

### Legislation CalRHA is Opposing — Top Threats

- **SB 466 (Wahab, D-Fremont) Costa-Hawkins Rental Housing Act** — SB 466 would repeal major protections afforded to the state's rental housing providers under the Costa-Hawkins Rental Act of 1995, as well as expand local rent regulations, making it extremely difficult for rental property owners to continue to provide housing. Furthermore, the bill would limit those units that currently have a right of vacancy decontrol. This is an absolute priority bill for CalRHA to stop this year. *SB 466 is scheduled for its third reading at the Senate Judiciary Committee on April 24th.*
- **SB 567 (Durazo, D-Los Angeles) Tenancy** — SB 567 would undo a heavily negotiated agreement on just cause eviction rules and rent caps under AB 1482. SB 567 bill eliminates the provision under State law (Assembly Bill 1482) related to termination of tenancy without just cause and requires that just cause to be stated in the written notice to terminate tenancy only after a tenant has continuously and lawfully occupied a residential real property for 12 months.

Additionally, for Ellis Act evictions, this bill requires that all of the rental units at the rental property be withdrawn from the rental market for at least 10 years. This bill would further eliminate the exemption under state rent control regulations of any residential real property that is alienable separately from the title to any other dwelling unit, including mobile homes. Finally, SB 567 would also limit annual rent increases to just the percentage change in the cost of living, or 5%, whichever is lower. Under this scenario, property owners will never be able to keep up with ever increasing costs, particularly following years of imposed moratoriums on rent increases enacted by many local jurisdictions throughout the state. This bill would be a significant setback to efforts for increasing housing availability. *SB 567 is scheduled for a hearing in the Senate Judiciary Committee on April 25th.*

### Additional Legislation CalRHA is Opposing

- **AB 12 (Haney, D-San Francisco) Tenancy: Security Deposits** — Would prohibit a landlord from receiv-

ing a security deposit for a rental agreement in an amount in excess of one month's rent, regardless of whether the residential property is unfurnished or furnished. *AB 12 has passed the Assembly Judiciary Committee on a party-line vote and is now on the Assembly Floor.*

- **AB 309 (Lee, D-Milpitas) Social Housing** — This bill would define "social housing" for purposes of the Zenovich-Moscone-Chacon Housing and Home Finance Act and make findings and declarations relating to social housing and would state the intent of the Legislature is to further the Social Housing Act to address the shortage of affordable homes by developing housing for people of all income levels, prioritizing low-income households. *CalRHA is opposing AB 309 along with the Realtors. It is scheduled for a hearing on April 26th in the Assembly Housing and Community Development Committee.*
- **AB 919 (Kalra, D- San Jose) Sale of Rental Properties: First Right of Offer** — Would require an owner of residential real property, defined to include a single-family residential property that is occupied by a tenant or a multifamily residential property to take various actions before offering the residential real property for sale to any purchaser, soliciting any offer to purchase the residential real property, or otherwise entering into a contract for sale of the residential real property. We have been lobbying this bill before the Assembly Judiciary and it may become a two-year/dead bill for the year.
- **AB 1035 (Muratsuchi, D- Torrance) Mobile Home Parks Rent Caps** — Would prohibit the management of a mobile home park from increasing the gross rental rate for a tenancy for a mobile home space more than 3% plus the percentage change in the cost of living, as defined, over the course of any 12-month period, as specified. *CalRHA is opposing AB 1035 along with the Western Manufactured Housing Communities Association (WMA). The hearing scheduled for April 19 was canceled at the request of the author.*
- **AB 1317 (Carillo, D- LA) Unbundled Parking** — Would require the owner of residential real property that provides parking with a residential unit to unbundle parking from the price of rent ("unbundled parking" selling or leasing parking spaces separate from the lease of the residential use). *AB 1317 has not*

*continued on page 16*

Many worried developers looking to take advantage of the law would focus on less-wealthy neighborhoods, scooping up homes and properties for cheap and redeveloping them to reap profits.

So far in Berkeley, though, the law hasn't played out that way.

Ten of the 12 proposals are on lots in ZIP codes where median household income is over \$100,000 — including eight in the North Berkeley hills and two in the Elmwood District, the neighborhood where single-family zoning was pioneered more than a century ago.

Only one proposal is in a neighborhood where UC Berkeley's Urban Displacement Project estimates low-income renters are especially at risk of displacement: Manik-Perlman's plan to split the lot she owns in Southwest Berkeley.

Alameldin said his research found a similar pattern around California, as more homeowners submitted applications for projects in the wealthy suburbs of Danville and Saratoga than in far larger cities such as San José and Sacramento. He said that could be because SB9 projects are more attractive in wealthy suburban areas, where higher property values mean landowners have more to gain from splitting parcels or building new homes.

To Alameldin, the concentration of projects in wealthy Berkeley neighborhoods is a sign the law is working as intended to provide more homes in communities where single-family zoning and high housing prices have historically been a means of exclusion.

"It's adding homes to wealthier places, or formerly exclusionary areas," he said. "It allows more people to live in these higher-opportunity areas."

Berkeley's zoning map is likely also playing a part in this trend.

Remember, SB9 only applies in areas that had single-family, or "R1," zoning — most, though not all, blocks with that designation are in historically wealthy areas, such as the hills. Many of the city's less-wealthy neighborhoods, including most of South and West Berkeley, were already zoned for greater housing density, so projects there aren't eligible for streamlining under SB9.

It remains to be seen whether this pattern will continue once Berkeley adopts its local zoning changes, which would apply in every residential neighborhood.

Opposition to SB9 also came from suburban cities that feared the law would change the character of their neighborhoods by opening the door to greater density. The law

would allow the owner of a single-family lot to split the property into two parcels and build a duplex on each — creating four homes where once there could be only one.

No projects in Berkeley have taken SB9 to that extent. And it is hardly fueling an explosion of density: nine of the 12 proposals seek approval to build detached houses, five of them with ADUs.

Ironically, the law widely viewed as moving California away from single-family homes has made them easier to build.

"The provision to allow streamlining for single-family homes seems incongruent with the stated intent of the law," Klein said. "That part confuses me a little bit."

More pointed critics regard that as a loophole. Some neighbors of a home on Indian Rock Avenue designed by the architect Walter Ratcliff have complained that a proposal to demolish the house and build a new single-family home in its place was fast-tracked for approval under SB9, noting the project wouldn't create new housing.

The home's owner, Greg Emerson, says the tear-down is necessary because of extensive problems with mold and the foundation of the home he bought in 2019, plus requirements to bring it up to modern fire safety codes. Emerson said he submitted plans for his project expecting to go through the longer use permit process, only to learn from planning staff that SB9 would speed up approval.

"It was news to us," he said.

Those factors could also change with Berkeley's planned new zoning rules.

A draft proposal presented to the City Council last fall would speed up the permitting process for a much wider variety of multi-family housing than SB9. While the state law only goes as far as allowing duplexes and giving them a path to by-right approval, under the proposed Berkeley regulations someone could automatically get the OK to build a three-unit building on a 5,000-square-foot lot zoned R1, or a six-unit apartment building on the same sized lot in areas zoned R2A.

The regulations are expected to go before the Planning Commission this fall, Klein said, and could get final approval from the City Council before the end of the year.

One kind of housing would be more difficult to build under the new rules, however: single-family homes.

Property owners could still build houses under the law, but Berkeley's regulations would require them to go through the use permit process for approval. The days of SB9's streamlined permitting would be over.



## Feds Charge Bay Area Landlord with Housing Discrimination

Jessica Flores, San Francisco Chronicle, April 4, 2023

Officials at the Department of Housing and Urban Development have charged the owners of a Peninsula apartment building with discriminating against a family with children, the department announced Tuesday.

In charging documents filed on March 30, HUD Secretary Marcia Fudge accuses Burlingame apartment building owner Melinda Teruel of pressuring a family who was expecting their second child to move out of their one-bedroom apartment and into a larger and more expensive unit in the complex. According to the charging documents, the landlord expressed fear that children would damage the apartment.

The owner allegedly told the tenants repeatedly that they could not stay in the unit because the unit “is not for a family of your size,” and that “families are known to cause more wear and tear,” documents show. Teruel also allegedly warned the tenants that they had evicted families from a one-bedroom apartment before.

One of the tenants, who were not named in charging documents, was about seven months pregnant when they moved into the building in September 2018, officials said. When the landlord found out, investigators said, she offered the family a larger apartment, but the family declined because they could not afford it. The tenants were paying \$1,800 for their one-bedroom apartment at

the time, and a two-bedroom unit was \$3,000, the investigation found.

Attorneys for HUD’s regional office said the landlord pressured and harassed the family until the tenants decided to move out in June 2020, telling the landlord in an email that “the constant harassment from you regarding my children has been unbearable.”

The landlord denied the allegations and withheld the family’s security deposit, accusing the tenants of causing significant damage to the unit although Teruel was unable to provide the government with proof of damage, officials said. Additionally, the landlord accused family members of lying about the pregnancy when they moved in.

Sensing that an eviction might be imminent, the family moved to Sacramento after failing to find an affordable home in the Bay Area, the charging documents say. As a result of the discrimination, the family “suffered actual damages, including a lost housing opportunity, emotional distress, inconvenience and out-of-pocket costs,” officials said.

Federal officials said they are committed to enforcing the Fair Housing Act, which prohibits discrimination against families with children under 18, people who are pregnant and those in the process of obtaining legal custody. The case will go before an administrative law judge unless one of the parties pursues it in federal district court.

“The Fair Housing Act protects families from discrimination because of the presence of children or because they are expecting a child,” said Damon Smith, the department’s general counsel, in a news release.

He said the discrimination charges “should put landlords on notice that HUD takes those protections seriously.”

### QUOTE OF THE MONTH

*In our country are evangelists and zealots of many different political, economic and religious persuasions whose fanatical conviction is that all thought is divinely classified into two kinds — that which is their own and that which is false and dangerous.*

— U.S. Supreme Court Justice  
Robert H. Jackson (1892-1954)

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# Berkeley Ban on Natural Gas Hookups Tossed by Ninth Circuit

Maya Earls and Samantha Hawkins, Bloomberg Law, April 17, 2023

A California city's ordinance banning natural gas hookups in new buildings was toppled Monday by the Ninth Circuit, which said that the ordinance is preempted by federal law.

The panel's decision was a win for the California Restaurant Association, which argued the Berkeley, CA ordinance was preempted by the Energy Policy and Conservation Act. The city said the ordinance would help control emissions and "eliminate obsolete natural gas infrastructure." But it effectively amounted to a ban on natural gas appliances, the CRA told the US Court of Appeals for the Ninth Circuit.

"Berkeley can't bypass preemption by banning natural gas piping within buildings rather than banning natural gas products themselves," the panel wrote.

The US District Court for the Northern District of California ruled in July 2021 that it couldn't read the EPCA to preempt the ordinance when the ordinance "does not directly regulate either the energy use or energy efficiency of covered appliances." Berkeley's ban on natural gas infrastructure in new buildings is "clearly outside the preemption provision of the EPCA," the court said.

Berkeley received backing in the Ninth Circuit from California, New Jersey, and other states and the federal government. Though the ordinance has the "downstream effect" of preventing certain products from being used, it

doesn't bring the ban "within the scope of EPCA's preemption provision," the Justice Department said.

"By its plain text and structure, EPCA's preemption provision encompasses building codes that regulate natural gas use by covered products," Judge Patrick J. Bumatay wrote for the panel. "And by preventing such appliances from using natural gas, the new Berkeley building code does exactly that."

"States and localities can't skirt the text of broad preemption provisions by doing *indirectly* what Congress says they can't do *directly*," Bumatay said. Both Judge Diarmuid F. O'Scannlain and US Court of International Trade Judge M. Miller Baker, sitting by designation, concurred.

O'Scannlain agreed that the EPCA preempts the ordinance, but said that the law is "troubled and confused" due to tensions in Supreme Court precedent and disagreement among circuit courts about how to navigate preemption doctrine, and he asked the high court for more guidance.

"This ordinance, as well as the solution it seeks, is an overreaching measure beyond the scope of any city," the association's CEO Jot Condie said in a statement. "Cities and states cannot ignore federal law in an effort to constrain consumer choice, and it is encouraging that the Ninth Circuit upheld this standard."

The case is *California Restaurant Association v. Berkeley*, 9th Cir., No. 21-16278, 4/17/23.

**Join Us for Quarterly Social Mixers with Fellow Members**

**Note for May: There is no owner's forum this month**

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

DATE	TOPIC
Wednesday, May 3, Noon	Thermostat Rebate Program: Earn Cash Rewards
Wednesday, May 10, 3:00 PM	Winding Down the Eviction Moratorium
Saturday, May 20, 10:00 am @ St. John's Presbyterian Church 2727 College Ave. Berkeley	We're back in person! Join us for a pre-pandemic-style Saturday morning networking and education session, and don't miss the coffee, pastries & networking at 9:30am
Thursday, May 25, Noon	Internet Marketing Demo: Creating a Listing that Works

**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.**

## Bay Area Developers Wary of “Builder’s Remedy”

kids, and poorer than I would have had this been a quick and easy process like it should have been. I generally just feel like I’ve wasted a life span.”

“The fact that anyone was winning against the recalcitrant zoning brought joy to my heart,” Zbrozek said. “And it only brought even more joy when I realized I, too, might be able to follow in those footsteps.”

“I’m going to exit this process older, without kids, and poorer than I would have had this been a quick and easy process like it should have been. I generally just feel like I’ve wasted a life span.”

Most developers rely on their relationships with city planners and the city council to get their plans approved. Adam Mayberry, an architect in Davis, who is considering submitting a builder’s remedy proposal there, fears it could damage ties with the city officials he often works with.

“[Developers] are essentially saying, I’m going to do something that most likely will get all my neighbors really mad, and they’re all going to complain to you, and you’re going to have to face all this undue stress because of something I’ve done,” Mayberry said. “I don’t want to be a middle finger.”

Despite the potential repercussions, Mayberry still plans to submit a builder’s remedy application. He sees it as an important tool to combat opposition to housing. For too long, Mayberry said, cities were allowed to exert control over how much housing was built in their jurisdictions. But that housing was never built.

“The state said you can have local control as long as [the city] meets the demands of the citizens, and they’re not

meeting those demands,” he said. “So [the state is putting the control] in the hands of people who can make a difference in the housing shortage — developers, builders and architects like myself.”

Some housing advocates, like Trauss of YIMBY Action, were skeptical anyone would use the builder’s remedy in the state. So, she’s pleased to see people taking advantage of it.

“I’ve been feeling awesome,” Trauss said. “I’m amazed at how much interest there is, and people are considering it.” Other housing advocates and experts view the mere presence of the builder’s remedy as an important tool to scare cities and counties into adopting state-approved housing plans to avoid development they can’t control. And some residents in Alameda, the first Bay Area city to get its housing plan approved by the state, used the builder’s remedy to advocate for the speedy passage of their city’s plan.

Even if most Bay Area planning departments don’t receive builder’s remedy applications, Elmendorf sees the threat of it as a force for good, especially in cities like San Francisco, where new development is slow; that city adopted its plan to build more than 82,000 homes on the day of the state-mandated deadline.

“It’s just inconceivable to anyone who has observed politics in San Francisco that the Board of Supervisors would adopt that kind of plan, unless the supervisors were terrified about state law,” Elmendorf said.

### MAY MEETINGS & EVENTS

***It’s Saturday Morning Live – We’re back in person!***

***The Future of Rental Housing in Berkeley***

**Saturday, May 20, 10:00 am, Coffee, pastries & networking at 9:30 am**

***Thermostat Rebate Program: Earn Cash Rewards***

**Wednesday, May 3, Noon**

***Winding Down the Eviction Moratorium***

**Wednesday, May 10, 3:00 PM**

***Internet Marketing Demo: Creating a Listing that Works***

**Thursday, May 25, Noon**

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

**BPOA WORKSHOPS — Go Beyond the Basics**



## Berkeley Schools Consider Cash Reparations for Black Students

Jessica Flores, San Francisco Chronicle, March 29, 2023 [abridged]

Berkeley Unified School District is looking into paying cash reparations to African American students whose ancestors were enslaved in the United States, with officials saying the district “can and should lead such a change” nationally.

The district is creating a task force to make recommendations to the school board by January on how to fund and implement a reparations program focused on cash payments, according to a district webpage explaining the effort. The task force, with 15-20 members, will include board members, district staff, teachers and community members. Kad Smith, a Berkeley High School alumnus and former project director at Oakland social justice nonprofit CompassPoint, will be the task force facilitator.

The district is recruiting community members and plans an on-line informational meeting.

While the effort is in its early stages, the district webpage says officials want to create a program “of true reparations” in the form of cash payments for African American descendants of enslaved people. African Americans make up 12.5% of the district’s 10,194 student population, according to the California Department of Education.

It was not immediately clear where the reparations funding would come from, or how much students would receive.

“We believe this is a critical conversation for school districts to have at this moment as educators look to better address the opportunity gap of Black students,” school district spokeswoman Trish McDermott told The Chronicle.

A Berkeley community group urged the school board last year to consider reparations for the district’s Black students, McDermott said. She did not elaborate on the group’s membership.

“The need for reparations in response to the institution of U.S. slavery has existed for over 150 years, but it has recently taken on an increased public attention,” Laura Babitt, the board’s president, said during a board meeting last week.

“We have heard you and with the support of the board that was expressed at the last board meeting, I am pleased to announce the creation of the Berkeley Unified School District’s Reparations Task Force,” she said.

The district’s action comes amid a growing movement in cities across the country, including in the Bay Area, toward reparations to address the legacy of slavery and systemic racism.

The Chicago suburb of Evanston in 2021 became the first U.S. city to make reparations available to Black residents.

The Berkeley City Council in 2022 agreed to hire a consultant to engage with community members and historians, and develop recommendations for reparations. A reparations task force in San Francisco recently submitted a draft plan to the Board of Supervisors that includes dozens of recommendations, including the potential for \$5 million one-time payments to individuals.

California’s first-in-the-nation state task force has until July 1 to deliver a final report to state legislators with recommendations on cash payments.

The Berkeley school district’s website declared officials’ desire to be in the forefront of a national movement.

“No ‘true’ reparations program for descendants of enslaved people currently exists at the federal, state, or local level. It is time for that to change; BUSD can and should lead such a change,” the webpage stated.



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from page 2

educated guess but I would bet that there are \$400,000 in materials in a newly constructed unit. Don't forget that subcontractors bill by the job but the price for the job includes materials which are subject to the sales tax. There is not a definitive reason to exempt this new construction from the sales tax but to do so would be consistent with other exemptions, such as food and medicine. The idea is that one should not unnecessarily tax life's necessities. Also, there is no tax on the purchase of existing housing. It might be difficult to administer, but exempting new housing from the sales tax could reduce the cost of production by as much as \$40,000 per unit.

Then there is the interest cost — real or opportunity — on upfront money which is unnecessarily idle during the

extended development process. If developable property lies idle for an extra year — let alone two — while a project glacially goes from application to building permit, the added cost of this government-imposed delay would be about \$21,000. That's a real or implied seven-percent interest cost for a year on, say, \$300,000 in pre-construction costs. It could be more.

For San Francisco, this adds another \$61,000 to the direct costs of \$74,000 identified in the cited Chronicle article. The total then is \$135,000 in government-caused costs to produce a single housing unit. *Cost to the user: \$900 a month for 30 years.* For other cities in urban California, the cost is not a whole lot less.

## Legislative Update

from page 10

*yet been scheduled for a hearing and may become a two-year/dead bill for this year.*

- **SB 267 (Eggman, D-Stockton) Credit History of Persons Receiving Government Rent Subsidies** — Would prohibit the use of a person's credit history as part of the application process for a rental housing accommodation without offering the applicant the option of providing alternative evidence of financial responsibility and ability to pay in instances in which there is a government rent subsidy and would require that the housing provider consider that alternative evidence in lieu of the person's credit history. *SB 267 was heard in policy and fiscal committees and is now on the Suspense File in Senate Appropriations, awaiting action by May 19th.*

- **SB 395 (Wahab, D-Fremont) Statewide eviction database** — Would state the intent of the Legislature to enact subsequent legislation that would require landlords to report all evictions to a new statewide eviction reporting database. *SB 395 was referred to the Committee on Housing.*
- **SB 460 (Wahab, D-Fremont) Hiring of real property: Criminal History** — *This is now a two-year bill, which means it is not moving this year and, therefore, a win for the industry.*

As always, CalRHA will keep you informed as these bills make their way through the Legislature. We will be sure to send out Calls to Action when we are at a pivotal juncture and your involvement could help determine the outcome.

## The Nuts & Bolts

from page 8

clicking the shutter button! Give yourself a library of photos to choose from.

- Don't forget the exterior: The best listings include exterior shots and a few neighborhood views, especially if there are attractions in the area, such as the university, parks, or shopping areas. Curb appeal is important, so sweep up, remove trash, and find an angle that represents your property's best side.

When ordering the photos in your listing, how should you arrange them? Your default photo should make the viewer want to see more. Does the building have incredible curb appeal? Is the living room the best feature? Or maybe a view from a particular window provides the unit's wow factor. Draw them in with a great photo, and keep them there with plenty more. clicking the shutter button! Give

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## Major Changes Likely for Downtown Berkeley

The third higher-rise, also the work of Trachtenberg Architects, is a proposal that would replace the Walgreens at Shattuck Avenue and Allston Way with 25 stories of apartments topping off at 260 feet. It would share the block with what is now downtown's tallest tower, a 186-foot office building from 1971.

The other three downtown proposals of significant height are relatively modest, but still substantial — mid-block structures of 15 to 17 stories. Two would rear up from behind the vintage facades of movie houses on Kittredge Street and Shattuck Avenue, both of which have closed since the pandemic.

The issue isn't height, which people tend to fixate on (wrongly). It's bulk. Developers and their planning consultants figure out how much space they can jam onto their site using the new bonus, then wrap it in "architecture."

Some costume jobs are better than others; the design for Shattuck and University is far more promising than the one across from BAMPFA. But they're exercises in packaged volume, rather than expressions of how Berkeley and other mid-size cities can grow upward with inventive style.

And while the two tallest shafts would meet the ground with ample landscaping, good materials and tall retail spaces, gone will be the ecosystems that fostered the varied scenes now found along Center Street and the McDonald's block of Shattuck. There might be new spaces, but there won't be the old rents, the funkiness of each space evolving at its own pace.

There's another issue, one raised by growth critics like the Berkeley Architectural Heritage Association: The new structures, in large part, would hold university students, erasing the dividing line between town and gown once and for all.

Arreguín, a progressive who resisted downtown growth initiatives when on the City Council but now says, "My

perspective has evolved over the years," has little sympathy for older residents upset that students shouldn't be housed in certain parts of the city.

"We need housing for all people," he said. "We have a tremendous shortage of housing for students in Berkeley, and that has a ripple effect" on the rental market in distant neighborhoods.

In a telephone interview this week, however, you could sense Arreguín's discomfort with the state intervening the way that it has.

"As a building got taller, we wanted it to get more narrow," he said of the downtown plan that, ironically, set the stage for the current proposals by agreeing to a handful of 180-foot towers. That provision, and other modest zoning height increases, set the base that developers would now blow past.

That said, "On the whole, I'm very excited about the transition happening," Arreguín hastened to add. "Downtown is an appropriate place to have dense, transit-oriented development."

He's correct. It's also wrong and hypocritical to treat student apartments as second-class, especially when the university's attempts to build apartments on its own land are fought tenaciously by opponents in court.

But there's a danger in the idea that housing production is an absolute good in today's California, especially with a dollop of "affordable" units mixed in. Developers reap a windfall by pushing state policies to an extreme. If the result is something that mocks everything around it, we can't turn back the clock.

## Oregon Considers Repealing Local Rent Control Ban

vor of it including testimony from Matthew Rock a landlord in Bend.

"I know some people will tell you that all landlords oppose policies like local rent control this just isn't true I know a number of ethical landlords who raise rents only when necessary to cover additional costs," he said. "Heaven knows property taxes in Deschutes county and Multnomah county are getting steeper and steeper every passing year it seems. This in mind, I am telling you that I am able to afford these policies."

Most of the written opposing testimony came from Multifamily NW, the state's largest association of landlords.

"This legislation opens the door for 417 municipalities to enact their own rent control. That is 417 different sets of requirements that not only do nothing to address the underlying cause of rising rents but create a regulatory hellscape for housing providers in every corner of the state," the written testimony reads in part."



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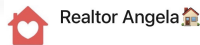
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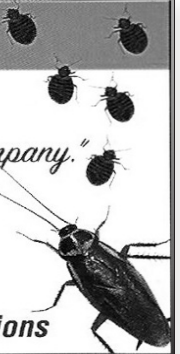
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### MAY EVENTS

see [www.bpoa.org/events](http://www.bpoa.org/events) for information & registration

***Thermostat Rebate Program:  
Earn Cash Rewards***

***Wednesday, May 3, Noon***

***Winding Down  
the Eviction Moratorium***  
***Wednesday, May 10, 3:00 PM***

***Internet Marketing Demo:  
Creating a Listing that Works***  
***Thursday, May 25, Noon***

***We're Back in Person!***  
***The Future of Rental Housing in Berkeley***  
***Saturday, May 20, 10:00 am,***  
***Coffee & pastries at 9:30 am***  
***St. John's Presbyterian Church***  
***2727 College Avenue Berkeley***



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