

APR 26 2011

OFFICE OF THE CITY CLERK
CITY OF BERKELEY

ORDINANCE NO. -N.S.

**ENACTING CHAPTER 13.78 OF THE BERKELEY MUNICIPAL CODE, TENANT
SCREENING FEES**

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

Section 1. That Berkeley Municipal Code Chapter 13.78 is enacted to read as follows:

Chapter 13.78

TENANT SCREENING FEES

Sections:

13.78.010 Notification of state law limitation on tenant screening fees.

13.78.020 Remedies-Civil penalty-Not exclusive.

Section 13.78.010 Notification of state law limitation on tenant screening fees.

When an owner of residential rental property or his or her agent receives a request to rent residential property in the City of Berkeley from an applicant and he or she charges that applicant a fee to purchase a consumer credit report and to validate, review, or otherwise process an application for the rent or lease of residential rental property, he or she shall provide, such applicant, at the time the fee is demanded, a disclosure of the current maximum allowable application screening fee set forth by state law and a copy of California Civil Code Section 1950.6, which regulates the amount of the fee an owner may charge and the circumstances under which the fees may be assessed or must be returned either in the rental application or in a separate disclosure prior to receipt of the fee, a clear and conspicuous "Tenant Screening Fee Rights" statement and a statement of the maximum fee cap permitted under California Civil Code Section 1950.6(b). The Tenant Screening Fee Rights statement shall mean the following statement or a statement substantially similar to the following statement: "Pursuant to California law you have tenant screening fee rights, including the right to a copy of your consumer credit report if one is obtained with your screening fee, a refund of any unused portion of the fee and a receipt of the costs of the screening. For more information about your rights, please visit the following link provided by the City:."

Section 13.78.020 Remedies-Civil penalty-Not exclusive.

A. The remedies provided under this Section are in addition to any the City or any person might have under applicable law.

B. Any owner of residential rental property shall be liable to the applicant for a civil penalty of \$500 **\$250** if the owner fails to comply with Section 13.78.010 above.

C. Any person aggrieved by the owner's failure to comply with Section 13.78.010 may bring a civil action against the owner of the residential rental property for all appropriate relief including damages and costs which she or he may have incurred as a result of the owner's failure to comply with Section 13.78.010.

D. In any action to recover damages resulting from a violation of Section 13.78.010, the prevailing plaintiff(s) shall be entitled to reasonable attorneys' fees in addition to other costs, and in addition to any liability for damages imposed by law.

E. This Section shall not be in effect prior to January 1, 2013.

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 Council Chambers, 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.

RECEIVED AT
COUNCIL MEETING OF:

APR 26 2011

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Arreguin, Jesse L.

OFFICE OF THE CITY CLERK
CITY OF BERKELEY

From: Sid Lakireddy [sid@Everestprop.com]
Sent: Tuesday, April 26, 2011 4:12 PM
To: Sanchez, Anthony
Cc: BPOA; Jon & Nobuko Vicars; Arreguin, Jesse L.
Subject: RE: Meeting Request

Happy to report that our board as agreed to not oppose the legislation. Thank you for working with us on this and good luck tonight.

Thank you,
Sid