

ACTION CALENDAR

7-18-06

To: Honorable Mayor and
Members of the City Council

From: Councilmember Dona Spring

Subject: Ballot Measure on Conversion of Rental Units to Condominiums

RECOMMENDATION:

That the City Council request the City Manager to place on the November ballot a measure to put before the voters the council approved ordinance that allows conversion of rental units to condominiums with payment of an affordable housing mitigation fee and protection for sitting tenants.

BACKGROUND:

the voters deserve to compare the two condo conversion ordinances -- one approved by the Council and the Housing Advisory Commission and the other by a qualifying initiative. This is a complicated matter and putting both before the voters will help educate voters as to which approach is the best one for our community. (See attached Berkeley municipal code 21.28). Request also that staff consider how to craft an ordinance that would cover the general strokes but allow future councils to make fine attunements.

FINANCIAL IMPLICATIONS: None

CONTACT PERSON: Councilmember Dona Spring 981-7140

Section 21.28.050 Eligibility for one hundred rental units per year to be converted.

In order to be considered among the one hundred units permitted to convert each year, the building or buildings proposed for conversion must meet the following conditions:

A. At no time within twenty years of the time the application to convert is filed shall an owner of the property have filed with the City of Berkeley a statement of intent to go out of the rental business.

B. At the time of application and continuously for ten years prior thereto, no eviction may have occurred pursuant to 13.76.130.A.9 of the Berkeley Municipal Code (relating to eviction for purposes of owner-occupancy or occupancy by relatives of the owner).

C. For any units that are vacant at the time the application to convert is filed, the vacancy may not have been created by the termination of a tenancy within the prior five years where the termination occurred:

1. Within one year of the service by the owner of a termination of tenancy notice pursuant to Civil Code Section 1946; or
2. Within one year of a change in the terms of the tenancy noticed pursuant to Civil Code Section 827, including the owner's termination or nonrenewal of a contract or recorded agreement with a governmental agency that provides for a rent limitation to a qualified tenant; or
3. By the tenant household vacating the property when, prior to the termination, the unit had been cited in an inspection report as containing serious health, safety, fire, or building code violations that were not caused by the tenant beyond normal wear and tear and one or more of the violations had not been abated by the date of the termination; or
4. By the tenant household vacating the property and subsequently bringing an action for constructive or wrongful eviction that is pending at the time the application to convert is filed or that resulted in a judgment for the plaintiff.

D. The owner must agree that, at the time of sale of each unit, an affordable housing fee, as described in Section 21.28.060, shall be paid to the City.

E. A Notice of Tenants' Rights Regarding Condominium Conversion provided by the City must have been served on each tenant household at the property at least 60 days but not more than 120 days prior to the filing of the owner's request for allocation, as described in Section 21.28.050.

E. The owner must comply with all applicable laws of the City. (Ord. 6882-NS § 1 (part), 2005: Ord. 6852-NS § 5 (part), 2005: Ord. 6352-NS § 1 (part), 1996: Ord.

6158-NS § 3, 1992: Ord. 6144-NS § 2 (part), 1992)

Berkeley Municipal Code

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