



RENT STABILIZATION BOARD
Regular Meeting
Thursday, February 16, 2023
7:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and City of Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the **Rent Board** will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. **Therefore, there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/84493074093?pwd=czBleVhaekhOcllwZHo2cThBdGRGZz09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-408-638-0968 and enter Meeting ID: 844 9307 4093 and Passcode: 791964. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit a written communication for the Board's consideration and inclusion in the public record, please email amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

Please be mindful that this meeting will be recorded, and all other rules of procedure and decorum will apply for Rent Board meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

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Minutes - *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:02 p.m.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Eberhart, Ehlinger, Mueller, Williams

2. **Land Acknowledgment Statement:** The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun- (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878 and since the Rent Stabilization Board’s creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

The Land Acknowledgement Statement was played aloud.

3. **Approval of Agenda**

M/S/C (Johnson/Walker) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: ADJOURN TONIGHT’S MEETING IN HONOR OF COUNTY SUPERVISOR VALLE, AND IN RECOGNITION OF FORMER RENT BOARD COMMISSIONER PAOLA LAVERDE FOR HER SUPPORT AND INSPIRATION.

Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None.

Carried: 9-0-0-0.

4. **Public Comment** – *non*-agendized items. There was one speaker. Zak Bos spoke about the eviction moratorium and its impacts on his mother’s property.

5. **Public Comment** – items on the agenda. There were four speakers. Noah Levy spoke about his discretionary waiver request that the Board will consider tonight. Paola Laverde

spoke about the Board's honoring of Byron Rumford and his extraordinary contributions to fair housing. Carlotta Brown spoke about the resolution honoring Byron Rumford, and thanked Commissioners Marrero and Mizell for putting it forward. Zak Bos spoke about Item 9.b.

6. SPECIAL ORDER OF BUSINESS

- a. Recommendation to adopt Resolution 23-02 In Honor and Recognition of Assembly Member William Byron Rumford for His Extraordinary Service and Leadership for Racial Justice for Tenants of Berkeley and Beyond, in Commemoration of Black History Month (Commissioner Mizell, Commissioner Marrero & Chair Simon-Weisberg) – Following an introduction by Commissioners Mizell and Marrero, Chair Simon-Weisberg read aloud Resolution 23-02 in honor and recognition of Byron Rumford.

M/S/C (Marrero/Mizell) ADOPT RESOLUTION 23-02 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- b. Recommendation that the Board send a letter of support for the City of Berkeley's Proclamation to Honor William Byron Rumford on the 60th Anniversary of the Rumford Fair Housing Act of 1963 – Verbal (Commissioner Marrero & Chair Simon-Weisberg)

M/S/C (Alpert/Kelley) AUTHORIZE THE BOARD CHAIR AND VICE-CHAIR TO SEND A LETTER SUPPORTING THE CITY'S PROCLAMATION IN HONOR OF BYRON RUMFORD ON THE 60th ANNIVERSARY OF THE RUMFORD FAIR HOUSING ACT OF 1963. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

7. CONSENT ITEMS

- a. Approval of the January 19, 2023 regular meeting minutes
- b. Discussion and possible action to adopt Resolution 23-03 to allow the Board to continue to meet exclusively by teleconference throughout the remainder of the state of emergency associated with the COVID-19 pandemic (General Counsel)
- c. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

2624 REGENT
1278 DELAWARE
1464 BANCROFT
921 REGAL RD
2020 PRINCE
2223 BONAR
940 FRESNO
1645 CORNELL
1235 CARRISON
1923-1929 CURTIS
2624 REGENT

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
W5071	2133 RUSSELL ST
W5072	1334 ORDWAY
W5074	1104/1106 EUCLID

M/S/C (Johnson/Elgstrand) APPROVE ALL CONSENT ITEMS AS WRITTEN.
Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac,
Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None.
Carried: 9-0-0-0.

8. APPEAL – Case No. T-5991 (2705 Ridge Road, #14)

Appearances:
Michael Partow, Appellant
Vivek Nair, Respondent

M/S/C (Johnson/Alpert) APPROVE THE HEARING EXAMINER’S DECISION. Roll
call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker,
Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

9. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

**Public comment will also be heard prior to the Board’s vote on each action item
listed below – No speakers.**

a. Chair Update (Chair Simon-Weisberg)

- (1) Discussion and possible action regarding the California Department of
Housing and Community Development’s formal comments on the City of
Berkeley’s Revised Draft Housing Element

- (2) February 1, 2023 *Berkeleyside* article by Nico Savidge titled, “The state rejected Berkeley’s housing plans. What happens next?”
<https://www.berkeleyside.org/2023/02/01/berkeley-housing-element-builders-remedy-hcd>
- b. Discussion and possible action to deliver official communication to Council recommending that it extend the Eviction Moratorium (BMC Chapter 13.110) beyond the expiration of the state of emergency (LIRA Committee)

Chair Simon-Weisberg provided verbal updates and the Board discussed items 9.a.(1), 9.a.(2) and 9.b. No action was taken.

10. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

**ALL ITEMS BELOW WERE MENTIONED OR BRIEFLY DISCUSSED.
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.**

- a. Update on providing mediation services and technical assistance to the Town of Fairfax – *Verbal* (Executive Director)
- b. Copy of January 26, 2023 letter to Chief Investment Officer Jagdeep Singh Bachher regarding the Board’s vote to demand that the University of California Regents divest from the Blackstone Real Estate Income Trust (Chair Simon-Weisberg)
- c. Copy of January 20, 2023 letter to Assembly Member Haney conveying the Board’s support for AB 12 (Chair Simon-Weisberg)
- d. Date to submit agenda topics/items for March’s regular Rent Board meeting is **Monday, March 5th by 5:00 p.m.** (Board Secretary) – The Board Secretary clarified that the correct date to submit agenda items is March 6th.

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Chair TBA) – Committee Chair Walker reviewed the items discussed at the February 9th meeting and announced the next meeting date of February 22 at 3:30 p.m.
Next regularly-scheduled meeting: Thursday, Feb. 9th at 5:30 p.m.

February 9th agenda

- b. Eviction/Section 8/Foreclosure Committee (Chair TBA)
Next regularly-scheduled meeting: TBA

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley reported that the Committee discussed its workplan at the last meeting.
Next regularly-scheduled meeting: Monday, Mar. 6th at 5:30 p.m.

February 6th agenda

- d. Outreach Committee (Chair TBA) – Committee Chair Alpert reported that the Committee discussed the tenant survey at their last meeting.
Next regularly-scheduled meeting: Wednesday, Feb. 15th at 5:30 p.m.

January 31st agenda

February 15th agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg provided an update on the Committee’s last meeting. (Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: Wednesday, Feb. 15th at 3:00 p.m.

February 1st agenda packet (revised)

February 15th agenda packet

- f. Ad Hoc Committee on Environmental Sustainability (Chair TBA)
Next meeting date: TBA
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA)
Regularly-scheduled meeting date: TBA
- h. Updates and Announcements – Commissioner Marrero announced the Listos California Target Grant Program request for proposals by the Governor’s Office of Emergency Services. The application deadline is March 20, 2023 for community-based organizations that do disaster-related work. Chair Simon-Weisberg and Executive Director Williams announced the Rent Board’s virtual screening of the film, “Fair Legislation – The Byron Rumford Story” on Wednesday, February 22 at 1:00 p.m.
- i. Discussion of items for possible placement on future agenda

12. CLOSED SESSION – Pursuant to California Government Code Section 54956.9(a), the Board convened in closed session for an update on litigation:

Andrew Marowitz v. Berkeley Rent Stabilization Board (Alameda County Superior Court Case # RG19042977)

Williams, et al. v. Alameda County, Alameda County Board of Supervisors, City of Oakland, Oakland City Council (United States District Court for the Northern District of California Case # 3:22-cv-01274-LB) – amicus brief

Upon return from closed session, the Chair announced that no reportable action was taken.

13. **ADJOURNMENT** – M/S/C (Alpert/Johnson) ADJOURN TONIGHT’S MEETING IN HONOR OF COUNTY SUPERVISOR VALLE, AND IN RECOGNITION OF FORMER RENT BOARD COMMISSIONER PAOLA LAVERDE FOR HER SUPPORT AND INSPIRATION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The meeting adjourned at 9:33 p.m.