



RENT STABILIZATION BOARD

Regular Meeting

Thursday, September 19, 2024 – 7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley, CA

Teleconference location(s): 1418A 67th Street, Berkeley, CA

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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Minutes - *Unapproved*

Prior to Roll Call, General Counsel Brown announced that Commissioner Marrero had requested to participate under the Emergency Circumstances provision of the Brown Act due to a hospitalization. The Emergency Circumstances provision requires an authorizing vote.

M/S/C (Simon-Weisberg/Alpert) AUTHORIZE UNANTICIPATED REMOTE PARTICIPATION FOR COMMISSIONER MARRERO UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(f)(2)(A)(ii). Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, 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 Marrero did not participate in the vote.

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:03 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley (via Zoom), Marrero (via Zoom), Martinac, Mizell, Walker, Simon-Weisberg
Commissioner absent: None
Staff present: Brown, Bursell, Eberhart, 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/Walker) APPROVE THE AGENDA 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.

4. **Public Comment** – Clell Hagler spoke about the need for rental assistance in Berkeley. Lihua Wang spoke about her waiver request.

5. **CONSENT ITEMS**

- a. Approval of the July 18th 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

168 Forest Ln
609 San Miguel Ave
627 Arlington Ave
1352 Hearst Ave
1635 MLK JR Way
2818 Telegraph Ave
3101 Mabel St.
3138 Ellis St.
2532 College Ave
1520 Bancroft Way
1214 Talbot Ave
1522 Fairview St. #A
1900 Harmon St
1253 Burnett St
2228 Dwight Way
2036 6th St
1940 Haste St
1323 Henry St
739 Channing Way
1620 Woolsey St
1625 Stannage Ave
1041 Cragmont Ave
2113 Delaware St #B

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.

6. **Special Presentation:** *Towards a Union at Home: Renting-Class Power in a Financialized Economy*
Presenter: Brad Hirn, Practitioner-In-Residence, UC Berkeley Labor Center

Brad Hirn presented and took questions from the Board.

7. **Special Presentation:** *Eviction Defense Center (EDC) and East Bay Community Law Center (EBCLC) program year update: Berkeley eviction trends and data post-Eviction Moratorium*
Presenters: Anne T. Omura, EDC Executive Director; and Meghan Gordon, EBCLC Co-Director of Housing & Clinical Supervising Attorney

Anne T. Omura and Meghan Gordon presented and took questions from the Board.

8. **APPEAL – Case No. T-6055 (2150 Oxford Street, Unit 51)**
Appearances:
Tyler Field and Duy Nguyen, Appellants
Pamela Kashani, Respondent
Mario Garcia, on behalf of the Respondent

M/S/C (Alpert/Elgstrand) AFFIRM 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. **APPEAL – Case No. T-5986 and T-5987 (1619 Walnut Street, Units A & B)**
Appearances:
Scott Wheeler, Appellant
Noemi Ruelas, Respondent
Kimberly Roehn, on behalf of Respondent

M/S/C (Mizell/Johnson) AFFIRM 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.

10. **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) Demolition Ordinance and Demolition projects status report (Senior Planner Lief Bursell) – Lief Bursell presented and took questions from the Board. The Chair requested that applicant/developer names be included in future

reports. No formal action was taken.

- (2) Eviction Moratorium lawsuit dismissed – The Board discussed the article. No formal action was taken.

<https://oaklandside.org/2024/09/05/eviction-moratorium-lawsuit-dismissed-oakland-alameda-county/>

- b. Request to Extend Administrative Correction Period on a Case-by-Case Basis until October 30, 2024 (Executive Director/Registration Unit Manager)

M/S/C (Alpert/Johnson) EXTEND THE RENT BOARD’S ADMINISTRATIVE CORRECTION PERIOD ON A CASE-BY-CASE BASIS UNTIL OCTOBER 30, 2024. 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.

11. 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 Regulation 1266 [Self Labor] with current Consumer Price Index (CPI) information (General Counsel)
- b. Average Rents for New Tenancies: January 1, 2023 through December 31, 2023 (Senior Planner Lief Bursell)
- c. September 9, 2024 *San Francisco Chronicle* article by Christian Leonard titled, “Feds say this company helps landlords keep rents high. Has it impacted the Bay Area?” (Chair Simon-Weisberg)
<https://www.sfchronicle.com/bayarea/article/realpage-rent-algorithm-19728353.php>
- d. Deadline to submit agenda items/topics for the October regular Rent Board meeting: **Friday, October 4th by 5:00 p.m.** (Board Secretary)

12. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker announced that the next meeting will be October 3rd at 5:30 p.m.
- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – Committee Chair Martinac reported that the Committee now has data on buildings where landlords are paying for energy services. The Committee has not yet finalized their next meeting date.

September 12th agenda

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand reported that the Committee received several information reports at its last meeting. The Committee will meet on November 12th.
Next regularly-scheduled meeting: Wednesday, September 18th at 6:00 p.m.

September 18th agenda

- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley reported that the Committee is sending to the Board an item regarding reserved public comment time at Rent Board meetings for labor union representatives.
Next regularly-scheduled meeting: Thursday, October 10th at 5:30 p.m.

September 5th agenda

- e. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert reported that the Committee is continuing its explorations around a language policy and style guidelines.
Next regularly-scheduled meeting: TBA

August 12th agenda

September 9th agenda

- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – The Committee is working on scheduling a meeting.
(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 had scheduled a meeting but it had to be cancelled. The Committee is working on rescheduling it.
Next meeting date: TBA
- h. Updates and Announcements
- i. Discussion of items for possible placement on future agenda – Commissioner Kelley sent an article to be placed on the next agenda. General Counsel Brown mentioned that the 2025 Annual General Adjustment will be on the October meeting agenda.

13. ADJOURNMENT

M/S/C (Alpert/Kelley) MOTION TO 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 10:22 p.m.