

HISTORY OF BERKELEY'S RENT LAW

Berkeley has had some kind of rent regulation since 1978. The current Rent Stabilization and Eviction for Good Cause Ordinance was last amended by Measure H. The purposes of the Ordinance are to protect tenants from unwarranted rent increases and arbitrary, discriminatory, or retaliatory evictions, in order to help maintain the diversity of the Berkeley community.

Measure I

After the passage of Proposition 13 in 1978, Berkeley voters passed Measure I to insure that both tenants and owners would share in the property tax savings provided in Proposition 13. Under the law, owners were required to rebate 80% of the tax savings to the tenants. The owner kept 20% as a cushion against increasing operating costs. The rent rebate was passed on to tenants by rolling rents back to the level charged on June 6, 1978 and then, starting on January 1, 1979 further reducing the rents to reflect 80% of the tax savings. Rents could be raised to cover an owner's unavoidable increases in operating costs by providing the tenants with documentation of the costs, proof that they exceeded the 20% cushion and 30 days written notice. Retaliatory evictions were prohibited.

Ordinance 5212

When Measure I expired at the end of 1979, the Berkeley City Council enacted a temporary rent law, Ordinance 5212. It basically continued most of the provisions of Measure I. Two additional provisions: rents could be increased with documentation no more than 5% and owners could no longer raise rents because of increased mortgage costs.

Measure D

Before Ordinance 5212 expired, Berkeley voters enacted permanent rent and eviction controls in June 1980. The law provided comprehensive rent and eviction controls as well as required that owners pay interest on cleaning and security deposits and last months rent. Rents were set at the legal rent charged on May 31, 1980 (plus any general or individual increases set by the Board).

Measure G

In June 1982, the rent law was amended by Measure G. The most significant changes were that penalties for non-compliance were increased and some previously exempt rentals were covered by the law.

Measure H

In June 1988, the rent ordinance was amended by Measure H. The basic changes provide for exemptions for rental units which are rented by a nonprofit, accredited institution of higher education to tenants who are students, faculty or staff of the institution or a member of The Graduate Theological Union, provided however that the institution owned the unit as of January 1, 1988.