



CONSENT CALENDAR  
March 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor)  
Subject: Support for AB-2713

RECOMMENDATION

Send a letter of Support for Assembly Bill 2713: Rent caps

BACKGROUND

Assembly Bill 1482 (Chiu, 2019) caps gross rent increases to 5% per year plus the annual change in Consumer Price Index for All Urban Consumers for All Items (CPI-U), or 10%, whichever is lower. However, it lacks a statewide enforcement mechanism and puts the onus on tenants to seek legal counsel to protect their rights.

AB-2713 would make any lease provision that violates AB-1482 rent caps legally unenforceable. Additionally, it would narrowly define the “intent to occupy” provision for a “just cause” tenancy termination to be a “good faith intention to occupy” a residential unit, prohibiting the use of this provision if the owner or a relative of the owner inhabits another unit on the property, or if there are vacant units on the property. Additionally, the owner must provide written notice to the tenant 180 days prior if they intend to withdraw the property from the rental market.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Attachments:

1: Letter

The Honorable Buffy Wicks  
State Capitol  
Sacramento, CA 95814

Dear Assembly Member Wicks:

The Berkeley City Council is proud to support your bill, AB-2713, to strengthen just cause eviction protections and caps on annual rent increases. As you know, rental prices in the Bay Area continue to skyrocket amid a statewide housing shortage, and lower-income residents and communities of color remain at highest risk of displacement. Evictions and displacement have well-documented impacts on individual health and safety, as well as widespread detriments to racial justice and equity.

Despite the statewide moratorium on rental evictions during the COVID-19 pandemic, owner move-in evictions under the so-called Ellis Act have remained a disturbing problem for communities throughout the state. Furthermore, in spite of Berkeley's strong rent control laws, the statewide cap on annual rent increases pursuant to AB-1482 offers little by way of enforcement, putting the burden on tenants to enforce the law to protect their rights. The City of Berkeley does not have the resources to provide sufficient legal assistance to every rental household, inclusive of those whose units are exempt from local rent control under the Costa-Hawkins Act, in order to enforce AB-1482.

Your bill offers fair and common-sense solutions to the difficult problem of balancing constitutional property rights with tenant stability and the serious humanitarian needs that stability entails. Narrowly curtailing a property owners' "intent to occupy" provision for just cause termination, and requiring 180 days' written notice prior to removing a unit from the rental market, increase stability for tenants without imposing an onerous burden on law-abiding property owners.

Thank you for your leadership on this important issue.

Sincerely,

The Berkeley City Council  
2180 Milvia St  
Berkeley, CA 94704