



RENT STABILIZATION BOARD
Regular Meeting
Thursday, June 20, 2024 – 7:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley
Teleconference location: 3225 Simon Road, Manitowoc, WI 54220

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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Regular Meeting

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7:00 p.m.

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Teleconference location: 3225 Simon Road, Manitowoc, WI 54220

Minutes - *Unapproved*

Prior to roll call, the General Counsel announced that Commissioner Kelley requested to appear remotely under the Brown Act's Emergency Circumstances provision due to a knee injury. This requires an authorizing vote.

M/S/C (Johnson/Elgstrand) AUTHORIZE UNANTICIPATED REMOTE PARTICIPATION FOR COMMISSIONER KELLEY UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(f)(2)(A)(ii). Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Marrero, Mizell. Carried: 6-0-0-2.*

*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 7:27 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley (via Zoom), Martinac, Walker, Simon-Weisberg (via Zoom)
Commissioners absent: Marrero, Mizell
Staff present: Brown, Bursell, Cole, 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 (Johnson/Walker) MOVE ACTION ITEMS 7.d., 7.e., and 7.f. TO CONSENT.

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

4. **Public Comment** – There were no speakers.

5. **CONSENT ITEMS**

Action Items 7.d., 7.e., and 7.f. were moved to Consent by a prior vote of the Board.

- a. Approval of the May 16th regular meeting minutes
- b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

2019 7TH ST.
1540 PRINCE ST
1598 CAPISTRANO AVE
1603 8TH ST
1627 8TH ST
1632 OREGON ST
1301 ALCATRAZ AVE
1764-1766 WALNUT ST
1767 EUCLID AVE #2
1835 63RD ST
1916 ALCATRAZ AVE
1947 ROSE ST
2010 HEARST AVE #A
2106 SPAULDING AVE
544 WOODMONT
1772 WALNUT
3024 FULTON
1252 HOPKINS
1538 63RD
2631 REGENT
2238 RUSSELL
2400 DOWLING PL #4
2510 CHANNING WAY
2622 MARIN
2706 MLK
2730 8TH
2732 8TH ST
2734 8TH ST

2736 8TH ST
2750 Dwight

Discretionary Waivers

| <u>Waiver No.</u> | <u>Property Address</u> |
|-------------------|-------------------------|
| W5118 | 916 EUCLID |
| W5119 | 912 SPRUCE |
| W5120 | 1139 OXFORD |
| W5121 | 1327 ASHBY |
| W5122 | 1530 STUART |
| W5123 | 1802 CEDAR |
| W5124 | 2813 TELEGRAPH |

M/S/C (Johnson/Elgstrand) APPROVE ALL CONSENT ITEMS, INCLUDING ITEMS 7.d., 7.e., and 7.f. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Marrero, Mizell. Carried: 7-0-0-2.

6. APPEAL – Case No. T-6039 (1846 Spruce Street, Unit 2)

Appearances:

Alireza Hamid, Respondent
Reza Hamid on behalf of the Respondent
Shaun Hannah, Appellant

M/S/C (Alpert/Martinac) UPHOLD THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Marrero, Mizell. Carried: 7-0-0-2.

7. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Action Items 7.d., 7.e., and 7.f. were moved to Consent by a prior vote of the Board.

Public comment was also heard prior to the Board’s vote on each action item listed below – There were no speakers.

- a. Chair Update (Chair Simon-Weisberg): Chair Simon-Weisberg reported that she sent a letter to the author of Assembly Bill (AB) 846, and the author has reconsidered their position.

M/S/C (Alpert/Martinac) CHANGE THE BOARD’S POSITION ON AB 846 FROM OPPOSE UNLESS AMENDED TO SUPPORT. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Martinac, Walker, Simon-Weisberg;

NO: None; ABSTAIN: None; ABSENT: Marrero, Mizell. Carried: 7-0-0-2.

- (1) Demolition Ordinance Update: Status of City of Berkeley Demolition projects – *Verbal* (Senior Planner Lief Bursell) – Lief Bursell presented and took questions from the Board. No action was taken.
- b. Special presentation on the Fiscal Year (FY) 2024-2025 Budget, Staffing Model, and Expenditure Level (Finance Director Shamika Cole & Executive Director) – Shamika Cole presented and took questions from the Board.
- c. Recommendation to adopt Resolution 24-13 approving the FY 2024-2025 Line-item Budget, Staffing Model, and Expenditure Level (Finance Director Shamika Cole and Executive Director)

M/S/C (Johnson/Walker) ADOPT RESOLUTION 24-13 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Marrero, Mizell.
Carried: 7-0-0-2.

- d. Recommendation to adopt Resolution 24-14 authorizing the Executive Director to extend the contract with Berkeley Community Media through June 30, 2025, and increase the contract by an amount not to exceed \$25,000 for FY 2024-2025 (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- e. Recommendation to adopt Resolution 24-15 authorizing the Executive Director to extend the contract with QuickCaption, Inc. through June 30, 2025, and increase the contract by an amount not to exceed \$10,500 for FY 2024-2025 (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- f. Recommendation to adopt Resolution 24-16 authorizing the Executive Director to modify the contract with Goldfarb Lipman for legal services through June 30, 2025, and increasing the contract by an amount not to exceed \$75,000 for FY 2024-2025 (General Counsel) – MOVED TO CONSENT 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. Copy of Constant Contact email titled, “Important Changes to Security Deposit Law” sent to landlords and tenants in early June (Executive Director)

- b. Deadline to submit agenda items/topics for July’s regular Rent Board meeting:
Monday, July 8th 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: To Be Announced (TBA)

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) –
Committee Chair Martinac reported that Commissioner Elgstrand gave a report on the City’s overarching environmental sustainability policies, and the Committee reviewed the Decarbonization without Displacement report the Chair presented at the May Regular Rent Board Meeting.
Next regularly-scheduled meeting date: TBA

June 5th agenda

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) –
Committee Chair Elgstrand reported that the Committee discussed the distressed properties report, and owner move-in evictions report amongst other things.
Next regularly-scheduled meeting: Tuesday, September 10th at 6:00 p.m.

June 11th agenda

- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair) – Committee Chair Kelley reported that the last meeting was cancelled due to illness, but the Committee will meet soon and take up the issue of junk removal upon tenant move out.
Next regularly-scheduled meeting: TBA

- e. Outreach Committee (Vice-Chair Alpert, Chair)
Next regularly-scheduled meeting: Monday, July 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: Wednesday, June 19th at 3:00 p.m.

June 19th agenda packet

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Commissioner Marrero, Co-Chair)
Next meeting date: TBA

- h. Updates and Announcements – Commissioner Elgstrand announced that Council will be voting on changes to the Demolition Ordinance at a Special Meeting on

June 25 at 3:30 p.m.

- i. 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 *California Apartment Association et. al. vs. City of Pasadena, et al.* (B329883, pending).

Upon returning from closed session, Vice-Chair Alpert announced that the Board authorized Legal staff to file an amicus brief in support of City of Pasadena, et al.

11. ADJOURNMENT

M/S/C (Johnson/Elgstrand) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Walker; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero, Mizell, Simon-Weisberg. Carried: 5-0-0-4. The meeting adjourned at 9:32 p.m.