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Michael Wilson  
Berkeley Property Owners Assn.  
2005 Hopkins Street  
Berkeley, CA 94707

September 15, 2003

Mayor Tom Bates  
Berkeley City Council  
2180 Milvia Street  
Berkeley, CA 94704

Re: Action Item #29, September 16 City Council Agenda  
*Rental Housing Safety Program Fee*

Dear Mayor and Councilmembers:

Practice is supposed to make perfect. But it doesn't always work that way, as the Rental Housing Safety Program (RHSP) proves.

Certainly the Housing Department has had practice. This is at least the fourth incarnation of the RHSP fee. The fee has been approved and rescinded more times than Robert Downey Jr.'s probation.

Each time this fee has been proposed, the Berkeley Property Owners Association (BPOA) has responded with two basic criticisms. First, the fee is illegally structured. Second, the program itself is completely unjustified—nothing more than a \$750,000 excuse for not enforcing laws that already exist. Each time, the Housing Department has *assured* the Council that BPOA was wrong, and that the fee was right. Each time, the Council has believed Housing and approved the fee.

And yet the Housing Department keeps having to come back with "fixed" fee proposals. This evidence strongly suggests the Council is being misled every time it is assured the fee is lawful.

BPOA's criticisms, on the other hand, have been right all along. So believe us when we say, the fee *still is not legal*. The program *still has not been justified*. If anything, the original flaws have become more obvious with each attempt to patch them over.

By now the Council must realize that this program is destined to result in litigation. Why would the Council willingly, knowingly incur that expense on behalf of a program whose architects change their plans monthly? Berkeley's citizens deserve to know: is this truly "Berkeley at its Best?"<sup>1</sup>

Sincerely,



Michael Wilson  
President, BPOA

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<sup>1</sup>Please make this letter part of the public record.