

Effective December 20, 2024, there is no longer a specific exemption from the Berkeley Rent Stabilization Ordinance for rental units subject to a Housing Assistance Payments contract. Owners of Housing Choice Voucher units will be required to register these units with the Rent Board, and most Housing Choice Voucher units in multi-family properties built before 1980 will be subject to the Rent Ordinance's limits on annual increases to the contract rent. For more information, please visit the Rent Board's <https://rentboard.berkeleyca.gov/> on the changes to the Rent Stabilization Ordinance.

Information For Landlords

- ✓ The Housing Choice Voucher Program offers landlords:
- ✓ Guaranteed rent payments
- ✓ Free rental advertising
- ✓ Free inspections
- ✓ Freedom to choose your own tenants
- ✓ Simple paperwork

Join the hundreds of rental property owners and managers who are participating in the Housing Choice Voucher (HCV) Program in the City of Berkeley.

Guaranteed Rent Payments

We'll pay the subsidized portion of the rent on the first business day of every month directly to you as long as the family is eligible for assistance AND the unit meets minimum Housing Quality Standards. And because the tenant's portion of rent is based on the tenant's income and is always affordable (we make adjustments for temporary hardships like the loss of a job), the tenant is more likely to pay the rent on time.

Free Advertising

We maintain an updated listing of vacant (or soon to be vacant) units that the owner is willing to rent to families with HCV assistance. The listing is updated weekly (Thursdays) and posted on our website and at our office. This service is free to the listing landlord and the seeking tenant.

Free Inspections

In addition to the inspection you may already conduct at your rental property, we'll send a trained inspector out to the unit prior to the contract and every 10 months thereafter to check for safety hazards and compliance with Housing Quality Standards. We may also alert you to preventative maintenance issues, thereby reducing the chance of major repairs down the road.

Choose Your Own Tenant

The Housing Authority determines a family's eligibility to receive rental assistance. As the owner, you screen the prospective renter for suitability. You are encouraged to follow your standard screening process which may include (a) a rental application, (b) an application fee, (c) conducting landlord references, and (d) a credit check for things like prior eviction actions or failure to pay basic utilities.

A. Security Deposit/Late Fees

You can charge the same security deposit and late fees that you charge other renters without HCV assistance.

B. Lease Enforcement

You are encouraged to enforce the rules of your lease just as you do with an open market tenant as long as your actions are consistent with your normal operating procedures and do not violate any fair housing laws. You can terminate the lease at any time for "good cause," and after the initial lease period ends, for any legal reason as long as you give proper notice.

C. Rent Increases

You can raise your tenant's rent as long as it is (i) not more than what you would charge other tenants, (ii) is comparable to other similar unit rents in the neighborhood, and (iii) does not exceed the allowable rent ceiling if the unit is fully covered under the Berkeley Rent Ordinance. If the unit is fully covered under Berkeley's Rent Ordinance, you cannot raise the rent for the rest of the calendar year in which the tenancy started and for one calendar year afterwards. If the unit is partially covered under Berkeley's Rent Ordinance, you can raise the rent after the initial lease term.

Who Qualifies for Assistance?

Renters who qualify for the program include:

- ✓ Low-income families
- ✓ Seniors (62 or older) on a fixed income
- ✓ Disabled families on a fixed income

Simple Paperwork

The process is very easy.

1. Contact the BHA to enroll in the HCV Program. Provide proof of ownership and tax identification.
2. Advertise your unit to low-income families enrolled in the HCV Program.
3. Find and approve a low-income family for tenancy.
4. Provide the BHA with a copy of the lease signed by yourself and the tenant.
5. Complete a Request for Tenancy Approval. This form requests basic information about the property, such as the address, when the unit will be available for inspection and occupancy, and how much you are requesting for rent and security deposit.
6. Include a HUD required HCV Tenancy Addendum with your lease.
7. Sign the Housing Assistance Payment (HAP) Contract confirming our commitment to pay you the rental subsidy and your commitment to providing safe, decent, and affordable housing and the necessary property management services.
8. Our first payment is generally processed to you within 7 working days of receipt of the signed lease and contract.

No Exemption from Rent Control

Units rented under the HCV program are no longer exempt from registration and applicable fees with the City of Berkeley Rent Control Ordinance. Your unit may be fully or partially covered under the Berkeley Rent Control Ordinance. For assistance in determining whether your unit is partially or fully covered, to ensure your unit is registered, or for more information, contact the [City of Berkeley Rent Board](#).

Overview of Berkeley's Rent Stabilization and Just Cause for Eviction Ordinance for Owners

In the November 2024 general election, Berkeley voters approved amendments to the Rent Stabilization Ordinance (“Ordinance”) through Measure BB. As a result, Housing Choice Voucher rental units are now subject to previously exempted provisions of the Ordinance. This fact sheet provides owners of Housing Choice Voucher units with general information on the Ordinance.

1. Levels of Coverage

Rental units are either Fully Covered or Partially Covered under the Ordinance.

Fully Covered units:

- Subject to all requirements under the Ordinance—rent control, registration, eviction protections, interest on security deposits.
- Most rental units in multi-family properties built prior to 1980 are Fully Covered.

Partially Covered units:

- Subject to the registration, eviction protection, and interest on security deposit requirements, but NOT the rent control provisions of the Ordinance.
- May still be subject to state law restrictions on rent increases.
- Most rental units in Single Family homes and properties built after 1980 are Partially Covered.

Because Housing Choice Vouchers may be applied to various types of rental properties, these tenancies may be either Fully or Partially Covered. If a property has units with both Housing Choice Voucher and non-Housing Choice Voucher tenancies, it is likely that all the property's rental units will have the same level of coverage.

2. Registration

Before Measure BB, rental units in the Housing Choice Voucher program were not required to be registered with the Rent Board. Now all rental units in the Housing Choice Voucher program will be required to register. Registration has two main components:

1. Paying an annual registration fee for each rented unit prior to July 1 of each year.
2. Regularly updating information about the rental unit with the Rent Board.

Landlords should note that there are different fees and document requirements for Fully Covered or Partially Covered units. Failure to completely register a rental unit may subject an owner to penalties and may prevent an owner from terminating a tenancy or imposing a rent increase.

Owners may complete all registration tasks by creating a profile on the Rent Registry or submitting the registration forms available on the Rent Board's website by mail or in person to the Rent Board's offices located at 2000 Center Street, Suite 400.

3. Rent Ceilings

Only Fully Covered units have a rent ceiling, which is the maximum lawful rent that an owner may charge. The rent ceiling of a unit increases each year by the Annual General Adjustment ("AGA"), which sets the maximum allowable rent increase for a given year. In October of each year, the Rent Board publishes the AGA for the next year. However, the owner cannot raise the rent for the rest of the year in which the tenancy started, and for one additional calendar year.

For rental units in the Housing Choice Voucher program, the rent ceiling for the unit will be the contract rent on December 20, 2024. Starting January 1, 2025, most Housing Choice Voucher owners will be permitted to raise the contract rent of a Housing Choice Voucher unit by the AGA each year.

It is important to note that an owner of a Fully Covered Housing Choice Voucher unit may not raise the rent beyond the rent ceiling, even if the payment standard may be higher than the rent ceiling. Rent increase requests must still be made through BHA's process.

A unit's rent ceiling may also be adjusted upward or downward as the result of a rent adjustment petition.

4. Petitions

A petition is the Rent Board's administrative dispute process. Landlords and tenants may file petitions to adjust the rent ceiling of a Fully Covered unit based on habitability conditions, loss of services, occupancy level, or capital improvements. A petition can also be used to determine whether a unit is exempt or the coverage level of a unit.

Once a landlord or tenant files a petition, the other party can file a written response. The Rent Board will schedule a hearing before the Rent Board's hearing examiner, where both sides can present their arguments and evidence. Currently, Rent Board petition hearings are held over Zoom. The Rent Board's hearing examiner will issue a written decision, which parties can appeal to the elected Rent Board commissioners.

The Berkeley Housing Authority ("BHA") is a party to any petition involving a Housing Choice Voucher unit. The parties to any petition involving a Housing Choice Voucher unit must serve documents they file with the Rent Board on the BHA as well as the other party.

5. Just Cause for Eviction

The Ordinance allows an owner to terminate a tenancy for ten specific reasons. While the requirement to provide just cause for eviction applied to all Housing Choice Voucher tenancies prior to Measure BB, there are still some important changes for landlords to consider.

For example, any eviction notice that an owner serves on a tenant must include a statement that advice regarding eviction is available at the Rent Board's website and must file any eviction notice and Unlawful Detainer Summons and Complaint with the Rent Board within 3 days of serving the tenant. A Housing Choice Voucher owner must also comply with any eviction requirement specific to the Housing Choice Voucher program. More information on the allowable causes for eviction are available on the Rent Board's website.

6. Security Deposit Interest

Each December, landlords must return interest accrued through October 31st of the year, through either a cash payment or a rent rebate. Required Interest is calculated using the 12-month average of the average rates of interest offered on six-month certificates of deposit (CDs) by commercial banks located in Berkeley, which the Rent Board publishes on its website.

A tenant who has not received a refund of security deposit interest by January 31 for any prior years may deduct the interest from the rent at a rate of 10% of the amount of the security deposit for the preceding year.

If a tenant moves out of a unit before the end of the year, the owner must pay a prorated amount of security deposit interest.

The requirement to refund interest on a tenant's security deposit applied to all Housing Choice Voucher tenancies prior to the November 2024 amendments to the Ordinance.

7. Mediations

The Rent Board offers free mediation services for both Fully Covered and Partially Covered rental units. Issues that can be mediated include: habitability issues, security deposit disputes, noise complaints, rent ceiling disputes for Fully Covered units, state law rent cap disputes for Partially Covered units, move-out agreements, lease issues, and relocation for repairs. Mediation is voluntary: both sides must agree to participate.

8. Housing Counseling

Rent Board housing counselors provide free information to tenants and landlords about their rights and responsibilities under the Ordinance, referral services, and can help parties navigate Rent Board procedures for requesting mediations, filing petitions, and accessing other city department services. Housing counselors cannot provide legal advice.



Welcome to the Program!

Berkeley Housing Authority
1947 Center Street, Fifth Floor
Berkeley, CA 94704

 (510) 981-5470
 Fax: (510) 981-5480
 BHA@cityofberkeley.info
 www.bha.berkeleyca.gov

Office Hours
8:30 AM - 4:30 PM Daily
Closed every Friday

City of Berkeley Rent Registry
www.rentregistry.cityofberkeley.info



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Berkeley Housing Authority

Landlords & The Housing Choice Voucher* Program

**formerly Section 8*



www.bha.berkeleyca.gov



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6. Include a HUD required HCV Tenancy Addendum with your lease.
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- **Simple paperwork**

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6. Include a HUD required HCV Tenancy Addendum with your lease.
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<https://rentregistry.cityofberkeley.info/#/ho>

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**We'd love to welcome you to the program! For more information visit [our website](#):
www.cityofberkeley.info/bha**

Berkeley Housing Authority
1947 Center Street, Fifth Floor Berkeley,
CA 94704

Phone: (510) 981-5470

Fax: (510) 981-5480

Email: BHA@cityofberkeley.info

Office Hours

8:30 AM -4:30 PM Daily

Closed every Friday

Rev 3/2025

**Landlords &
The Housing**

**Choice Voucher
Program
formerly Section
8**

Overview of Berkeley's Rent Stabilization and Just Cause for Eviction Ordinance for Tenants

In the November 2024 general election, Berkeley voters approved amendments to the Rent Stabilization Ordinance ("Ordinance") through Measure BB. As a result, Housing Choice Voucher rental units are now subject to previously exempted provisions of the Ordinance. This fact sheet provides tenants of Housing Choice Voucher units with general information on the Ordinance.

1. Levels of Coverage

Rental units are either Fully Covered or Partially Covered under the Ordinance.

Fully Covered units:

- Subject to all requirements under the Ordinance—rent control, registration, eviction protections, interest on security deposits.
- Most rental units in multi-family properties built prior to 1980 are Fully Covered.

Partially Covered units:

- Subject to the registration, eviction protection, and interest on security deposit requirements, but NOT the rent control provisions of the Ordinance.
- May still be subject to state law restrictions on rent increases.
- Most rental units in Single Family homes and properties built after 1980 are Partially Covered.

Because Housing Choice Vouchers may be applied to various types of rental properties, these tenancies may be either Fully or Partially Covered. You can check the Rent Board's [Rent Registry](#) for coverage information on a unit.

2. Registration

Before Measure BB, rental units in the Housing Choice Voucher program were not required to be registered with the Rent Board. Now all rental units in the Housing Choice Voucher program must be registered. This means owners must pay an annual fee and keep certain information about the unit up-to-date with the Rent Board.

If your unit is not registered with the Rent Board and you think it should be, speak to a Rent Board housing counselor about your options.

3. Rent Ceilings

Only Fully Covered units have a rent ceiling, which is the maximum lawful rent that an owner may charge. The rent ceiling of a unit increases each year by the Annual General Adjustment ("AGA"), which sets the maximum allowable rent increase for a given year. In October of each

year, the Rent Board publishes the AGA for the next year. However, the owner cannot raise the rent for the rest of the year in which the tenancy started and for one additional calendar year.

For rental units in the Housing Choice Voucher program, the rent ceiling for the unit will be the contract rent on December 20, 2024. Starting January 1, 2025, most Housing Choice Voucher owners will be permitted to raise the contract rent of a Housing Choice Voucher unit by the AGA each year.

The owner of a Fully Covered Housing Choice Voucher unit may not raise the rent beyond the rent ceiling, even if the HUD payment standard is higher than the rent ceiling. A unit's rent ceiling may also be adjusted upward or downward as the result of a rent adjustment petition.

Changes to the rent ceiling and any subsequent changes in the contract rent will likely impact the amount of subsidy the Berkeley Housing Authority ("BHA") pays to the landlord and may affect the tenant's portion of the rent.

4. Petitions

A petition is the Rent Board's administrative dispute process. Landlords and tenants may file petitions to adjust the rent ceiling of a Fully Covered unit based on habitability conditions, loss of services, occupancy level, or capital improvements. A petition can also be used to determine whether a unit should be registered, or the coverage level of a unit.

Once a landlord or tenant files a petition, the other party can file a written response. The Rent Board will schedule a hearing before the Rent Board's hearing examiner, where both sides can present their arguments and evidence. Currently, Rent Board petition hearings are held over Zoom. The Rent Board's hearing examiner will issue a written decision, which parties can appeal to the elected Rent Board commissioners.

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The Ordinance allows an owner to terminate a tenancy for ten specific reasons. While the requirement to provide just cause for eviction applied to all Housing Choice Voucher tenancies prior to Measure BB, there are still some important changes for tenants to be aware of.

For example, any eviction notice that an owner serves on a tenant must include a statement that advice regarding eviction is available at the Rent Board's website and the owner must file any eviction notice and Unlawful Detainer Summons and Complaint with the Rent Board within 3 days of serving the tenant. A Housing Choice Voucher owner must also comply with any

eviction requirement specific to the Housing Choice Voucher program. More information on the allowable causes for eviction are available on the [Rent Board's website](#).

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The requirement to refund interest on a tenant's security deposit applied to all Housing Choice Voucher tenancies prior to the November 2024 amendments to the Ordinance.

7. Mediations

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FAQs

Frequently Asked Questions Housing Choice Voucher

I. General Questions

[Who is my caseworker?](#)

[Staff Directory](#)

[Where are you located and what are your office hours?](#)

[How can I reach someone at the Housing Authority \(phone, fax, email\)](#) [Staff Directory](#)

[How do I go about sharing information about my experience with the Housing Authority?](#)

[Customer Service Feedback form](#)

II. Applying for Housing Assistance

[How do I apply for "emergency" housing?](#)

[What Housing Choice Voucher programs does the Housing Authority offer?](#)

[How can I submit an application for the Housing Choice Voucher Program?](#)

[How do I find my position on the waitlist?](#)

[Why is it important to report changes in my address?](#)

[How do I report changes to my application?](#)

[Wait List Update Form](#)

[Will the Housing Authority deny my application if I have a criminal history?](#)

III. Reasonable Accommodation

[I am elderly or disabled, can I get assistance to complete forms and comply with processes required by the Housing Authority?](#)

[I don't speak or understand English very well; can I get translation assistance?](#)

IV. Portability

[What is "portability"?](#)

[Is Berkeley accepting portability?](#)

[Berkeley Housing Authority Administrative Plan](#)

[What do I need to do to move out of Berkeley with my voucher?](#)

[Are there specific times when you process clients porting to Berkeley?](#)

[Must my current Housing Authority mail my packet?](#)

V. Leasing (Renting) a Unit with Housing Choice Voucher Assistance

[Does the Housing Authority help families find a unit with an owner willing to take Housing Choice Voucher assistance?](#)

[Unit listing](#)

[Brochures of the Housing Choice Voucher Program](#)

[How do I go about including my rental unit on the listing?](#)

[Unit Listing Information Form](#)

[What step must be completed before an owner can get paid by the Berkeley Housing Authority?](#)

[Payment Standards](#)

[How long does it take to get an inspection of the unit to be rented with Housing Choice Voucher assistance?](#)

[What is the difference between the Fair Market Rents and Payment Standards?](#)

[How much does Berkeley pay for rent?](#)

[Payment Standards, Income Limits and Utility Allowance](#)

[Can I pay extra to get a nicer unit?](#)

[Can I get help with the Security Deposit?](#)

[Do I have to use the Housing Authority lease?](#)

[When can I move into the new unit?](#)

[When will the landlord receive the first rent check from the Housing Authority?](#)

VI. Rent Information

[Does the Housing Authority allow for increases in contract rent?](#)

[When is a change in the contract rent effective?](#)

[My utility allowance is not high enough to cover my PG&E bill.](#)

[Utility Allowance Schedule](#)

[PGE's Care Program.](#)

[PGE Care Program Application here](#)

[Weatherization Assistance Program \(ca.gov\).](#)

[How are utilities handled if the property has a single meter for has, electric or water service?](#)

VII. Family Rent

[Why is it important to report changes in my income?](#)

[What can I do if the housing authority didn't calculate my rent correctly?](#)

[My tenant is consistently late paying rent. What can I do?](#)

[I had an increase in my income, will the Housing Authority raise my rent?](#)

VIII. Inspections/Housing Quality Standards

[What can I do to increase the chances of my unit passing the inspection standards?](#)

[Who do I call to reschedule my unit inspection?](#)

[I don't agree with the items the inspector marked as "fail" items. How do I appeal the decision?](#)

[What can I do if the tenant won't allow me inside the unit to make repairs?](#)

[I need more time to complete repairs; can I get an extension?](#)

[Click her for link to Extension request form.](#)

[What happens if the owner refuses to make repairs required by the Housing Authority?](#)

[Moving Out](#)

[30-day written notice](#)

VIII. Managing Your Housing Choice Voucher Assistance

[I received a letter from the Housing Authority and I misplaced it. I am not sure what I need to do?](#)

[Staff Directory](#)

[Can I let a family member or friend move in with me?](#)

[Can my landlord deny my request to add someone to my lease?](#)

[Can I pay the owner additional money for additional services?](#)

X. Termination

[How do I report criminal activity and/or fraud to the Housing Authority?](#)

[Confidential Report of Suspected Fraud/Program Abuse Form](#)

[Does the Housing Authority ever terminate or evict tenants with Housing Choice Voucher for bad behavior?](#)

[Can a landlord evict a Housing Choice Voucher tenant?](#)

[Once in, must an owner stay an active participant in the Housing Choice Voucher Program?](#)

XI. Affordable Housing

[Where can I find affordable Housing?](#)

[Click here for the City of Berkeley's web page on Affordable Housing Resources](#)

LINKED PDF LANGUAGE

First highlighted Q: Does the Housing Authority allow for increases in contract rent?

<https://bha.berkeleyca.gov/sites/default/files/documents/29%20FAQs%20Does%20the%20Housing%20Authority%20allow%20for%20increases.pdf>

Does the Housing Authority allow for increases in contract rent?

No increase in the contract rent is allowed during the initial 12 months of the Housing Assistance Payment Contract. If a unit is fully covered under Berkeley's Rent Ordinance, rent increases are not allowed for the remainder of the calendar year in which the tenancy was started and for one calendar year afterwards.

An owner may request a rent increase in the contract rent once every 12 months. The owner must specify the amount of rent requested, and the rent must be comparable to rents charged in the unassisted market for units of similar characteristics. If the subject unit is in a multi-unit building, the owner can provide comps from within the structure, if they are not assisted.

In addition to Housing Authority requirements for increases in contract rent, an owner should consider whether the unit is fully or partially covered by the Berkeley Rent Control Ordinance. The level of coverage under the Berkeley Rent Control Ordinance can affect the allowable increase in contract rent. Owners should visit: rentboard.berkeleyca.gov for more information.

Second highlighted Q: How are utilities handled if the property has a single meter for has, electric or water service?

<https://bha.berkeleyca.gov/sites/default/files/documents/32%20FAQs%20How%20are%20utilities%20handled.pdf>

How are utilities handled if the property has a single meter for has, electric or water service?

An assisted family can only be responsible for utility consumption he/she controls.

So, if the unit leased does not have its own meter for service, the landlord must:

1. Agree to pay for service; or
2. Reach an agreement with the tenant for a reasonable pro-ration of the utility expense. For example, in a 4-unit building with all 2-bedroom units the owner could distribute the cost equally to the four residents. The Housing Authority reserves the right to deny the proration if it is not equitable, any agreement reached by the two parties and approved by the Housing Authority must be on file with the BHA.

The above option applies only to tenancies that began before February 6, 2024. Due to amendments to the Berkeley Rent Control Ordinance, an owner may charge a tenant in a fully covered unit for utilities only if either: the cost of the utilities are part of the base rent or the utility service is separately-metered and the lease requires the tenant to place the utility in the tenant's name. For more information on utility charges visit: rentboard.berkeleyca.gov.