

BERKELEY RENT BOARD

Security Deposit : Landlord and Tenant Rights & Responsibilities

Carla Orozco, Housing Counselor
Berkeley Rent Board

March 24, 2021

AGENDA

Introduction

Security Deposit Collection

Security Deposit Refund

Security Deposit Interest

Resolving Disputes

SECURITY DEPOSITS: STATE LAW

California Civil Code 1950.5

Maximum is two
months' rent
(unfurnished unit)

All money collected
at the onset of the
tenancy beyond
first month's rent is
considered deposit

Full deposit must be
refundable

SECURITY DEPOSITS: RENT BOARD

REGULATION 705

Deposit cannot be increased during a tenancy

Exception: Pet deposit where pets not previously allowed. State limit still applies.



SECURITY DEPOSIT USE

Unpaid rent

Damage caused by tenant
(less "normal wear and tear")

Necessary cleaning
(to return to condition delivered)

RECOVERING YOUR SECURITY DEPOSIT

1. Provide 30-day written notice to vacate
2. Clean unit and repair damage
3. Request a walk-through inspection
4. Take photos at move-in and move-out
5. Notify your landlord of your new address

SECURITY DEPOSIT RETURN

CALIFORNIA CIVIL CODE 1950.5

Offer a walk-through inspection within 14 days of planned move-out

Return deposit within 21 days of tenant move-out

If deductions >\$125, provide itemized list & invoices/receipts

REPLACEMENT ROOMMATES

- ▶ Landlord is not obligated to return the security deposit until the unit is vacant
- ▶ In cases of rotating roommates, the incoming tenant should pay the deposit to the departing tenant

SECURITY DEPOSIT DISPUTES

1. Write a letter with documentation
2. File a Rent Board petition
3. Pursue the issue in small claims court



SECURITY DEPOSIT INTEREST

Interest must be paid annually and upon move-out

Interest calculated at "Berkeley Bank Rate" (currently 0.2%)

Annual interest due in December (grace period until January 31st) and at move-out

Move-out interest paid at monthly "move-out" rate (currently 0.1%)

INTEREST: TENANT'S REMEDY

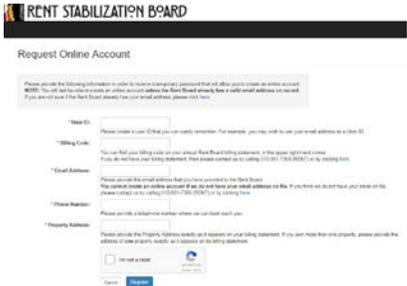
REGULATION 704

- ▶ 704. Deduction of Interest from Rent
- ▶ Where a tenant has not received refund of security deposit interest by January 31 of any year for any preceding calendar years, the tenant may recover the interest by deducting the interest amount from rent, under the procedure in this regulation. For purposes of this regulation, the interest rate for the immediately preceding calendar year is 10%. For all other preceding years, the interest rate shall be as set forth in the table contained in [Regulation 701\(C\)](#).
- ▶ [Effective Date: May 25, 1990; amended November 5, 1999; amended April 4, 2005; amended to make clear that 10% interest rate automatically attaches to unpaid security deposit interest for the immediately preceding year after January 31 of any year, and tenant does not have to give landlord notice of intention to deduct interest from rent - 9/19/19]

ONLINE REGISTRATION IS NOW AVAILABLE!

Now you can register new tenancies and make registration payments online!

SET UP AN ACCOUNT TODAY



Request Online Account

Please provide the following information in order to receive a temporary password that will allow you to create an online account.

***Name:** Please provide a name that you can easily remember. For example, you may wish to use your email address as a last name.

***Billing Code:** You can find your billing code on your current Rent Board billing statement, in the upper right-hand corner. You do not have your billing statement, then please contact us by calling (415) 361-1300 (ext. 303) or by visiting [rent.org](#).

***Email Address:** Please provide the email address that you have provided to the Rent Board. We cannot create an online account if we do not have your email address on file. If you think we do not have your email on file, please contact us by calling (415) 361-1300 (ext. 303) or by visiting [rent.org](#).

***Phone Number:** Please provide a telephone number where we can reach you.

***Property Address:** Please provide the Property Address exactly as it appears on your billing statement. If you have more than one property, please provide the address of one property, such as it appears on its billing statement.

I need a code

Send

Have an email on file with the Rent Board?

REGISTER TENANCIES



From your kitchen table!

File vacancy registration forms or change unit status online from anywhere!

PAY REGISTRATION FEES



From the beach!

You can pay for one property at a time or multiple properties all at once!

Visit our website to find a link to Online Registration: www.cityofberkeley.info/rent

VISIT OUR WEBSITE

cityofberkeley.info/rent

- ❑ Tenant Information
- ❑ Laws & Regulations
- ❑ Workshops & Seminars
- ❑ Mediation & Petition Forms
- ❑ Rent Board Commission Meetings

COVID-19 Updates: See cityofberkeley.info/covid19 for news, information, and status of City services.

RENT STABILIZATION BOARD
2125 Milvia Street, Berkeley, CA 94704
TEL: (510) 981-7368, TDD: (510) 981-6903, FAX: (510) 981-4910
Office Hours: M,Tu,Th,F 9 a.m. to 4:45 p.m., Wed 12 p.m. to 6:30 p.m., Email: rent@cityofberkeley.info

WHAT'S NEW
Rent Board Services during COVID-19
Budget Info FY 2020-2021
FY 2020-21 Registration Information
AGA
New Laws & Regulations
Tenant Protection Ordinance
Bed Bug Notification
Green Lease Addendum
Security Deposit Interest
Tenant Buyout Ordinance
My Rent Ceiling

POPULAR TOPICS
Berkeley Rental News
Civil Grand Jury Report
Client Feedback Page
Data & Reports
Ellis Information
Events
Evictions
Fire Safety
Forms
Guide to Rent Control
Habitability & Repairs
Laws and Regulations
Mediation: Info and Forms
Moving In/Moving Out Guide
Other Sources
Landlord and Tenant Workshops & Seminars
Owner Move-Ins

WHAT IS RENT CONTROL?
... and How Does it Affect Me?

HOW CAN WE HELP YOU?

- Know Your Rights & Responsibilities as a [Landlord](#) or [Tenant](#)
- [Register Your Residential Rental Unit](#)

Annual Registration Fees of \$250 per unit WERE DUE Wednesday, July 1, 2020. Payments not received or postmarked by the due date were assessed a 100% penalty. Under Berkeley Rent Board Resolution 20-14, owners whose late payments are due to financial impacts of COVID-19 are eligible for a [full waiver of registration penalties](#). For questions about your registration status, please call our office at (510) 981-7368 and leave a message. Your call will be returned by a Registration Unit staff member.

IMPORTANT COVID-19 INFORMATION
For Landlords & Tenants
[Register Online](#)

Upcoming Meetings & Events

September 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

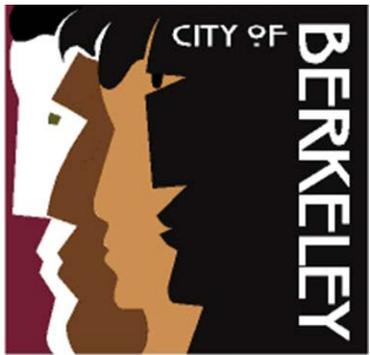
JOIN OUR EMAIL LISTS

- Annual General Adjustment
- Billing & Registration
- Newsletters & Announcements
- Rent Board Agendas
- Rent Board Committee Agendas
- Workshops and Seminars for Property Owners
- Workshops and Seminars for Tenants



Join Our
Email Lists!

510-981-7368 (RENT)
rent@cityofberkeley.info



BERKELEY RENT BOARD

QUESTIONS? CONTACT US!



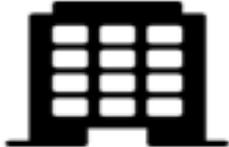
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