

# MEASURE Y: Landlord Move-In!

The Old Law:

13.76.130A Move-in Evictions

A just cause for the eviction:

- The landlord seeks in to recover possession of his or her housing unit for his or her own use and occupancy as his or her principal residence.
- Children, parents and spouses of landlords hold the same right.
- If a comparable unit owned by the landlord is open at the time, the landlord must take that unit instead. If a unit was open within 90 days of the eviction, it is presumed that the landlord ignored this fact, and he or she bears the burden of proving otherwise in court.



## Amendments:

- The evicting landlord or relative must move into the unit within 3 months of the eviction and must live in the unit for 36 months
- A landlord would be prohibited from evicting a tenant if he or she owned any available comparable unit in the City of Berkeley, rather than just in the same building.
- A landlord must offer any of their available units to the evicted tenant, and non-comparable units' rent must be adjusted to what the tenant was paying before.
- An evicting landlord must provide a \$4500 relocation assistance payment to any low-income tenant who has resided in the unit for one year.
- Landlord or relative evictions would be prohibited as to tenants who:
  - a) Are 60 years or older and have lived on the property for 5 years
  - b) Are disabled and have lived on the property for 5 years
  - c) Have lived on the property for 5 years and the landlord has a 10% or greater ownership interest in 5 or more residential units in the City of Berkeley.
- These eviction prohibitions would NOT apply where:
  - a) A landlord owns 3 or fewer residential rental units in Berkeley
  - b) All of the landlords' units are occupied by protected tenants and the landlord's relative is 60 years old or older or disabled.
  - c) All of the landlords' units are occupied by protected tenants, the landlord has owned the property for 5 years and the landlord is 60 years old or older or disabled.
- A landlord must provide for the evicted tenant's right to re-occupy the unit upon its future vacancy.
- If a tenant and a landlord go to court over an owner move-in eviction and the tenant prevails, tenant's court fees are covered.