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## **SUPPLEMENTAL AGENDA MATERIAL**

### **for Supplemental Packet 2**

**Meeting Date:       October 28, 2025**

**Item Number:        32**

**Item Description:   Amendments to Title 21 (Subdivisions) to Allow Separate  
Sale of ADUs**

**Submitted by:       Councilmember Humbert, Mayor Ishii, Councilmember  
Blackaby, Councilmember O'Keefe**

The attached revised Item 32 *32.-Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs* amends ordinance for covered ADUs, to shorten the period of time for the tenant to exercise their “exclusive right to purchase” from one year to 90 days to align with a typical decision-making timeline for real estate.

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October 28, 2025

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Mark Humbert (Author), Mayor Adena Ishii (Co-Author), Councilmembers Brent Blackaby (Co-Author) and Shoshana O’Keefe (Co-Author)

**Subject:** Amendments for Accessory Dwelling Units (ADUs) Item #32 - Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs

**RECOMMENDATION: For covered ADUs, shorten the period of time for the tenant to exercise their “exclusive right to purchase” from one year to 90 days to align with a typical decision-making timeline for real estate.**

The proposed ordinance requires “covered ADUs” to provide the tenant an “exclusive right to purchase (ERP)” the ADU condo, which lasts for one year from the date of the notice, which begins after the City has approved the map for the property. A one-year timeframe presents policy tradeoffs, including denying the property owner the ability to sell the unit more quickly for unforeseen financial needs, such as medical, family, or educational expenses. According to various real estate sources, a typical timeline for selling a home in Berkeley ranges from 16 days to 36 days. Therefore, a timeline of 90 days for the tenant to decide to make a purchase seems to be more reasonable than one year for our housing market, as this would allow adequate time for the tenant to consider financing options while avoiding an extended delay for the property owner. The following amendment is recommended:

21.29.010.C.1 Covered Rental ADUs. If the ADU is a covered rental unit under BMC Chapter 13.76 (Rent Stabilization Ordinance), the tenant protections of Chapter 21.28 shall apply in full, including:

- a. A tenant in an ADU shall have a continued right to occupy the ADU after a conversion, pursuant to Section 21.28.090(C)(4).
- b. A tenant in an ADU shall have an exclusive right to purchase the unit, pursuant to Section 21.28.030(C) and 21.28.090(C)(2), **except that the exclusive right to purchase period shall not exceed 90 days from the date of the notice.**

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