



RENT STABILIZATION BOARD

Special Meeting

Monday, October 23, 2023 – 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/82871490734?pwd=4jtOMJ4pp8UVahOsRkEp9MS0vUGODA.MbFtwb9sN7nPkOEm>. 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: 828 7149 0734 and Passcode: 208809. 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 5:00 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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Monday, October 23, 2023

7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

Minutes - *Unapproved*

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:02 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Marrero, Martinac, Mizell, Walker, Simon-Weisberg
Commissioners absent: Johnson, Kelley
Staff present: Brown, Dahl, 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 read aloud.
- 3. Approval of Agenda**

M/S/C (Alpert/Walker) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: ADJOURN THE MEETING IN HONOR OF THE PALESTINIAN AND ISRAELI VICTIMS OF THE ONGOING CONFLICT; AND MOVE THE CLOSED SESSION TO THE NEXT MEETING. Roll call vote. YES: Alpert, Elgstrand, Marrero, Martinac, Mizell, Walter, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson, Kelley. Carried: 7-0-0-2.
- 4. Public Comment** – *non*-agendized items. There was one public comment submitted via email and included in the agenda packet. No speakers.
- 5. Public Comment** – items on the agenda. No speakers.

6. CONSENT ITEMS

- a. Approval of the September 21st regular meeting minutes
- b. Recommendation to authorize staff to restore Vice-Chair Alpert's stipend deduction for a committee meeting absence on September 11, 2023 (Chair Simon-Weisberg)
- 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

1109 THE ALAMEDA
2223 WARD
1522 HARMON
2231 SHATTUCK
2330 HASTE
1014 MARIPOSA
2228 MCKINLEY
1825 ASHBY
1818 SONOMA
2615 TELEGRAPH #301
2512 9TH ST
1422 OXFORD
1767 EUCLID #1
66 POPPY LANE
1561 EUCLID #3
2705 WALKER
856 THE ALAMEDA

Discretionary Waivers

Waiver No. Property Address

W5088	3053 DOHR
W5089	2122 DWIGHT
W5090	2043-2045 EMERSON
W5091	1237 RUSSELL
W5092	2315-2315A ASHBY

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

7. **APPEAL – Case No. T-6014 (2425 Fulton Street, Unit 4)**

M/S/C (Martinac/Walker) CONTINUE THE APPEAL TO A LATER DATE. Roll call vote. YES: Alpert, Elgstrand, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson, Kelley. Carried: 7-0-0-2.

8. **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 – 1 min. per speaker

- a. Chair Update (Chair Simon-Weisberg) – No updates.
- b. Recommendation to adopt Resolution 23-25 confirming the 2024 Annual General Adjustment (AGA) of 1.9 percent and ordering that the 2024 AGA be published as Regulation 1146 (General Counsel)

M/S/C (Mizell/Elgstrand) ADOPT RESOLUTION 23-25 AS WRITTEN. Voice vote. Carried: 7-0-0-2. ABSENT: Johnson, Kelley.

- c. Recommendation to adopt Resolution 23-26 confirming that the 2024 relocation assistance payments for Owner Move-in and Ellis Act evictions shall increase by 2.9 percent effective January 1, 2024, and publishing the 2024 relocation payment amounts (General Counsel)

M/S/C (Mizell/Martinac) ADOPT RESOLUTION 23-26 AS WRITTEN. Voice vote. Carried: 7-0-0-2. ABSENT: Johnson, Kelley.

- d. Recommendation to adopt Resolution 23-27 authorizing the Executive Director to modify the contract with QuickCaption, Inc. for real-time remote closed captioning through June 30, 2024 (Executive Director/Board Secretary)

M/S/C (Elgstrand/Mizell) ADOPT RESOLUTION 23-27 AS WRITTEN. Voice vote. Carried: 7-0-0-2. ABSENT: Johnson, Kelley.

9. **INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA**

from Board Members, Committees, Executive Director or Staff

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

- a. Eviction Moratorium update – *Verbal* (Public Information Unit Manager)

- b. Date to submit agenda topics/items for November's regular Rent Board meeting:
Friday, November 3rd by 5:00 p.m. (Board Secretary)

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker reported that the Committee received an update on recruitment for the Finance Unit, the office relocation, and the property file scanning project. Next regularly-scheduled meeting: Thursday, November 2nd at 5:30 p.m.

October 5th agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – Committee Chair Martinac reported that the Committee did not meet due to lack of a quorum. Next regularly-scheduled meeting date: To Be Announced (TBA)

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand reported that the Committee reviewed the latest Owner Move-in and Ellis eviction reports, and gave an update on the eviction notices filed by Satellite Affordable Housing Associates. Next regularly-scheduled meeting: Tuesday, November 14th at 6:00 p.m.

September 26th agenda

- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) Next regularly-scheduled meeting: Tuesday, November 7th at 5:45 p.m.

October 3rd agenda

- e. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert reported that the Committee focused on how to promote the tenant survey results and data. Next regularly-scheduled meeting: Monday, November 13th at 6:00 p.m.

October 16th agenda

- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg reported that the Committee will focus on proposed changes to the Demolition Ordinance at its next meeting. (Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs) Next regularly-scheduled meeting: Tuesday, October 24th at 3:00 p.m.

October 24th agenda packet

September 27th agenda packet (Updated)

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – Commissioner Marrero reported that the Committee is finalizing a meeting date.
Next meeting date: TBA
- h. Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election (Commissioner Johnson, Chair) – Commissioner Alpert reported that the Committee has an initial draft of proposed amendments and discussed the legal restrictions around the ballot measure process.
Next meeting date: Monday, October 30th at 5:30 p.m.

October 2nd agenda

- i. Updates and Announcements – Commissioner Elgstrand announced that on October 26, 2023 from 5:00 – 7:00 p.m. at the Ed Robert’s Campus, Supervisor Keith Carson is hosting a community meeting to discuss a possible regional affordable housing bond for the 2024 ballot.
- j. Discussion of items for possible placement on future agenda

11. CLOSED SESSION – Pursuant to California Government Code Section 54957(b)(1), the Board will also convene in closed session for a Public Employee Evaluation of Performance:

Title: General Counsel

THE CLOSED SESSION WAS MOVED TO A FUTURE MEETING BY A PRIOR VOTE OF THE BOARD.

12. ADJOURNMENT

M/S/C (Alpert/Mizell) ADJOURN THE MEETING IN HONOR OF THE PALESTINIAN AND ISRAELI VICTIMS OF THE ONGOING CONFLICT. Voice vote. Carried: 7-0-0-2. ABSENT: Johnson, Kelley.