



RENT STABILIZATION BOARD

Regular Meeting and Public Hearing on Proposed Increase to Annual Registration Fees for Fiscal Year 2024-2025

Thursday, March 21, 2024 – 7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.

For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

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/86351823870?pwd=StV8iv1VnftDeahcLsszUQPN5RdeeE.1>. 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 1-669-444-9171 and enter Webinar ID: 863 5182 3870 and Passcode: 662299. 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@berkeleyca.gov 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 4:00 p.m. on the day of the meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum apply for both in-person attendees and those participating by teleconference or videoconference.

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



COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at (510) 981-6418 (voice) or (510) 981-6347 (TDD) at least three (3) business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

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for Fiscal Year 2024-2025
Thursday, March 21, 2024
7:00 p.m.
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Minutes – *Unapproved*

Prior to roll, call the General Counsel announced that Commissioner Walker requested to participate remotely under the Brown Act's Just Cause provision due to an infectious illness exposure. Commissioner Kelley requested to participate remotely under the Brown Act's Emergency Circumstances provision due to a knee injury that prevented in-person attendance. The Emergency Circumstances provision requires an authorizing vote.

M/S/C (Simon-Weisberg/Marrero) AUTHORIZE UNANTICIPATED REMOTE PARTICIPATION FOR COMMISSIONER KELLEY UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(f)(2)(A)(ii). Roll call vote. YES: Alpert, Elgstrand, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.*

*As the commissioner seeking approval for unanticipated remote participation, Commissioner Kelley was not included in the vote.

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:06 p.m.
Commissioners present: Alpert, Elgstrand, Kelley (via Zoom), Johnson, Marrero, Martinac, Mizell, Walker (via Zoom) Simon-Weisberg.
Commissioners absent: None.
Staff present: Brown, Bursell, Cole, Ehlinger, Kim, 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 (Alpert/Elgstrand) APPROVE THE AGENDA WITH THE FOLLOWING AMENDMENT: MOVE ACTION ITEM 9.g. TO CONSENT. 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 – There were no speakers.

5. SPECIAL PRESENTATION: *Berkeley Unified Board Room Facility Report* by Max Eissler, Director of Technology, Berkeley Unified School District (BUSD), and David Flores, Executive Director, Berkeley Community Media (BCM) – After their video presentation was played, Mr. Eissler and Mr. Flores took questions from the Board.

6. CONSENT ITEMS

Action item 9.g. was moved to consent by a prior vote of the Board.

- a. Approval of the February 15th regular meeting minutes
- b. Request for stipend deduction reimbursement for Commissioner Marrero's absence from the January 8th Outreach Committee meeting

M/S/C (Alpert/Martinac) MOVE ALL CONSENT ITEMS AS WRITTEN, INCLUDING ITEM 9.g. 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. APPEAL – **Case No. IRD-176** (1719 Carleton St., Unit C)

Appearances:

Claudia Cruz, Appellant

Kamran Golriz, Respondent

M/S/C (Alpert/Johnson) UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Martinac, Mizell, Walker, Simon-Weisberg; NO: Marrero; ABSTAIN: None; ABSENT: None. Carried: 7-1-0-0.

8. PUBLIC HEARING ON PROPOSED INCREASE TO THE ANNUAL REGISTRATION FEES FOR FISCAL YEAR (FY) 2024-2025

- a. Staff presentation on the proposed increase to FY 2024-2025 Annual Registration Fees (Finance Director Shamika Cole and Senior Planner Lief Bursell): Ms. Cole presented and took questions from the Board.
- b. Public Comment: There was one written comment from “Tom and Hildy,” which was read aloud.
- c. Comments from the Board: Commissioners offered comments on the presentation and fee proposals.

9. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Action item 9.g. was moved to consent by a prior vote of the Board.

Public comment: There were no speakers.

- a. Chair Update (Chair Simon-Weisberg)
 - (1) Demolition Ordinance Update – Status of City of Berkeley Demolition projects (Senior Planner Lief Bursell) – Mr. Bursell presented and took questions from the Board. No action was taken.
 - (2) Joint report: “The Failure of For-Profit Affordable Housing and How Tenants are Organizing for Change” (East Bay Community Law Center and Urban Habitat) – Chair Simon-Weisberg introduced the report and Michael Trujillo from the East Bay Community Law Center provided additional information. No action was taken.
 - (3) Recommendation to send a letter to Assemblymember Bonta opposing Assembly Bill (AB) 846 unless amended

M/S/C (Simon-Weisberg/Marrero) AUTHORIZE THE CHAIR TO SEND A LETTER TO ASSEMBLYMEMBER BONTA AND THE DEPUTY EXECUTIVE DIRECTOR OF THE CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE CONVEYING THE BOARD’S POSITION OPPOSING AB 846 UNLESS AMENDED. 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 to adopt Resolution 24-05 setting the FY 2024-2025 annual registration fee for fully-covered units (due July 1, 2024) at \$342 per unit (Budget & Personnel Committee and Executive Director)

M/S/C (Alpert/Mizell) ADOPT RESOLUTION 24-05 AS AMENDED TO

REFLECT THE CHANGE TO A FEE OF \$344 PER UNIT. 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.

- c. Recommendation to adopt Resolution 24-06 setting the FY 2024-2025 annual registration fee for partially-covered Measure MM units (due July 1, 2024) at \$212 per unit (Budget & Personnel Committee and Executive Director)

M/S/C (Kelley/Martinac) ADOPT RESOLUTION 24-06 AS AMENDED TO REFLECT A CHANGE TO A FEE OF \$212 PER UNIT; ADOPT RESOLUTION 24-07 REFLECTING A FEE OF \$53 PER UNIT; AND ADOPT RESOLUTION 24-08 REFLECTING A FEE OF \$96 PER UNIT. 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.

- d. Recommendation to adopt Resolution 24-07 setting the FY 2024-2025 annual registration fee for partially-covered Measure MM units in affordable housing projects (due July 1, 2024) at \$53 per unit (Budget & Personnel Committee and Executive Director) – THIS ITEM WAS INCLUDED IN THE VOTE ON ITEM 9.c.
- e. Recommendation to adopt Resolution 24-08 setting the Summer Rental Period registration fee for fraternities and sororities for FY 2024-2025 (due July 1, 2024) at \$96 per unit (Budget & Personnel Committee and Executive Director) – THIS ITEM WAS INCLUDED IN THE VOTE ON ITEM 9.c.
- f. Recommendation to adopt Resolution 24-09 authorizing the Executive Director to modify the scope of the contract with Kinnectics, LLC, and increase the contract by an amount not to exceed \$45,000 for the current fiscal year (Executive Director)

M/S/C (Alpert/Marrero) ADOPT RESOLUTION 24-09 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.

- g. Discussion and possible action to adopt Resolution 24-10 to express support for the proposed Demolition Ordinance amendments that Council will consider on March 26, 2024, and direct Chair to send a letter of support to Council (Chair Leah Simon-Weisberg) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

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. Updated 2024 Committee Assignments List (Board Secretary)
- b. Update on the Rent Board office move to 2000 Center Street – *Verbal* (Executive Director/Board Secretary)
- c. Update on the Rent Board File Scanning Project – *Verbal* (Project Manager Basil Lecky)
- d. Deadline to submit agenda items/topics for April’s regular Rent Board meeting:
Friday, April 5th by 5:00 p.m. (Board Secretary)

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair)
Next regularly-scheduled meeting: Thursday, April 4th at 5:30 p.m.

March 7th agenda

February 23rd agenda
- b. Environmental Sustainability Committee (Commissioner Martinac, Chair)
Next regularly-scheduled meeting date: Wednesday, April 3rd at 6:00 p.m.
- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)
Next regularly-scheduled meeting: Tuesday, April 23rd at 6:00 p.m.
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair)
Next regularly-scheduled meeting: To Be Announced (TBA)
- e. Outreach Committee (Vice-Chair Alpert, Chair)
Next regularly-scheduled meeting: Monday, April 8th at 6:00 p.m.
- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: TBA
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Commissioner Marrero, Co-Chair) – Committee Chair Marrero reported that the committee discussed the potential for deeper partnerships with BUSD’s family engagement team and equity office, and particular focus groups.
Next meeting date: TBA

March 11th agenda

- h. Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election (Commissioner Johnson, Chair)
Next meeting date: TBA
- i. Updates and Announcements – Commissioner Mizell reported that he did not receive any response to his letter to UC Berkeley regarding the People’s Park police occupation (February 15, 2024 Regular Meeting, agenda item 10.a.)
- j. Discussion of items for possible placement on future agenda

12. ADJOURNMENT

M/S/C (Alpert/Kelley) ADJOURN THE MEETING. 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 10:42 p.m.