



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

REVISED AGENDA

Revised to indicate Special Meeting

Special Meeting Thursday, October 10, 2024 7:00 pm	South Berkeley Senior Center 2939 Ellis Street Anna Cash, Secretary HAC@berkeleyca.gov
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Written communications submitted by mail or e-mail to the Housing Advisory Commission by 5:00 p.m. the day before the meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

All agenda items are for discussion and possible action.

Public comment policy: Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may also comment on any item listed on the agenda as the item is taken up. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

1. **Roll Call**
2. **Land Acknowledgement** (Attachment 1)
3. **Agenda Approval**
4. **Public Comment**
5. **Approval of September 5, 2024 Meeting Minutes** (Attachment 2)
6. **Discussion and Possible Action: Re-appoint the Arts and Housing Subcommittee**
7. **Discussion and Possible Action: Ordinance Amending the Municipal Code to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units** – Chair Potter (Attachment 3)
8. **Update on Council Items (Future Dates Subject to Change)**
 - a. Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act (COPA/TOPA) (9/30/2024)
 - b. Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code (9/24/2024)
 - c. Ashby BART Transit Oriented Development (TOD) (9/16/2024)
 - d. 2024 Local Housing Trust Fund Application (9/10/2024)

9. Announcements/Information Items

- a. AB 812: Housing Development Approvals: Reserving Affordable Units in or Near a Cultural District for Artists (Attachment 4)

10. Future Items

11. Adjourn

Attachments

- 1. Land Acknowledgment
- 2. Draft September 5, 2024 Meeting Minutes
- 3. Ordinance Amending the Municipal Code to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units
- 4. AB 812: Housing Development Approvals: Reserving Affordable Units in or Near a Cultural District for Artists

Correspondence

- 5. Re: Missed inspection for 1813 63rd street Unit C, DreamR Real Estate LLC

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the Secretary of the commission. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary for further information.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

COMMUNICATION ACCESS INFORMATION:



To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

ATTACHMENT 1

Land Acknowledgement Statement

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

DRAFT MINUTES

Regular Meeting Thursday, September 5, 2024 7:10 pm	South Berkeley Senior Center 2939 Ellis Street Anna Cash, Secretary HAC@berkeleyca.gov
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1. Roll Call

Present: Sarah Bell (arrived 7:18 pm), Truman Braslaw, Mari Mendonca, Keyanna Ortiz-Cedeño, and Debbie Potter.

Absent: Nico Calavita (unexcused), Karen Haycox (excused), David Shere (excused), and Leah Simon-Weisberg (excused).

Staff Present: Rhianna Babka, Tanya Bustamante, Anna Cash, Asavari Devadiga, Kat Larrowe, and Jenny Wyant

Commissioners in attendance: 5 of 6

Members of the public: 14

Public Speakers: 4

2. Land Acknowledgement

3. Agenda Approval

Action: M/S/C (Braslaw/Ortiz-Cedeño) to approve the agenda, with the amendment of moving items 10a and 10b to directly follow item 6.

Vote: Ayes: Braslaw, Mendonca, Ortiz-Cedeño, and Potter. Noes: None. Abstain: None.
Absent: Bell (arrived 7:18 pm), Calavita (unexcused), Haycox (excused), Shere (excused), and Simon-Weisberg (excused).

4. Public Comment

There were no speakers during public comment.

5. Approval of July 11, 2024 Meeting Minutes

Action: M/S/C (Mendonca/Ortiz Cedeño) to approve the July 11, 2024 Regular Meeting minutes.

Vote: Ayes: Braslaw, Mendonca, Ortiz-Cedeño, and Potter. Noes: None. Abstain: None.
Absent: Bell (arrived 7:18 pm), Calavita (unexcused), Haycox (excused), Shere (excused), and Simon-Weisberg (excused).

6. Discussion and Possible Action: City of Berkeley’s Draft Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Program Year 2023 (July 2023 through June 2024)

7. Discussion and Possible Action: Age-Friendly Action Plan Referral

Action: M/S/C (Ortiz-Cedeño/Bell) to form a subcommittee to address affordable housing needs for seniors in the City of Berkeley as part of the Age-Friendly Action Plan Update for the period of September 2024 through August 2025 comprised of Commissioners Mendonca and Shere.

Vote: Ayes: Bell, Braslaw, Mendonca, Ortiz-Cedeño, and Potter. Noes: None. Abstain: None. Absent: Calavita (unexcused), Haycox (excused), Shere (excused), and Simon-Weisberg (excused).

8. Discussion and Possible Action to Recommend Housing Trust Fund Funding for the BUSD Workforce Housing and St. Paul Terrace Affordable Housing Projects

Public Speakers: 4

Action: M/S/C (Mendonca/Ortiz-Cedeño) to recommend that City Council:

1. Reserve an additional \$2,000,000 for Satellite Affordable Housing Associates (SAHA) and Abode Communities’ Berkeley Unified School District (BUSD) Workforce Housing project; and
2. Reserve an additional \$3,504,319 for Community Housing Development Corporation of North Richmond’s (CHDC) St. Paul Terrace project with the following conditions:
 - a. Funds shall be reserved for a period of no more than 18 months from the date of Council approval, contingent on the development team obtaining all required land use approvals of the property and securing commitments for project funding that the City Manager or designee deems sufficient within the reservation period.
 - b. CHDC shall apply to alternative funding sources with the intent of reducing the need for these additional City funds. CHDC shall provide updates to the City on the applications submitted and the outcomes.

Vote: Ayes: Bell, Braslaw, Mendonca, Ortiz-Cedeño, and Potter. Noes: None. Abstain: None. Absent: Calavita (unexcused), Haycox (excused), Shere (excused), and Simon-Weisberg (excused).

9. Discussion and Possible Action: Re-appoint the Arts and Housing Subcommittee

10. Update on Council Items (Future Dates Subject to Change)

- a. Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City’s Public Facility Improvement Program (7/23/2024)
- b. Public Facility Improvement Program Funds for Insight Housing’s (formerly Berkeley Food and Housing Project) Dwight Way Center (7/23/2024)

- c. Zoning Ordinance and General Plan Amendments Relating to Middle Housing (7/23/2024)
- d. Placing the Berkeley Tenant Protection and Right to Organize Act and Funding for Housing Retention on the November 5, 2024 Ballot (8/5/2024)
- e. 2024-25 Housing Advisory Commission Work Plan (9/10/2024)

11. Announcements/Information Items

12. Future Items

13. Adjourn

Action: M/S/C (Ortiz-Cedeño/Mendonca) to adjourn at 9:00 pm.

Vote: Ayes: Bell, Braslaw, Mendonca, Ortiz-Cedeño, and Potter. Noes: None. Abstain: None. Absent: Calavita (unexcused), Haycox (excused), Shere (excused), and Simon-Weisberg (excused).

October 10, 2024

To: Housing Advisory Commission

Submitted by: Debbie Potter, District #6

Subject: Ordinance Amending the Municipal Code to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units

RECOMMENDATION

Recommend that the Housing Advisory Commission (HAC) recommend to the City Council that it adopt an ordinance amending the Municipal Code to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units.

A draft ordinance for HAC's consideration is provided as Attachment 1.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts to the City of Berkeley from adopting this ordinance. The ordinance solely prohibits the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units. The ordinance includes remedies that provide for reasonable attorneys' fees and costs to the City Attorney if the City Attorney is the prevailing party in any civil action to enforce the ordinance.

The ordinance would have a positive financial impact on the city's tenants as there is documented evidence that use of these algorithmic devices has led to year-over-year rent increases of 5%-12% across housing markets. A prohibition on the sale and use of these devices will lead to reduced rents and elimination of artificial scarcity.

CURRENT SITUATION AND ITS EFFECTS

A new type of rental software (often referred to as algorithmic devices) is increasing rents and vacancy rates by allowing large landlords to collude on pricing decisions. Third-party revenue management companies collect and combine proprietary large landlord data and make pricing and occupancy recommendations. These recommendations allow landlords to manipulate the market and the practice amounts to illegal price-fixing. The use of algorithmic devices in setting rents and occupancy levels contributes to double-digit rent increases, increased rates of eviction, and artificial housing scarcity. Lee Hepner, an antitrust attorney at the American Economic Liberties Project, states that "widespread use of price fixing software presents a new front in the housing affordability crisis."

While numerous lawsuits have been filed to prohibit such antitrust activities, these cases may take years to resolve. This ordinance prohibits the sale or use of algorithmic devices for the purpose of setting rents to bring immediate relief to Berkeley tenants, as

well as to put landlords who have been using these devices on equal footing with those who are willing to adhere to fair standards for setting rental rates.

BACKGROUND

Antitrust lawsuits have been filed against certain third-party revenue management companies, including RealPage, Inc. and Yardi Systems, Inc. The lawsuits allege that these companies are enabling and participating in a scheme of unlawful rent-fixing. In August 2024, The United States Department of Justice (DOJ), alongside the attorneys general of California and seven other states, filed an antitrust lawsuit against RealPage, accusing the company of reducing competition among landlords and taking over the market for such algorithm-based rental software.

The DOJ lawsuit accuses nearly 50 trade associations - including the East Bay Rental Housing Association and the Berkeley Property Owners Association – of serving as “conduits of the cartel” by providing a venue for RealPage and their property owners to conspire. The lawsuit further alleges that landlords use the software to agree on prices to set for rent, and to stagger their lease renewal dates so as to avoid any oversupplies in rental properties.

The use of these algorithmic devices is widespread in markets throughout the country and has helped fuel the national housing affordability crisis. Local jurisdictions can eliminate this specific contributor to the on-going affordable housing crisis by adopting local ordinances to ban the use and sale of algorithmic devices to set rents and/or manage occupancy levels.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Fifty-seven percent of the city’s population are renters. People of color are three times more likely to rent than to own homes in Berkeley. Sixty percent of renter households are lower income and one-half of all renters are rent burdened. According to an article about the antitrust lawsuits (noted above) in the Mercury News, over the last nine years, rents have increased 19% in the East Bay. The city’s Housing Element notes that rents for rent-controlled units have increased dramatically over the last decade, as have rents for market rate units. At the same time, the city’s Black population has declined rapidly over the last twenty years, as families are forced out of the community due to rising housing costs. Maintaining and growing an economically, racially, and ethnically diverse city is a top priority.

The city has many initiatives to increase affordable housing and neighborhood diversity, from a priority system for affordable housing units that recognizes residents

from historically redlined communities should have access to these units and funding a wide range of housing rehabilitation programs to keep residents in Berkeley, to updating how inclusionary housing fees are calculated and funding hundreds of units of new affordable housing through the Housing Trust Fund.

Given the city's commitment to affordable housing and growing its diverse community, it is appropriate for the City Council to consider adopting an ordinance to prohibit the use and sale of algorithmic devices to set rents and occupancy levels as use of these devices amounts to illegal price-fixing and negatively impacts the rental housing market by artificially inflating rents and creating housing scarcity.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

Attachment:

1: Draft Ordinance

ORDINANCE NO. _____

Prohibition on the Sale or Use of Algorithmic Devices to Set Rents or Manage
Occupancy Levels for Residential Dwelling Units

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 13.63 is added to read as follows:

Chapter 13.63

**Prohibition on the Sale or Use of Algorithmic Devices to Set Rents or Manage
Occupancy Levels for Residential Dwelling Units**

Sections:

- 13.63.010 Findings and Purpose**
- 13.63.020 Definitions**
- 13.63.030 Use and Sale of Algorithmic Devices Prohibited**
- 13.63.040 Remedies**
- 13.63.050 Undertaking for the General Welfare**
- 13.63.060 Severability**

13.63.010 Findings and purpose.

The Council hereby finds and determines that the adoption of this chapter is necessary to the promotion of the public health, safety, and welfare.

A. In recent years, a number of new software programs, often referred to as “algorithmic devices”, have threatened to destabilize rental housing markets in cities nationwide, including the City of Berkeley.

B. These programs enable landlords to indirectly coordinate with one another through the sharing of non-public competitively sensitive data in order to artificially inflate rents and vacancy rates for rental housing. Participating landlords provide vast amounts of proprietary data to the programs, which in turn set or provide recommendations for rent and occupancy levels.

C. More and more landlords in U.S. cities now pool their data and pricing decisions using such software.

D. The software has contributed to double-digit rent increases (over the last nine years, median rents have increased 19% in the East Bay), higher vacancy rates, and higher rates of eviction, and has generally distorted markets so that rents and vacancy rates have increased in tandem.

E. Often used by large corporate landlords, the software fuels the consolidation of corporate and private equity ownership of rental housing, at the expense of landlords large and small who are willing to play by the normal rules. Landlords using these tools are not engaging in appropriate market behavior. And the companies developing and selling these tools to Berkeley landlords are not doing so either, and are contributing to these problems.

F. Numerous antitrust lawsuits have been filed against certain of these companies, including RealPage, Inc. and Yardi Systems, Inc. The lawsuits allege that these companies are enabling and participating in a scheme of unlawful rent-fixing. These include a lawsuit filed by the District of Columbia Attorney General in November 2023, a lawsuit filed by the Arizona Attorney General in February 2024, and more than 20 federal private class action lawsuits filed nationwide that have been consolidated in the federal court in the Middle District of Tennessee. In August 2024, The United States Department of Justice, alongside the attorneys general of California and seven other states, filed an antitrust lawsuit against RealPage, accusing the company of reducing competition among landlords and taking over the market for such algorithm-based rental software.

G. The Department of Justice lawsuit accuses nearly 50 trade associations - including the East Bay Rental Housing Association and the Berkeley Property Owners Association – of serving as “conduits of the cartel” by providing a venue for RealPage and their property owners to conspire. The lawsuit further alleges that landlords use the software to agree on prices to set for rent, and to stagger their lease renewal dates so as to avoid any oversupplies in rental properties.

H. Instead of waiting for court processes which may take years to resolve, this ordinance prohibits the sale or use of algorithmic devices for the purpose of setting rents on residential dwelling units in the city of Berkeley, to bring immediate relief to Berkeley tenants, as well as to put landlords who have been using these devices on equal footing with those who are willing to adhere to fair standards for setting rental rates.

I. This Chapter is not intended to prevent the development or sale of software to help landlords manage their units generally or through the use of public data. Nor does this Chapter regulate the amount of rent that a landlord may charge. This Chapter solely regulates the use and sale of the algorithmic devices that analyze and share non-public data, to prevent the harms described above.

13.63.020 Definitions.

A. “Algorithmic device” means a device such as a software program that uses one or more algorithms to perform calculations of non-public competitor data concerning local or statewide rents or occupancy levels, for the purpose of advising a landlord whether to

leave their unit vacant or on the amount of rent that the landlord may obtain from a tenant. “Algorithmic device” includes a product that incorporates an algorithmic device, but does not include (a) any report published by a trade association that receives renter data and publishes it in an aggregated and anonymous manner or (b) a product used for the purpose of establishing rent or income limits in accordance with the affordable housing guidelines of a local government, the state, the federal government, or other political subdivision.

B. “Non-public competitor data” means information that is not available to the general public, including information about actual rent prices, occupancy rates, lease start and end dates, and similar data, regardless whether the information is attributable to a specific competitor or anonymized, and regardless whether it is derived from or otherwise provided by another person that competes in the same market or a related market.

13.63.030 Use and sale of algorithmic devices prohibited.

A. It shall be unlawful to sell, license, or otherwise provide to city of Berkeley landlords any algorithmic device that sets, recommends, or advises on rents or occupancy levels that may be achieved for residential dwelling units in the city of Berkeley.

B. It shall be unlawful for a landlord to use an algorithmic device described in subsection A when setting rents or occupancy levels for residential dwelling units in the city of Berkeley. Each separate month that a violation exists or continues, and each separate residential dwelling unit for which the landlord used the algorithmic device, shall constitute a separate and distinct violation.

13.63.040 Remedies.

A. The City Attorney may file a civil action for violations of section 13.63.030, subsections A and/or B, for damages, injunctive relief, restitution/return of illegal profits, and/or civil penalties of up to \$1,000 per violation. The court shall award reasonable attorney’s fees and costs to the city Attorney if the City Attorney is the prevailing party in such a civil action.

B. A tenant may file a civil action for violations of section 13.63.030, subsection B, for injunctive relief, money damages, and/or civil penalties of up to \$1,000 per violation. The court shall award reasonable attorney’s fees and costs to the tenant if the tenant is the prevailing party in such a civil action. A lease provision that limits a prevailing tenant from obtaining attorneys’ fees shall not be enforceable against a tenant’s claim for attorneys’ fees that arises under this subsection 13.63.040 B.

13.63.050 Undertaking for the general welfare.

In enacting and implementing this Chapter 13.63, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers

and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

13.63.060 Severability.

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on _____, 20____, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes:
Noes:
Absent:

Assembly Bill No. 812**CHAPTER 747**

An act to add Section 65914.8 to the Government Code, relating to housing.

[Approved by Governor October 11, 2023. Filed with Secretary of State October 11, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 812, Boerner. Housing development approvals: reserving affordable units in or near a cultural district for artists.

Existing law requires the Arts Council to establish criteria and guidelines for certification of state-designated cultural districts and collaborate with other public agencies and private entities to maximize the benefits of state-designated cultural districts. The Planning and Zoning Law imposes various requirements on cities and counties with regard to their review and approval of certain housing developments.

This bill would authorize a city or county that requires, as a condition of approval, that a certain percentage of units of a residential development be affordable housing, as specified, to reserve for artists up to 10% of those required affordable housing units, except as provided, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district, as specified.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

SECTION 1. Section 65914.8 is added to the Government Code, immediately following Section 65914.7, to read:

65914.8. (a) If a local agency requires, as a condition of approval of the development of residential units, that a certain percentage of the units of the development be affordable housing, the local agency may reserve for artists up to 10 percent of those required affordable housing units if all of the following conditions are satisfied:

- (1) The units reserved are located within or within one-half mile from a state-designated cultural district certified pursuant to Chapter 9.2 (commencing with Section 8758) of Division 1 of Title 2 or within any similar locally designated cultural district.
- (2) The local agency adopts an ordinance for this purpose that does all of the following:
 - (A) It is consistent with the Local Tenant Preferences to Prevent Displacement Act (Chapter 12.76 (commencing with Section 7061) of Division 7 of Title 1).
 - (B) It prohibits an existing tenant from being evicted in favor of an artist.
 - (C) It contains a fair and comprehensive vetting process that includes, but is not limited to, initial and annual income verification consistent with applicable affordable housing laws and artist status verification.
- (b) If an insufficient number of artists apply for and occupy the units, the unoccupied units may be offered to general members of the public.
- (c) For purposes of this section, the following definitions apply:
 - (1) “Affordable housing” means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.
 - (2) “Artist” means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.
 - (3) “Local agency” means a city, county, or city and county.

SEC. 2. The Legislature finds and declares that Section 1 of this act adding Section 65914.8 to the Government Code addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act applies to all cities, including charter cities.

From: [DreamR Real Estate LLC](#)
To: [Fidler, Sloan](#); [HCI](#); [Housing Advisory Commission](#); [HCI](#); [FinanceMailbox](#); [Health, Housing & Community Services](#); [RHSPBilling](#)
Subject: Re: Missed inspection for 1813 63rd street Unit C
Date: Monday, September 23, 2024 1:01:49 PM
Attachments: [image001.png](#)

Adding more emails to get attention to this issue.

This is really frustrating. Please help me get this resolved. I'm being penalized for no fault of my own. I am trying to do everything possible to provide safe housing for my residents. Note: I live in San Jose and I have to commute to Berkeley for this. Traffic to Berkeley is no joke.

I already pay lots of money every year for these:

1. Property tax
2. Fire inspection
3. RHSP
4. Rent Board
5. Business License.

On top of this I'm asked to pay \$400 for no fault of mine. Why will I be charged \$600? What are yearly RHSP fees for?

Thanks and Regards,
Preeti

On Mon, Sep 23, 2024 at 10:19 AM DreamR Real Estate LLC <dreamrpm@gmail.com> wrote:

Hi Mr Sloan,

THIS IS EXTREMELY FRUSTRATING We are doing everything to ensure our tenant has the safe environment to live as per the feedback given by the Inspections.

We fixed everything after we had initially touched based on the email regarding rescheduling specifically for unit C since the new window order was taking long. You said you can't reschedule as notices already went out. I also emailed you all the pictures of the fixes. I also called multiple times and left multiple voice messages.

You decided to put the unit for penalty even though I tried to reach out to you and your department multiple times since the inspection day.

I was at the property that day at 1.15pm. Inspection window was from 1pm-4pm. I am not at fault here. There are 5 units to inspect. I can't imagine anyone finishing inspecting all 4 units in 15 minutes. I tried to call you multiple times that day itself as soon as I reached. Please check your voicemails and time stamps.

If you had called me to get the access for unit C, I would have given you the lockbox code for the unit. \$400 is a lot of money for a business which is barely keep up with all the expenses.

What kind of system is this? Can someone take the ownership and help us small business owners to run this business efficiently without the losses?

No one picks up the call when we call, no one helps us, how do small businesses ensure our problems will be addressed?

Yesterday I received a letter saying I need to pay \$40 extra for the penalty. I shouldn't have to pay any money for this extra inspection that you decided to bring upon my business. Who in your department can make a call and dismiss this charge? I'm ready to escalate.

I'm not at fault here and I shouldn't have to pay any extra dime for it.

I hope you understand my frustration.

Thanks and Regards,
Preeti

On Mon, Sep 23, 2024 at 6:33 AM Fidler, Sloan <SFidler@berkeleyca.gov> wrote:

Dear Preeti,

I am afraid that this has already been processed. If you are sure to meet me for the next Re- Inspection on 10/09/24, and you remind me of this email, I will forgo the fee for that day, which is \$600.

Thanks Much,



Sloan Fidler
Housing Inspector I
City of Berkeley RHSP 1947 Center Street, 3rd Floor, Berkeley, CA
94704
Gen. Phone: (510) 981-5444
sfidler@cityofberkeley.info | www.berkeleyca.gov

From: DreamR Real Estate LLC <dreamrpm@gmail.com>
Sent: Wednesday, September 18, 2024 2:04 PM
To: Fidler, Sloan <SFidler@berkeleyca.gov>
Subject: Re: Missed inspection for 1813 63rd street Unit C

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Mr Fidler,

I received an invoice asking to make payment for reinspection for Unit C. Can you please waive the inspection fee for this time?

I got stuck in the traffic and arrived 15 minutes late. I reached the building around 1.15pm but you had already left by then,

I wish you had called me, I usually keep keys for each unit in the lockbox which I would have given to you so you could finish the inspection.

Tenant had already given me the permission, I called you as soon as I reached asking if you were around and could come by to finish the inspection.

I also left a voice message a couple of days later too. I also sent you an email with the pictures of fixes.

I really appreciate you helping me out here by waiving the fees. My business is already hurting.

We are doing everything to ensure our tenant has the safe environment to live as per the feedback given by the Inspections.

I hope you will understand and help me out.

Thanks and regards,

Preeti

408-634-8523

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DreamR Real Estate LLC

☎ (408)-634-8523

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DreamR Real Estate LLC

☎ (408)-634-8523