ENFORCEMENT! ENFORCEMENT! ENFORCEMENT!
In easing restrictions on short term rentals, I urge you to consider crafting a law that Berkeley can afford to enforce. Right now, short term rentals are hogging up a lot of Berkeley's housing stock and have removed many units from the rental market.

Making It Easy
It is important to require those who register a legal STR under the new laws to display an **identifying number** on their rental listings, because otherwise how will Code Enforcement be able to easily check which rental listings are in compliance?
Never mind what a horrible housing policy idea it would be to take units off the rental market in a housing emergency: Allowing ADUs will be confusing to everyone, because as we have seem, no one is sure what's a unit, what is an in-law, what is accessory and what is a duplex. Do you know these distinctions? Having **a user-friendly law** encourages compliance. Allowing ADUs will also make it much harder to enforce the law since this would put some whole units on the market as STRs year-round.

Making it Fair
It would also be fair to those who register, and pay fees and taxes, if those who refuse to comply are stopped from breaking the new law.
It would not be fair to allow ADUs as STRs because that means one neighbor's 500-sq-ft cottage could be rented year-round as an STR while the same size cottage next door could not be rented because it isn't an ADU.
It is also entirely unfair to hotels and BnBs, and every other business in Berkeley that obtained a license and paid their taxes, to allow STRs not to pay the TOT.

Funding Enforcement
I was sort of surprised that the **staff report presents no details** to you regarding the fiscal impact of this program. It seems like a detailed analysis of costs and staff for some level of enforcement could help Council set up the fees and penalties of the program. Instead, staff says some of the provisions in the Council referral "could be unenforceable" but does not say which provisions or why.
San Francisco just issued a report on their initial enforcement efforts which shows they have collected over $680,000 in fines in the program's first few months, presumably from some of the 138 cases they report as closed investigations. That report can be found here: http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=55575

No Enforcement So Far
Berkeley renters filed Code Enforcement Complaints on behalf of the Berkeley Tenants Union ONE YEAR AGO – in May and June of 2015. To date, Code Enforcement has refused to do anything about these or other complaints about short term rentals.

Let's be clear: **Short term rentals are illegal under current law**, yet Code Enforcement has not even sent warning letters. At the 4x4 committee in December the Planning

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Director told us warning letters had been sent – but a PRA I filed in February showed no letters had been sent at that time.

Code Enforcement told the four filers of the complaints in May 2015 that they would not enforce "because the law is going to change" - but no version of the laws contemplated would allow out-of-town, professional landlords to rent multiple rent controlled units out for less than 14 days, like hotel rooms.

One Example
Claude Zamanian has 12 listings on AirBnB for whole, empty units at 1405 Carleton, 1640 Francisco, 2580 Hilgard and 1511-1513 Walnut. I have attached a spreadsheet with his information. He has listed all 12 of these for over a year.

Limit How Many Rooms in a Primary Residence
Also attached is information about one of several boarding houses being operated through vacation rental platforms. Marina Ekman and Adelina Esquerra offer 9 rooms in their home on Ellsworth on AirBnB. Some of the "rooms" appear to be sheds or cottages built in the backyard. At this time last year, they had 634 reviews (and keep in mind many visitors do not submit reviews.)
Perhaps you should limit the number of rooms to be offered in a "hosted" STR?