



## Kriss Worthington

Councilmember, City of Berkeley, District 7  
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### ACTION CALENDAR

December 1, 2015

*(Continued from November 17, 2015)*

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Kriss Worthington, Councilmember Max Anderson and Councilmember Jesse Arreguin  
 Subject: Refer to the Rent Stabilization Board to Consider Creating an Ordinance Preventing Evictions for Minor Offenses

### RECOMMENDATION

Refer to the Housing Advisory Commission, and the Rent Stabilization Board to consider creating an ordinance preventing evictions for minor offenses.

### BACKGROUND

Since San Francisco has adopted this ordinance for eviction prevention, we propose the Housing Advisory Commission and the Rent Stabilization Board consider and evaluate which of these are appropriate and needed to protect tenants in Berkeley.

On the 22nd of September 2015, the City and County of San Francisco Board of Supervisors voted 11 to 0 to approve the first reading for an ordinance amending the Administrative Code to prohibit evictions for minor offenses and allowing tenants to add roommates and extending rent control on vacated units in some cases.

Ordinance amends the Administrative Code to:

- 1) Prohibit, with certain exceptions, rent increases based on the addition of occupants even where a pre-existing rental agreement or lease permits such an increase;
- 2) Prevent evictions based on the addition of occupants if the landlord has unreasonably refused the tenant's written request, including a refusal based on the amount of occupants allowed by the rental agreement or lease;
- 3) Require landlords, after certain vacancies, to set the new base rent, for the next five years, as the lawful rent in effect at the time of the vacancy;
- 4) Require that there be a substantial violation of a lawful obligation or covenant of tenancy as a basis for the recovery of possession;
- 5) Require a landlord, prior to seeking recovery of possession, to provide tenants an opportunity to cure the unauthorized addition of the tenant's family members to the tenant's unit;

- 6) Require that if a landlord seeks to recover possession based on a nuisance, substantial damage, or substantial interference with comfort, safety or enjoyment, the nuisance, substantial damage, or substantial interference be severe, continuing or recurring in nature;
- 7) Prevent a landlord from seeking recovery of possession solely because the tenant is occupying a unit not authorized for residency;
- 8) Require landlords to state in notices to vacate for certain good cause evictions the lawful rent for the unit at the time the notice is served;
- 9) Require the Rent Board to prepare a form in English, Chinese, Spanish, Vietnamese, and Tagalog stating that a notice to vacate may lead to a lawsuit to evict and stating that advice regarding notices to vacate is available from the Rent Board;
- 10) Require landlords to attach a copy of the Rent Board form in the primary language of the tenant to each notice to vacate; and
- 11) Require landlords to plead and prove in any action to recover possession that at least one of the grounds of Administrative Code, Section 37.9(a)-(b) stated in the notice to vacate is the dominant motive for recovering possession.

According to Supervisor Jane Kim “This package of reasonable amendments provides protections for our most vulnerable tenants during this speculative housing market”.

Berkeley has some of these protections, but not all. By considering adding similar amendments to the Berkeley Municipal Code, we may be able to provide additional protection to Berkeley tenants.

For additional information: <http://tinyurl.com/PreventEvictionsMO>

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley’s Environmental Sustainability Goals and no negative impact.

CONTACT PERSON

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