

AMENDING BERKELEY MUNICIPAL CODE SECTION 21.28.050 TO PROHIBIT THE CONVERSION OF RENTAL UNITS TO CONDOMINIUMS FOR 5 YEARS DUE TO SPECIFIC TERMINATIONS OF TENANCY AND REQUIRING NOTICE TO TENANTS REGARDING THEIR RIGHTS BEFORE A REQUEST FOR ALLOCATION IS FILED WITH THE CITY.

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

Section 1. That Berkeley Municipal Code Section 21.28.050 is hereby amended to read as follows:

**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 that sets forth one of the just causes required by the City's Rent Stabilization Ordinance; 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 being constructively evicted because 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, at the time the application to convert is filed, or that had 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.

F. 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)

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 Old City Hall, 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.