



Department of Health, Housing & Community Services
Housing & Community Services Division

City of Berkeley
Below Market-Rate (BMR) Housing Program
Frequently Asked Questions

This information is provided as a courtesy to the public to assist in understanding the BMR program and its requirements. The City of Berkeley makes every effort to ensure this information is accurate and up to date, but it should not be used in lieu of professional legal advice. Applicable state and local laws will prevail in any instance of a discrepancy or inaccuracy.

Question	Response
What is the Below Market Rate (BMR) Rental Housing Program?	<p>The City's BMR program includes privately-owned affordable rental apartments created through the Inclusionary Housing (IHO) (BMC 23C.12) and Affordable Housing Mitigation Fee (AHMF) (BMC 22.20.065) ordinances. This program regulates apartments with affordable rents set at fixed "below market" rates within market-rate developments. Today, there are 35 properties with a total of 461 BMR units.</p> <p>The City uses "Below Market Rate (BMR) Program" to describe affordable rental apartments created under both IHO and AHMF.</p>
How do I apply for a BMR unit?	<p>To apply for a BMR unit, you must contact the BMR property you are interested in to obtain information on the application process and how to get on the waiting list. The City of Berkeley does not process applications or maintain a general waiting list.</p> <p>Currently, there are 36 properties that offer BMR units. The list of properties can be found on the City's website at: https://www.cityofberkeley.info/uploadedFiles/Housing/Level_3_-_General/BMR%20Contact%20Website%20June%202019.pdf</p>
How do I get on the waiting list?	<p>Each BMR property maintains its own waiting list. If you are interested in getting on a waiting list, you may contact the property manager or leasing office at the property you are interested in. Contact information for all properties can be found on the City's website: https://www.cityofberkeley.info/uploadedFiles/Housing/Level_3_-_General/BMR%20Contact%20Website%20June%202019.pdf</p>

<p>I need to make a certain amount of money to live in a BMR unit?</p>	<p>Yes, your household income must be at or below the maximum income limit that the City of Berkeley publishes each year. The allowable income for each BMR apartment is set individually each year according to the applicable ordinance, the size of the unit, and the level of affordability required. As an example, in 2017, income limits range from around \$36,000 for the smallest studio apartment to around \$113,000 for certain two bedroom apartments.</p> <p>To determine what apartments may be available and their specific restrictions, please contact the rental community you are interested in for more information.</p> <p>In addition, each property may have additional requirements that are explained to the applicant during the application/lease up process. The City does not set a minimum income for BMR tenants but property managers may require a minimum income. Please contact the specific property you are considering for more information on the application process.</p>
<p>What are the rents and will my landlord be able to raise the rents even if it is an affordable unit?</p>	<p>Owners set rents according to the rent limits provided by the City of Berkeley. Both the income and rent limits are updated annually. Rents vary according to unit size, the City ordinance that applied when the building was built, and the level of affordability required.</p> <p>As an illustration, in 2017, rents range from \$914 per month for the smallest studio apartment to \$2,817 for certain two-bedroom apartments.</p> <p>Unlike Section 8 or other types of affordable units, rents are not based on the individual tenant's income. Households seeking more affordable rents can search for subsidized affordable housing with the 211 service: http://achousingchoices.org/.</p> <p>Owners are allowed to increase rents once a year on the lease anniversary date. Owners are required to provide a minimum 30-day notice of rent increase.</p>

<p>I am a full-time student. Can I live in a BMR unit?</p>	<p>Yes, a full-time student may live in a BMR unit as long as the student meets <u>all</u> the following eligibility requirements:</p> <p>(1) They are at least 18 years old; (2) They have established a household separate from their parents or legal guardians for at least one year prior to applying for a BMR unit; and (3) They are not claimed as a dependent by their parents or legal guardians pursuant to IRS regulations.</p> <p>Each student who occupies a BMR unit must meet all three requirements above, including a situation where you have several students living together. Each student must meet the three requirements.</p>
<p>I have a disability and need an extra room for my live-in aide. Are there special rules for determining my eligibility?</p>	<p>In addition to meeting the income requirements, a person with a disability who is requesting a larger unit to accommodate a live-in aide must provide third party written verification documenting the disability and that there is a disability-related need for the requested accommodation. This written letter must be signed by the BMR applicant's physician, psychiatrist, social worker, or other medical or mental health professional.</p> <p>*The live-in aide's income is not included in the calculation of household income and therefore, is not considered in determining the BMR applicant's eligibility. The live-in aide is not party to the lease. Should the tenant with the disability move out of the unit, the live-in aide must also vacate the unit.</p>
<p>I am on Section 8. Can I rent a BMR unit?</p>	<p>Yes, tenants who receive Section 8 may live in a BMR unit as long as they meet the income limits under the BMR program. Section 8 Tenant Paid Rents are determined by the local housing authority or the agency that issued the Section 8 voucher/contract. Section 8 Tenant Paid Rents are calculated based on 30% of household income. The Housing Assistance Payment, or rental assistance, is paid directly to the property manager.</p>
<p>Where do I go for more information on this program and other affordable housing opportunities in Berkeley?</p>	<p>For more information on the program and/or how to apply for affordable housing in Berkeley, please visit:</p> <p>https://www.cityofberkeley.info/affordable/</p>