

BERKELEY RENT BOARD

# Security Deposit : Landlord and Tenant Rights & Responsibilities

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Berkeley Rent Board

November 10, 2021

# AGENDA

Introduction

Security Deposit Collection

Security Deposit Refund

Security Deposit Interest (ZERO for 2021)

Resolving Disputes

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

# 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

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# 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

Landlord must 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

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# 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 Request for Mediation
3. File a Rent Board Petition
4. 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%)

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%)

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# 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

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](http://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](http://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](mailto: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

**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.

The Rent Board office is currently CLOSED to the public.

**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](#)

**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



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BERKELEY RENT BOARD

## QUESTIONS? CONTACT US!



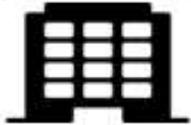
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