

ORDINANCE 7,012–N.S.

Chapter 13.77 REQUIREMENTS, PROCEDURES, RESTRICTIONS AND MITIGATIONS CONCERNING THE WITHDRAWAL OF RESIDENTIAL RENTAL ACCOMMODATIONS FROM RENT OR LEASE**Section 13.77.010 Findings.**

The Council of the City of Berkeley finds and determines that:

A. Government Code Chapter 12.75 (commencing with Section 7060 *et seq.*) permits owners of residential rental property to withdraw said property from rent or lease and evict tenants for this purpose while permitting local entities to impose restrictions, conditions and requirements upon property which is so withdrawn.

B. There is a continuing housing shortage and low vacancy rate in the City of Berkeley and the withdrawal of residential rental property from rent or lease will increase said shortage making it more difficult for tenants displaced by said withdrawal to find other housing as well as making it more difficult for other persons seeking housing to obtain it.

C. Because of the housing shortage and low vacancy rate it is essential that tenants displaced through the withdrawal of residential rental property from rent or lease be given substantial advance notice to enable them to relocate to other housing.

D. Because of the housing shortage and low vacancy rate, it is essential that the maximum possible protections be given to tenants who may be displaced as a result of the withdrawal of residential rental property from rent or lease. (Ord. 6529-NS § 1, 2000: Ord. 5732-NS § 1 (part), 1986)

Section 13.77.020 Purpose and scope.

A. The City of Berkeley hereby acts pursuant to Government Code Chapter 12.75 (commencing with 7060 *et seq.*) to establish certain requirements, procedures, restrictions and mitigations concerning the withdrawal of residential rental accommodations from rent or lease in accordance with Government Code Section 7060. The City also acts pursuant to its general police powers to protect the health, welfare and safety of its citizens. In adopting these provisions, it is the intent of the City of Berkeley to accord tenants the maximum protections which are available pursuant to Government Code Section 7060 and to provide certain additional rights and protections necessary to deal with the housing shortage in the City of Berkeley.

B. Nothing in this chapter shall otherwise diminish any power which currently exists or which may hereafter exist in the City to grant or deny any entitlement to the use of, or physical modifications to, real property, including, but not limited to, building, planning, zoning and subdivision map approvals. Nothing in this chapter shall entitle an owner of property which has been withdrawn from rent or lease to any special consideration in the granting of any entitlement to the use of said property, nor shall the fact that the property may be vacant be considered as a basis for granting any requested change in

use. (Ord. 6529-NS § 2, 2000: Ord. 5751-NS § 1 (part), 1986: Ord. 5732-NS § 1 (part), 1986)

Section 13.77.030 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth below.

A. "Owner" means only the holder of record title having the entire legal and equitable title to the property, or the successor in interest thereto. It shall not include the lessor, sublessor, agent or representative of the landlord. It is the intention of this chapter to permit only the "owner" as defined herein to have and exercise the privileges and responsibilities set forth in this chapter.

B. "Tenant" means any renter, tenant, subtenant, lessee, or sublessee of a rental unit, or successor to a tenant's interest, or any group of tenants, subtenants, lessees, or sublessees of any rental unit, or any other person entitled to the use or occupancy of such rental unit and includes a former tenant displaced by the withdrawal of an accommodation from rent or lease.

C. "Accommodations" means either of the following:

1. The residential rental units in any detached physical structure containing four or more residential units.

2. With respect to a detached physical structure containing three or fewer residential rental units, the residential rental units in that structure and in any other structure located on the same parcel of land, including any detached physical structure specified in subparagraph (1).

D. "Rent control" means the system of controls on residential rents and evictions established pursuant to the Rent Stabilization and Eviction for Good Cause Ordinance, including all amendments thereto, and any successor ordinance or charter provision regulating residential rents in Berkeley.

E. "Withdrawal" means the eviction of all tenants from all units on a particular property through compliance with the requirements of this chapter and implementing regulations. Such withdrawal results in a removal of rental units from the housing market under the terms and conditions set forth in this chapter, and as such is a limited form of removal by means other than conversion or demolition. To the extent that owners of withdrawn units desire to convert such units to other uses, including but not limited to condominiums, community apartments, stock cooperatives, other forms of owner-occupancy, or other change in use, or to permanently remove them from the rental housing market by demolition, or otherwise remove them by means other than withdrawal, such owners must obtain all required permits and approvals from the City in addition to complying with the provisions of this chapter.

F. "Low-income tenants" means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937, or as otherwise defined in Health & Safety Code Section 50079.5. The City shall maintain and provide to owners and tenants information concerning current income levels which qualify tenants as "low-income" under this section.

G. "Disabled" means a person with a disability, as defined in Section 12955.3 of the California Government Code.

H. "Elderly" means a person who is 60 years of age or older.

I. "Minor Child(ren)" means a person(s) who is 18 years or younger at the time the notice of withdrawal of accommodations is served.

(Ord. 6646-NS § 1, 2001: Ord. 6529-NS § 3, 2000: Ord. 6181-NS § 2, 1993: Ord. 5732-NS § 1 (part), 1986)

Section 13.77.040 Restrictions and responsibilities concerning withdrawn accommodations.

Any accommodations which have been withdrawn from rent or lease and which were subject to rent control at the time of withdrawal, shall be subject to the following conditions and restrictions if said accommodation is again offered for rent or lease:

A. For all tenancies created after December 31, 2002, and commenced during either of the time periods described in subsections 1 and 2 below, the accommodations shall be offered and rented or leased at the lawful rent in effect at the time any notice of intent to withdraw the accommodations was filed with the City, or its designated agency, plus annual adjustments available under the rent control system.

1. The five-year period after any notice of intent to withdraw the accommodations is filed with the City, or its designated agency, whether or not the notice of intent is rescinded or the withdrawal of the accommodations is completed pursuant to the notice of intent.

2. The five-year period after the accommodations are withdrawn.

3. This section shall prevail over any conflicting provision of law authorizing the landlord to establish the rental rate upon the initial hiring of the accommodations.

B. If the accommodations are offered again for rent or lease for residential purposes within two years of the date the accommodations were withdrawn from rent or lease, the following provisions shall apply:

1. The owner of the accommodations shall be liable to any tenant who was displaced from the property by said withdrawal for actual and punitive damages. Any action by a tenant pursuant to this paragraph shall be brought within three years of the tenant's displacement. However, nothing in this paragraph shall preclude a tenant from pursuing any additional or alternative remedy available under law, including, but not limited to general damages. Nothing in this paragraph shall limit or otherwise affect any relocation benefits to which the tenant is entitled under any other law or ordinance.

2. The City, or its designated agency, may institute a civil proceeding against any owner who has again offered accommodations for rent or lease subject to this section for exemplary damages for displacement of tenants. Any action brought by the City or its designated agency shall be brought within three years of the withdrawal of the accommodations. Nothing in this section shall be construed to limit any other powers of the City or its designated agency to pursue litigation in any way involving the subject property.

3. Any owner who offers accommodations again for rent or lease shall first offer the unit for rent or lease to the tenant displaced from that unit by the withdrawal, if the

tenant has advised the owner in writing within 30 days of the displacement of his or her desire to consider an offer to renew the tenancy and has furnished the owner with an address to which that offer is to be directed. That tenant or former tenant may advise the owner at any time during the period of eligibility for renewed tenancy of any change in address to which the offer is to be directed. The owner shall also notify the City or its designated agency of the owner's intent to again offer the accommodations for rent or lease at the time the tenant is notified. In addition to the notice required to be given to the tenant, the City or its designated agency shall be deemed to be an agent of the tenant and may request that an offer to renew the tenancy be extended to the tenant. However, nothing in this section shall be construed to relieve the owner of the obligation to directly contact the tenant or former tenant and to advise the tenant that said accommodations are again offered for rent or lease. Notice shall be on a form approved by the City or its designated agency.

4. If the owner offers the accommodations for rent or lease pursuant to this subdivision, and the tenant has advised the owner of a desire to consider an offer to renew the tenancy, then the owner shall offer to reinstitute a rental agreement or lease on terms permitted by law to that displaced tenant. The terms shall be substantially equivalent to those formerly existing during the tenancy. This offer shall be deposited in the United States mail, by registered or certified mail with postage prepaid, addressed to the displaced tenant at the address furnished to the owner as provided in this subsection, and shall describe the terms of the offer. A copy of the notice with proof that it has been mailed to the displaced tenant shall be filed with the City or its designated agency at the time notice is mailed to the tenant. The displaced tenant shall have 30 days from the deposit of the offer in the mail to accept by personal delivery of that acceptance or by deposit of the acceptance in the United States mail by registered or certified mail with postage prepaid. The City or its designated agency upon learning of the owner's intent to again offer the accommodation for rent or lease shall also attempt to notify each tenant by mail and may further publish notices or advertisements in newspapers or use other reasonable means to attempt to notify the tenants of the availability of the accommodations.

C. An owner who offers accommodations again for rent or lease within ten years of the date on which they are withdrawn shall notify the City or its designated agency of an intention to offer the accommodations again for residential rent or lease. A copy of the notice served on the City or its designated agency shall also be mailed by the owner to each tenant at that tenant's last known address. The City or its designated agency may also attempt to notify each tenant by mail and may further publish notices or advertisements in newspapers or use other reasonable means to attempt to notify the tenants of the availability of the accommodations. If the displaced tenant so requests in writing within 30 days after the owner has notified the City or its designated agency of the intent to again offer the premises for rent or lease, the owner shall offer to reinstitute a rental agreement or lease on terms permitted by law to that displaced tenant. In the event that the owner fails to comply with this subsection, the owner shall be liable to any affected tenant for general damages and punitive damages in an amount which does not exceed the contract rent for six months.

D. If the accommodations are demolished, and new accommodations are constructed on the same property, and offered for rent or lease within five years of the

date the accommodations were withdrawn from rent or lease, the newly constructed accommodations shall be subject to rent control notwithstanding any provision of law which otherwise exempts newly constructed units. The City or its designated agency shall have the power to set rents which will provide a fair return and the landlord shall have the burden of establishing by competent evidence that the rent schedule proposed by the landlord is necessary to provide a fair return. (Ord. 6767-NS § 1 (part), 2003; Ord. 6529-NS § 4, 2000; Ord. 5732-NS § 1 (part), 1986)

Section 13.77.050 Notice requirements.

A. An owner who intends to withdraw an accommodation from rent or lease shall provide the following notices. None of the notices permitted or required by this subsection shall be valid if served or filed prior to July 1, 1986.

1. No less than 120 days prior to the date upon which the accommodation is to be withdrawn, the owner shall provide written notice to each tenant on the property of the owner's intent to withdraw said accommodation. Said notice shall contain a statement that the accommodation is withdrawn, that all of the accommodations on the parcel are being withdrawn, the date upon which the accommodation is to be withdrawn, that the owner has paid all fees due the City or its designated agency pursuant to Section 13.77.070 of this chapter, and a statement that all "low-income," elderly or disabled tenants, and tenant households with minor children are entitled to relocation payment and the amount thereof pursuant to Section 13.77.055. The notice shall include a table clearly showing the low-income range for each household size up to eight people. The owner shall determine whether a member of the household of each unit can speak English and seek appropriate assistance in communicating the importance of the contents of the notice to any household whose members cannot speak English. The notice shall be served on each tenant by either personal service or certified mail, return receipt requested. It shall advise the tenant of the tenant's rights to regain possession of the premises and to damages as set forth in Section 13.77.040 of this chapter. A copy of this notice shall be filed with the City or its designated agency. The notice shall be accompanied by stamped postcards addressed to the owner and the City or its designated agency by which the tenant can represent whether he or she qualifies for relocation assistance. The notice shall be on forms approved by the City or its designated agency. A notice stating the owner's intent to withdraw the accommodation from rent or lease shall not be valid unless the tenants of all of the units on the property are also served with notice that each of their units is to be withdrawn from rent or lease and unless all fees due the City or its designated agency pursuant to Section 13.77.070 of this chapter have been paid.

2. A notice of termination of tenancy having an effective date no earlier than 120 days after the date of service shall also be served on each tenant at the same time the notice stating the intent to withdraw the premises from rent or lease is served on the tenant.

3. Not less than 120 days prior to the date upon which the accommodations are to be withdrawn, the owner shall notify the City or its designated agency of the intention to withdraw those accommodations from rent or lease. The notice shall be on a form

approved by the City or its designated agency, and shall contain statements, under penalty of perjury, providing information on the number of accommodations, the address or location of those accommodations, the name(s) of the tenant(s) of the accommodations and the rent applicable to each residential unit. The notice required to be filed by this subsection shall be maintained by the City or its designated agency in files other than those maintained pursuant to the Rent Stabilization and Eviction for Good Cause Ordinance. The information contained in the notice required by this subsection respecting the name(s) of the tenant(s), the rent applicable to any unit, or the total number of units, is confidential and shall be treated as confidential information for the purposes of the Information Practices Act of 1977, as contained in Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code. The City or its designated agency shall, to the extent required by the preceding sentence, be considered an "agency" as defined by subdivision (b) of Section 1798.3 of the Civil Code. However, nothing in this subsection shall be construed as making any information maintained by the Rent Stabilization Board pursuant to the Rent Stabilization and Eviction for Good Cause Ordinance confidential.

4. At the time the notice specified in Section 13.77.050.A.3 is filed with the City or its designated agency the owner shall record with the County Recorder a memorandum of the notice required by Section 13.77.050.A.3 summarizing its provisions, other than the confidential provisions, on a form approved by the City or its designated agency.

The owner shall also file and record a certificate, on a form approved by the City or its designated agency, that actions have been initiated as required by this chapter and other applicable law to terminate any existing tenancies. If the owner has satisfied the requirements of Section 13.77.050.A.3, and this subsection, the date upon which the accommodations are withdrawn from rent or lease for the purposes of this chapter is 120 days from the date of delivery in person or by first-class mail of that notice to the City or its designated agency. If the notice has not been given and recorded as specified herein, the date upon which the accommodations are withdrawn shall be 60 days after the memorandum summarizing the notice is recorded with the County Recorder.

5. At the time notice is given to the City or its designated agency as required in Section 13.77.050.A.3, the owner shall notify any tenant to be displaced that the City or its designated agency has been notified pursuant to Section 13.77.050.A.3, that the notice specified the name of the tenant and the amount of rent paid by the tenant as an occupant of the accommodation and the amount of rent the owner specified in the notice to the City or its designated agency. The notice shall also contain a statement of the tenant's rights to regain possession and to damages, in the event the accommodation is again offered for rent or lease, under Section 13.77.040 of this chapter. A copy of the notice shall be filed with the City or its designated agency with proof of service upon each tenant.

6. Not less than 120 days prior to the date upon which the accommodations are to be withdrawn, the owner shall provide two copies of a notice containing language substantially identical to the following: "I assert that I have lived in this unit at least one year prior to having been notified that I am to be evicted from this unit under the City of Berkeley's Ellis Ordinance (BMC Chapter 13.77 et seq.). I further assert that I am a disabled person under the meaning of California Government Code Section 12955.3. It

is my understanding that I am entitled to one year's notice prior to surrendering this unit to its owner." With this notice, the tenant shall be enabled by the owner to assert to both the owner and the City that she or he is disabled.

7. Not less than 120 days prior to the date upon which the accommodations are to be withdrawn, the owner shall provide two copies of a notice containing language substantially identical to the following: "I assert that I have lived in this unit at least one year prior to having been notified that I am to be evicted from this unit under the City of Berkeley's Ellis Ordinance (BMC Chapter 13.77 et seq.). I further assert that I am 62 years or older. It is my understanding that I am entitled to one year's notice prior to surrendering this unit to its owner." With this notice, the tenant shall be enabled by the owner to assert to both the owner and the City that she or he is 62 years or older.

8. If the tenant or lessee is at least 62 years of age or disabled and has lived in his or her accommodations for at least one year prior to the date of delivery of the notice of intent to withdraw to the City, then the date of withdrawal of the accommodations of that tenant or lessee shall be extended to one year after the date of delivery of the notice to the City, provided that the tenant or lessee gives written notice of his or her entitlement to an extension to the owner within 60 days of the date of delivery to the City of the notice of intent to withdraw.

9. If a tenant or lessee gives timely written notice of his or her entitlement to an extension of the date his or her accommodation will be withdrawn from the rental market, the owner may elect to extend the date of withdrawal on any other accommodations up to one year after date of delivery to the City of the notice of intent to withdraw. To make such an election, the owner shall give written notice to the City and the affected tenant or lessee of the owner's election to extend the date of withdrawal and the new date of withdrawal within 90 days of date of delivery to the City of the notice of intent to withdraw. (Ord. 6827-NS § 1 (part), 2004: Ord. 6767-NS § 2 (part), 2003: Ord. 6538-NS §§ 1, 2, 2000: Ord. 6529-NS § 5, 2000: Ord. 6337-NS § 1, 1996: Ord. 6237-NS § 1 (part), 1994: Ord. 6181-NS § 1 (part), 1993: Ord. 5751-NS § 1, (part), 1986: Ord. 5732-NS § 1 (part), 1986)

Section 13.77.055 Financial mitigation of adverse impact on displaced persons.

A. The tenants of any residential rental unit who are required to move as a result of the owner's withdrawal of the accommodation from rent or lease shall be entitled to a relocation payment in the sum of \$8700 from the owner. The tenants in any unit for which the tenancy began prior to January 1, 1999, shall further be entitled to an additional \$5000 per unit. The payment shall be divided equally among all tenants occupying the rental unit at the time of service on the tenants of the notice of intent to withdraw the unit from rent or lease. Only those persons who have a written or oral agreement with the owner for possession of the rental unit or who have paid rent to the owner shall be deemed tenants for purposes of this Section 13.77.055.

B. At the time of filing the notice of intent specified in Section 13.77.050A.3, the owner shall deposit the relocation payments specified in subparagraph A above into

escrow with the City. The City or its designated agent shall distribute these funds to the tenants upon request.

C. Low-income, elderly or disabled tenants, and tenant households with minor children in a rental unit that is withdrawn from the residential rental market shall be entitled to an additional relocation payment of \$2500 from the owner.

1. An additional relocation payment based on low-income status shall be divided equally among all tenants occupying the rental unit at the time of service on the tenants of the notice of intent to withdraw the unit from rent or lease.

2. An additional relocation payment based on elderly or disabled status shall be divided equally among the qualifying elderly and/or disabled tenants occupying the unit at the time of service on the tenants of the notice of the intent to withdraw the unit from rent or lease.

3. An additional relocation payment based on a tenant household with minor children shall be divided equally among tenants who are the parents or guardians of the minor children occupying the rental unit at the time of service on the tenants of the notice of intent to withdraw the unit from rent or lease.

4. If a household qualifies for an additional relocation payment based on more than one of the grounds specified in this section, the payment shall be divided equally among all tenants occupying the rental unit at the time of service on the tenants of the notice of intent to withdraw the unit from rent or lease.

D. In order to claim entitlement to the additional \$2500 relocation payment, a tenant must mail the postcards provided under Section 13.77.050A.1 within 30 days of the date the notice required by that section is served. The owner shall deposit the additional relocation payment in escrow in trust for any tenants who claim to qualify for relocation assistance within ten days after such postcard is mailed. Thereafter, the City or its designated agent shall distribute amounts held in escrow as follows:

1. If no written challenge is made to the tenant's claim of entitlement to additional relocation assistance within ten days after the postcard provided under Section 13.77.050A.1 is mailed, the City shall release the relocation assistance to the tenant upon request.

2. If the City receives conflicting information or assertions which indicate that there is a dispute or uncertainty concerning the tenant's qualification for relocation assistance the City shall continue to retain the disputed relocation assistance funds in escrow. The City then shall release the relocation assistance funds to either the tenant or the owner upon receipt of either a written agreement by both the owner and the affected tenant or an order of a court of competent jurisdiction.

E. The owner may rescind the notice of intent to withdraw the accommodation from rent or lease and the notice of termination of tenancy prior to any release of relocation payment to the qualifying tenants by serving written notice stating such rescission on the tenants. In such instance, the relocation payment shall be released to the owner. Subsequent to the release of any relocation payment to a qualifying tenant, the owner may rescind the notice of intent to withdraw the accommodation from rent or lease and the notice of termination of tenancy only upon the written agreement of the tenants to remain in possession of the rental unit. If the qualifying tenants remain in possession of the rental units after service of an owner's written notice of rescission of the eviction, the

tenants shall provide an accounting to the owner of the amount of the relocation payment expended for moving costs, return to the owner that portion of the relocation payment not expended for moving costs, and assign to the owner all rights to recover the amount of relocation payment paid to third parties.

F. Where an owner has served a notice of intent to withdraw an accommodation from rent or lease on a tenant prior to the date that this amendment takes effect and withdrawal of the accommodation has not been completed, the owner shall give notice as specified in Section 13.77.050A.1 to all tenants that all tenants are entitled to relocation assistance as provided in subsection 050A. and, that elderly, low-income and disabled tenants, and tenant households with minor children qualify for additional relocation assistance as provided in subdivision C of this section . The owner shall deposit the full relocation payment in escrow in trust for the tenants within 30 days of the date that the above required notice was served or mailed. Said deposit in escrow for the qualifying tenants shall be made within ten days of the date the postcards provided pursuant to Section 13.77.050A.1 are mailed. The owner shall also increase the amount of the relocation assistance deposited into escrow for each qualified tenant to the amount specified in Section 13.77.055C.

G. Failure of the owner to make any payment specified herein shall be a defense to any action to recover possession of a rental unit based upon the owner's intent to withdraw the accommodation from rent or lease. In addition, if tenants of a rental unit who qualify for relocation assistance have vacated the unit as a result of a notice of intent to withdraw the accommodation from rent or lease, and the owner fails to make any payment specified herein, the owner shall be liable to the tenants for three times the amount of the payment as well as reasonable attorney fees. (Ord. 6885-NS § 1, 2005: Ord. 6827-NS § 2 (part), 2004: Ord. 6783-NS § 1 (part), 2003: Ord. 6646-NS § 2, 2001: Ord. 6237-NS § 1 (part), 1994: Ord. 6181-NS § 1 (part), 1993: Ord. 5751-NS § 1 (part), 1986)

Section 13.77.056 Requirement to offer available accommodations to displaced persons.

A. Where an owner withdraws his or her residential rental accommodations from rent or lease he or she shall offer for rent or lease any available residential rental units in Berkeley that he or she owns, to any tenant who is required to move as a result of the owner's withdrawal of the accommodations from rent or lease. Accommodations shall be considered available if vacant at the time the owner provides notice to the City of his or her intent to withdraw his or her residential rental accommodations from rent or lease pursuant to 13.77.050.A.3 or if the accommodations become vacant at any time prior to the tenant vacating the withdrawn accommodations.

B. If the tenants displaced by the withdrawal of the residential rental accommodations are greater in number than the available residential rental units, the owner shall offer the accommodations to all displaced tenants and give a priority to renting or leasing such available units to any disabled or elderly displaced tenants. If none of the tenants are elderly or disabled, the owner shall give each displaced tenant

equal priority in the renting or leasing of such available units. (Ord. 6783-NS § 2 (part), 2003; Ord. 6646-NS § 3, 2001)

Section 13.77.060 Recordation of notice regarding continued applicability of controls.

Within 20 days of receipt of a notice issued by an owner pursuant to Section 13.77.050A., the City or its designated agency may cause to be recorded with the County Recorder a notice which shall recite the fact that the City of Berkeley has determined to apply the constraints adopted pursuant to Government Code Section 7060.2 to successors in interest to the subject property. The notice shall specifically describe the real property where the accommodations are located, the date upon which the owner will withdraw the accommodations from rent or lease and the dates during which the constraints adopted pursuant to Government Code Section 7060.2 shall apply. If the date upon which the accommodations are to be withdrawn is subsequently altered or modified, the City or its designated agency may record an amended notice. The filing of the notice described in this subsection shall not be construed as a finding by the City or its designated agency that the actual or proposed withdrawal of the accommodations has been approved by the City or its designated agency. (Ord. 5732-NS § 1 (part), 1986)

Section 13.77.070 Fees payable to the City.

The City or its designated agency shall establish fees which shall be paid by any owner who exercises the privilege to withdraw accommodations from rent or lease. The City or the designated agency shall set the fee so as to recover all costs of administering this chapter. The fees shall be paid prior to the service of the notice set forth in Section 13.77.050A.1. Failure to pay the fees prior to service of the notice shall invalidate the notice. (Ord. 5732-NS § 1 (part), 1986)

Section 13.77.080 Eviction requirements.

In any action to recover possession of an accommodation subject to the terms of this chapter, it shall be a defense if the owner has not fully satisfied all of the requirements of this chapter including, but not limited to, compliance with all notice requirements, payment of fees to the City or its designated agency, and payment of relocation benefits to displaced tenants. (Ord. 5751-NS § 1 (part), 1986; Ord. 5732-NS § 1 (part), 1986)

Section 13.77.080 Eviction requirements.

In any action to recover possession of an accommodation subject to the terms of this chapter, it shall be a defense if the owner has not fully satisfied all of the requirements

of this chapter including, but not limited to, compliance with all notice requirements, payment of fees to the City or its designated agency, and payment of relocation benefits to displaced tenants. (Ord. 5751-NS § 1 (part), 1986; Ord. 5732-NS § 1 (part), 1986)

Section 13.77.090 Severability.

If any provision of this chapter is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this chapter which can be given effect without the invalid provisions and therefore the provisions of this chapter are severable. (Ord. 5732-NS § 1 (part), 1986)

At a regular meeting of the Council of the City of Berkeley held on December 11, 2007, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Maio, Moore, Olds, Spring, Worthington, Wozniak and Bates.

Noes: None.

Absent: Capitelli.

