



BERKELEY RELOCATION ORDINANCE FAQ'S

Frequently Asked Questions about Berkeley's Relocation Ordinance



Tenant Relocation webpage

For more information on Appeals, see the [Appeals](#) section below.

What documents are property owners required to provide to tenants for relocation?

- A Relocation Notice
- A copy of the Relocation Ordinance ([Berkeley Municipal Code \(BMC\) Chapter 13.84](#))
- A "Request for Relocation Payment" Form – depending on length of relocation

All documents are available at berkeleyca.gov/tenant-relocation. Scan QR code to visit webpage.

How is short-term versus long-term relocation defined?

- Short Term relocation: 29 days or less
 - Property owners should provide tenants the *Short-Term Payment Request form* available at berkeleyca.gov/tenant-relocation
- Long Term relocation: 30 days or more
 - Property owners should provide tenants the *Long-Term Payment Request form* available at berkeleyca.gov/tenant-relocation

What if a relocation was expected to be short-term but lasts longer than 29 days?

The ordinance does not explicitly address the transition between short and long-term relocation. Tenants are entitled to long-term benefits if the relocation goes over 29 days. Tenants and owners are encouraged to review the extended Scope of Work and the tenant's temporary relocation to determine appropriate accommodations.



What compensation is required for relocations?

Short-Term Relocation (29 days or less)

- Owners must pay a **daily per diem**, based on household size (see *Short-Term Payment Request form* available at berkeleyca.gov/tenant-relocation)

Long-Term Relocation (30 days or more) (See *Long-Term Payment Request form* available at berkeleyca.gov/tenant-relocation)

Owners must pay the following:

- Dislocation allowance
- Moving costs
- Storage costs
- Rent differential payment

Payment amounts, eligibility, and calculation details are detailed in [BMC 13.84.070](#) and can also be viewed in the payment request forms available at berkeleyca.gov/tenant-relocation.

When must relocation payments be made?

Short-Term Relocation (29 days or less)

- The initial relocation payment is due within ten days of the owner's receipt of the tenant household's request for relocation payment

Long-Term Relocation (30 days or more)

- The initial relocation payment is due within ten days of the owner's receipt of the tenant household's request for relocation payment, and includes:
 - The dislocation allowance
 - Moving and storage costs if applicable
 - The rent differential payment for one month OR, if the relocation is anticipated to exceed ninety days, then the rent differential payment for the first three-month period
- Subsequent payments for rent differential, utilities and storage costs, when applicable, shall be made on a monthly basis thereafter.
- Instead of monthly payments the owner may make one lump sum payment for the full amount due for the rent differential payments to the tenant household.



- If the tenant household qualifies for reimbursement for monthly storage or utilities costs, these payments continue on a monthly basis or upon receipt by the owner of documentation verifying the household's expenses.

In the case of long-term relocation, how is the rent differential calculated?

If a tenant's new rent while relocated is higher than their current rent, they may qualify for a rent differential payment to cover the difference. The payment is limited by a maximum rent, available on the *Long-Term Payment Request form* (available at berkeleyca.gov/tenant-relocation). Tenants should keep their rent and are expected to apply it to temporary housing. If the tenant's current rent includes utilities, they can count the cost of utilities toward the value of the new rent. To calculate the payment:

- Compare new rent with the maximum rent for the unit size (updated annually, and noted on the form), and take the lower of those two amounts.
- Subtract current rent.
- The result is the monthly rent differential payment.

Example:

- The tenant's current rent is \$2,300.
- The tenant's new rent while relocated is \$2,600 for a 1 bedroom. The maximum rent in 2025 was \$2,515 for a 1 bedroom.
- $\$2,515 - \$2,300 = \$215$. That is the monthly rent differential payment.

Is the short-term relocation per diem split between roommates or is it per person?

The per diem amount each household is entitled to is based on household size (see *Short-Term Payment Request form* available at berkeleyca.gov/tenant-relocation). A household is defined in the ordinance as "one or more individuals entitled to the occupancy of a rental unit or room who share living expenses."

Are receipts needed for short-term relocation per diem payments?

Yes. Receipts are required for relocations that exceed 10 days. Property owners must provide the initial cost up to 10 days without receipts prior to relocation.

For long-term relocation payments, are the payments based on fixed amounts or actual costs?

The \$400 dislocation allowance is a fixed payment. The moving costs and storage costs are either a fixed payment (\$300 for moving, \$200 for storage) without receipts, or reimbursement



of actual costs with receipts. The rent differential (explained above) is based on actual costs of new and current rent, or based on the maximum rent ceiling if that is lower than new rent.

Can the property owner provide alternative housing or a hotel?

The property owner can offer alternative housing or to directly pay for a hotel in lieu of paying a per diem (short-term relocation) or rent differential (long-term relocation) to the tenant. It is the tenant's choice whether to take the relocation payments or the hotel/alternative housing provided by a property owner. In cases of long-term relocation, tenants are still entitled to the one-time dislocation payment, and moving and storage costs if applicable, even if accepting alternative lodging furnished by the property owner. Alternative agreements should always have a written agreement signed by both parties.

How do tenants report code violations like mold or other habitability issues?

Tenants can contact the City's Rental Housing Safety Program (RHSP) online, by paper form, or by phone to submit Requests for Service that initiate complaints inspections.

RHSP schedules initial inspections within ten business days of receiving a request, depending on the inspector's schedule. RHSP notifies owners and tenants by mail.

RHSP Contact Information

1947 Center St. 3rd Floor

510-981-5444

Email: HCl@berkeleyca.gov

Webpage: www.berkeleyca.gov/housing/RHSP

Does relocation affect rent control protections?

No. In a relocation situation, the owner is also responsible for complying with Section 13.76.130 (rent stabilization and eviction for good cause ordinance). A tenant's rent control protections are not disrupted by relocation. Learn more at rentboard.berkeleyca.gov.

Who can initiate relocation?

There are two main ways relocation can be initiated:

1. Voluntary code compliance – initiated by owners to bring their units into compliance
2. Code enforcement activities or fire – triggered by Building Official or Fire Marshal determinations

Tenants can contact the City's Rental Housing Safety Program (RHSP) as described above to request complaints inspections, which could trigger code compliance or code enforcement activity.



How much notice do property owners need to provide tenants before a relocation?

- Voluntary code compliance: Owners are required to provide written notice of temporary relocation to tenant households thirty days in advance of required relocation.
 - Tenants can agree to move out prior to the thirty-day minimum. It is advisable to have written agreements between owners and tenants in these cases.
- Code enforcement or fire: The only time the notice can be shorter is if the City determines the building is unsafe and orders abatement that requires relocation in less than thirty days. In these cases, the owner shall provide a notice within ten (10) days of the City's abatement order. This may be shorter due to fires or health and safety violations as determined by the Building Official.

What happens when the work is completed? Are notices required?

Yes. If an owner has relocated tenants in order to bring a building up to code, they must allow tenants to move back in after completing the repairs.

Short-Term Relocation:

- The property owner must notify tenants at least one day in advance that their unit is ready to be reoccupied.
- Tenants can continue to receive relocation payments for up to 24 hours after the notice.
- Tenants must let the property owner know within ten days of receiving the notice whether they intend to reoccupy the unit.

Long-Term Relocation:

- The property owner must notify tenants at least thirty days in advance that their unit is ready to be reoccupied.
- Tenants must let the property owner know within ten days of receiving the notice whether they intend to reoccupy the unit.
- The property owner is required to hold the unit for thirty days at no cost once the tenant's intent to reoccupy is received.

Learn more about your rights and obligations:

Tenants in Berkeley who are required to temporarily relocate due to repairs necessary to bring their unit into code compliance have rights under:

- Relocation Ordinance ([Berkeley Municipal Code \("BMC"\) Chapter 13.84](#))
- Rent Ordinance ([BMC Chapter 13.76](#))



APPEALS

What happens if a tenant and property owner disagree on the necessity of relocation?

If tenants or owners cannot reach an agreement about the necessity to relocate, claim for relocation payments, or amount of relocation payments or other terms of relocation, the Berkeley Rent Board provides mediation free of charge. More information:

rentboard.berkeleyca.gov/services/mediation

Tenants and Property Owners must pursue mediation before initiating an appeal. If the parties cannot reach an agreement through mediation, tenants and owners both have avenues to appeal:

Tenants: The tenant household may request in writing that the Building Official make a determination. Such request must be filed within five business days of the conclusion of mediation, or within ten days of the tenant household's receipt of the relocation notice, whichever comes later.

Owners: Owners may file a written request for a hearing by the Housing Advisory Commission as to the amount of the claim, or their responsibility for relocation assistance pursuant to this chapter. Such request must be filed within five business days of the conclusion of mediation, or within ten days of the owner's receipt of the tenant household's claim of relocation payments, whichever comes later.

Can a tenant decline relocation and stay during repairs?

Voluntary code compliance:

As described above, for relocation related to voluntary code compliance, if a tenant household disagrees with the owner as to the necessity to relocate, and such disagreement cannot be resolved through conflict resolution or mediation, the tenant household may request in writing that the Building Official make a determination.

Code enforcement activity:

Whenever a building or unit is declared in violation of any law, the Building Official or Fire Marshal, as appropriate, determines whether the repairs necessary to abate the violation(s) can reasonably be accomplished without tenant relocation. Any affected tenant household or owner who disputes a determination made by the Building Official or Fire Marshal may file a written request for a hearing by the Housing Advisory Commission. Such request for hearing must be filed within ten days of the date of the notice from the Building Official or Fire Marshal.