



RENT STABILIZATION BOARD

Regular Meeting

Thursday, October 17, 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*

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:04 p.m. Prior to roll call, the Chair announced that she would like to hold the meeting in remembrance of all the children and families suffering under siege conditions in Gaza and Lebanon. Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley (via Zoom), Marrero, Martinac, Mizell, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Bursell, 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/Kelley) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ITEMS 8.b., 8.c., AND 8.f. TO CONSENT; MOVE MINISTERIAL WAIVER FOR 2525 COLLEGE AVENUE #1 TO ACTION. 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** – No speakers.

5. **CONSENT ITEMS**

Action items 8.b., 8.c., and 8.f. were moved to Consent, and the ministerial waiver for 2525 College Avenue #1 was moved to Action by a prior vote of the Board.

- a. Approval of the September 19th 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

1919 Curtis
2923 MLK Jr
1335 Oxford St
1711 Stuart St
1055 Sterling Ave
2802 San Pablo Ave
1919 Parker St
15 Tamalpais Rd
505 Cragmont Ave
847 Dwight Crescent
924 Hilldale Ave
1050 Creston Rd
1818 Franklin St
1242 Evelyn Ave
2430 8th Street
2600 Etna St #3
2525 College Ave #1
1227 Delaware St
1919 Curtis
2923 MLK Jr Way
1335 Oxford St
1711 Stuart St
1055 Sterling Ave

Discretionary Waivers

Waiver No. Property Address

5125	1813 Derby St
5126	1406 Henry St
5127	2070 University Ave

M/S/C (Alpert/Mizell) APPROVE ALL CONSENT ITEMS, INCLUDING ITEMS 8.b., 8.c., AND 8.f., AS WRITTEN EXCEPT FOR THE MINISTERIAL WAIVER FOR 2525 COLLEGE AVENUE, WHICH WAS MOVED TO ACTION. 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**: *Registration 365* – Continued to the November Regular Meeting. Presenter: Amanda Eberhart, Registration Unit Manager

7. **Appeal – Case No. T-6064 (1724 La Vereda Rd.)**

Appearances:

Farzad Mobin, Appellant

Sohrob Qadiri, Respondent

Mateusz Czajka, Respondent

M/S/C (Mizell/Walker) 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.

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 – No speakers.

Action items 8.b., 8.c., and 8.f. were moved to Consent, and the ministerial waiver for 2525 College Avenue #1 was moved to Action by a prior vote of the Board.

Ministerial waiver for 2525 College Avenue #1: Continued to the November Regular Meeting.

- 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. No action taken.
- (2) Update regarding tenants’ rights when landlord secures permit for non-code compliance work – *Verbal* – General Counsel Matt Brown apprised the Board on communications with the Planning Department and owners about the Rent Board’s position in these cases. Legal staff will bring a resolution to the Board at the November meeting for consideration. No action taken.

- b. Recommendation to adopt Resolution 24-18 confirming the Annual General Adjustment (AGA) of 2.1 percent and ordering that the 2025 AGA be published as Regulation 1147 (General Counsel) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- c. Recommendation to adopt Resolution 24-19 confirming that relocation assistance payments for Owner Move-in and Ellis Act evictions shall increase by 3.2 percent effective January 1, 2025 (General Counsel) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- d. Recommendation to adopt Resolution 24-20 approving adjustment to compensation package for Executive Director DéSeana Williams (Chair Simon-Weisberg and Budget & Personnel Committee Chair Walker)

Prior to voting on the motion, Chair Simon-Weisberg read the following into the record: A motion has been made and seconded regarding the modification to the existing employment agreement with DéSeana Williams, Executive Director of the Berkeley Rent Stabilization Board, by adopting Resolution 24-20. Pursuant to Government Code section 54953(c), the summary of compensation must be orally reported prior to taking final action. The proposal adjusts the Executive Director's hourly base salary of \$130.17 to \$137.98 effective during the pay cycle beginning July 2024, when the cost-of-living salary increase for unrepresented employees in Unit Z1 was implemented. This salary adjustment is made pursuant to Section 3 of Ms. Williams' existing employment agreement. All other terms of the existing employment agreement will remain the same.

M/S/C (Alpert/Walker) ADOPT RESOLUTION 24-20 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.

- e. Recommendation to adopt Resolution 24-21 approving adjustment to compensation package for General Counsel Matt Brown (Chair Simon-Weisberg and Budget & Personnel Committee Chair Walker)

Prior to voting on the motion, Chair Simon-Weisberg read the following into the record: A motion has been made and seconded regarding the modification to the existing employment agreement with Matt Brown, General Counsel of the Berkeley Rent Stabilization Board, by adopting Resolution 24-21. Pursuant to Government Code section 54953(c), a summary of compensation must be orally reported prior to taking final action. The proposal adjusts the General Counsel's hourly base salary of \$114.16 to \$121.01 effective during the pay cycle beginning in July 2024, when the cost-of-living salary increase for unrepresented employees in Unit Z1 was implemented. This salary adjustment is made pursuant to Section 3 of Mr. Brown's existing employment agreement. All other terms of the employment agreement will remain the same.

M/S/C (Alpert/Kelley) ADOPT RESOLUTION 24-21 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.

- f. Recommendation to change the name of the Environmental Sustainability Committee to the Climate Resilience Committee (Chair Simon-Weisberg) – *Verbal* – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

9. 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. January 23, 2024 *California Housing Partnership* article by Mark Stivers, Director of Advocacy, titled, “Affordable Housing Compares Favorably to Market-Rate Housing From a Cost Perspective” (Commissioner Kelley) <https://chpc.net/affordable-housing-compares-favorably-to-market-rate-housing-from-a-cost-perspective/>
- b. Deadline to submit agenda items/topics for the November regular Rent Board meeting: **Friday, November 8th by 5:00 p.m.** (Board Secretary)

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair)
Next regularly-scheduled meeting: Tuesday, October 22nd at 3:30 p.m.

October 3rd agenda
- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) –
Committee Chair Martinac reported that Chair Simon-Weisberg has joined the Committee, which has renewed momentum.
Next regularly-scheduled meeting date: Wednesday, November 13th at 6:00 p.m.

October 7th agenda
- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)
Next regularly-scheduled meeting: Tuesday, November 12th at 5:30 p.m.
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair) – Committee Chair Kelley reported that the Committee advanced items on public comment time at Board meetings for bargaining units, which the Board will consider in November.
Next regularly-scheduled meeting: Thursday, November 7th at 6:00 p.m.

October 10th agenda

- e. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert reported on increasing outreach to Berkeley City College students, and has started discussions with staff on outreach plans related to various housing measures on the November ballot.
Next regularly-scheduled meeting: Wednesday, October 16th 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 received the same demolition report that the Board receives, and discussed things like the Habitability Plan. (Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: To Be Announced (TBA)

October 7th agenda packet

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero, Co-Chair) – Committee Chair Marrero reported that the next meeting will be on November 18.
Next meeting date: TBA
- h. Updates and Announcements
- i. Discussion of items for possible placement on future agenda – Resolution around elective construction projects.

11. 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 8:11 p.m.