



RENT STABILIZATION BOARD
Regular Meeting
Thursday, May 16, 2024 – 7:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley
Teleconference location: 1418-A 67th 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=6u9aivTslet7SqNRO_IBL3QRcsH57w.WN9X-NdkqPRvYdDc. 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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Regular Meeting

Thursday, May 16, 2024

7:00 p.m.

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Minutes - *Unapproved*

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:19 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Kelley (via Zoom), Marrero, Martinac, Mizell (arrived at 7:50 p.m.), Walker, Simon-Weisberg.
Commissioners absent: Johnson.
Staff present: Brown, 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 Acknowledgment Statement was played aloud.

3. Approval of Agenda

M/S/C (Alpert/Martinac) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEMS 7.d. AND 7.e. TO A FUTURE MEETING. Roll call vote. YES: Alpert, Elgstrand, Kelley, Marrero, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson, Mizell. Carried: 7-0-0-2.

4. Public Comment – There were no speakers.

5. CONSENT ITEMS

a. Approval of the April 18th regular meeting minutes

M/S/C (Alpert/Walker) APPROVE CONSENT ITEM 5.a. AS WRITTEN. YES: Alpert, Elgstrand, Kelley, Marrero, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson, Mizell. Carried: 7-0-0-2.

6. **APPEAL – Case No. T-6044 (2432 Fulton Street)**

Appearances:

Gracy Rivera, Appellant

Bianca Cura, Respondent

Jessica Jean Velasco, Respondent

Karen Lam, Respondent

Tatum Hurley, Respondent

M/S/C (Kelley/Marrero) UPHOLD THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Alpert, Elgstrand, Kelley, Marrero, Martinac, Walker; NO: None; ABSTAIN: None; ABSENT: Johnson, Mizell; RECUSED: Simon-Weisberg. Carried: 6-0-0-2-1.

7. **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 – There were no speakers.

a. Chair Update (Chair Simon-Weisberg)

(1) Recommendation to send a letter of support for the Alameda County Community Housing Needs Assessment survey – This items was discussed, but no action was taken.

(2) Discussion and possible action regarding Decarbonization without Displacement – This item was discussed, but no action was taken.

(3) Demolition Ordinance Update – Status of City of Berkeley Demolition projects (Executive Director) – This item was discussed, but no action was taken.

b. Recommendation to adopt proposed amendments to Regulation 1013 [Vacancy Rent Adjustment] to allow the Board to enforce AB 1620 – Second Reading (LIRA Committee)

M/S/C (Elgstrand/Alpert) ADOPT PROPOSED AMENDMENTS TO REGULATION 1013 ON SECOND READING. Roll call vote. YES: Alpert,

Elgstrand, Kelley, Marrero, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson, Mizell. Carried: 7-0-0-2.

- c. Recommendation to adopt Resolution 24-12 approving an adjustment to the compensation package for Rent Stabilization Board Executive Director DéSeana Williams (Chair Simon-Weisberg & Commissioner Walker)

Prior to the vote, the Chair read the following statement into the record:
A motion has been made and seconded regarding the modification to the existing employee agreement with DéSeana Williams, Executive Director, of the Berkeley Rent Stabilization Board, by adopting Resolution 24-12. Pursuant to California Government Code section 54953(c)(3), the summary of compensation must be orally reported prior to taking final action. The proposed modification adjusts the Executive Director's hourly base salary of \$123.97 to \$130.17 effective and retroactive to the first pay cycle following November 16, 2023. This salary adjustment is made pursuant to Section 5 of Ms. Williams' existing employment agreement. All other terms of the existing employment agreement will remain the same.

M/S/C (Marrero/Walker) ADOPT RESOLUTION 24-12 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Kelley, Marrero, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson, Mizell. Carried: 7-0-0-2.

- d. Recommendation to adopt Resolution 24-13 recognizing Jewish Voice for Peace in honor of Jewish Heritage Month (Chair Simon-Weisberg) – MOVED TO A FUTURE MEETING BY A PRIOR VOTE OF THE BOARD.
- e. Recommendation to adopt Resolution 24-14 recognizing the Watermelon Club in belated honor of Arab Heritage Month (Chair Simon-Weisberg) – MOVED TO A FUTURE MEETING BY A PRIOR VOTE OF THE BOARD.

8. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

**THE FOLLOWING ITEMS WERE MENTIONED OR BRIEFLY DISCUSSED.
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.**

- a. Update on the Rent Board office move to 2000 Center Street – *Verbal* (Executive Director/Board Secretary)
- b. Update on the Rent Board File Scanning Project – *Verbal* (Project Manager Basil Lecky)

- c. Updated Commissioner attendance at Board/Committee meetings through the 1st quarter of 2024 (Board Secretary)
- d. Deadline to submit agenda items/topics for May's regular Rent Board meeting: **Monday, June 10th by 5:00 p.m.** (Board Secretary)

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair)
Next regularly-scheduled meeting: Thursday, June 6th at 5:30 p.m.
- b. Environmental Sustainability Committee (Commissioner Martinac, Chair)
Next regularly-scheduled meeting date: Wednesday, June 5th at 6:00 p.m.
- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)
Next regularly-scheduled meeting: To Be Announced (TBA)
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair)
Next regularly-scheduled meeting: TBA
- e. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert mentioned that the Committee continues to explore the work and cost associated with implementing a new language access policy and style guide, and may refer the issue to the Budget & Personnel Committee.
Next regularly-scheduled meeting: Monday, May 13th at 6:00 p.m.

May 13th agenda

- 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)
Next meeting date: TBA
- 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 Alpert mentioned major Police activity in the Southside District right now. Commissioner Mizell announced that he will miss the next two regular meetings. Commissioner Kelley mentioned an Ordinance passed by Council allowing ADUs to be sold separately from the

parcel they were built on, and his intent to bring the issue to the LIRA committee.

j. Discussion of items for possible placement on future agenda

10. CLOSED SESSION – Pursuant to California Government Code Section 54956.9(d)(4), the Board convened in closed session for an update on litigation:

Amicus brief authorization for *CP VI Admirals Code, LLC vs. City of Alameda, et al.*
(case pending appeal)

Following the Board's return from closed session, the Chair announced that the Board voted to approve the filing by the Rent Board of an amicus brief in *CP VI Admirals Code, LLC vs. City of Alameda, et al.*

11. ADJOURNMENT – M/S/C (Alpert, Walker) ADJOURN THE MEETING IN HONOR OF JEWISH HERITAGE MONTH AND ARAB HERITAGE MONTH. Roll call vote.
YES: Alpert, Elgstrand, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg;
NO: None; ABSTAIN: None; ABSENT: Johnson. Carried: 8-0-0-1.

The meeting adjourned at 8:30 p.m.