



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, May 19, 2022
7:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and City of Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the **Rent Board** will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. **Therefore, there will not be a physical meeting location available.**

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/82402468719?pwd=bHBCS0xkRUN3R2xFdmJPYVVGtWNkZz09>. 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 1-669-900-6833 and enter Meeting ID: 824 0246 8719 and Passcode: 437465. 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 an e-mail comment, email amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. Written comments will be entered into the public record. **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 meeting will be recorded, and all other rules of procedure and decorum will apply for Rent Board meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

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Minutes – *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:04 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang (logged on at 7:15 p.m.), Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Dahl, Eberhart, Mueller, Siegel, 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. **Introduction of recently-hired Rent Board staff** – Registration Unit Manager Amanda Eberhart introduced herself to the Board and spoke about her background.

4. **Approval of Agenda**

M/S/C (Alpert/Laverde) APPROVE THE AGENDA WITH THE FOLLOWING CHANGE: MOVE ACTION ITEM 9.a. TO CONSENT. Roll call vote. YES: Alpert, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.

5. **Public Comment** – *non*-agendized items. There were no speakers.

6. **Public Comment** – items on the agenda. There were no speakers.

7. **CONSENT ITEMS**

Item 9.a. was moved to Consent by a prior vote of the Board.

- a. Approval of the April 21, 2022 regular meeting minutes
- b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit staff)

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
N/A	2535 RIDGE ROAD # A
N/A	2 PANORAMIC # 203
N/A	1116 PARKER ST
N/A	2627 FULTON AVE

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
5022	1706 DERBY STR
5023	1524 HEARST AVE
5024	1192 CARRISON ST

M/S/C (Selawsky/Laverde) APPROVE ALL CONSENT ITEMS INCLUDING ITEM 9.a., EXCEPT MOVE WAIVER NO. 5024 TO ACTION. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

8. **APPEAL** – Case No. L-4343 (2116 - 2118 Roosevelt Avenue)

Parties present:
Joshua Harris, Appellant
Lauren and Ryan Spallina on behalf of Respondent
Daniel Davalos, Respondent

M/S/C (Alpert/Selawsky) UPHOLD THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

9. **ACTION ITEMS**

from Board Members, Committees, Executive Director or Staff

Waiver No. 5024 was moved to action by a prior vote of the Board.

M/S/C (Simon-Weisberg/Selawsky) APPROVE THE STAFF RECOMMENDATION AS WRITTEN FOR WAIVER NO. 5024. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- a. Recommendation to adopt Resolution 22-11 to authorize the Executive Director to enter into a contract not to exceed \$77,246 with The Social Science Research Center at California State University Fullerton to conduct the Board’s Tenant Survey (Outreach Committee & Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

10. 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 INFORMATION.**

- a. City of Berkeley Rental Assistance update – *Verbal* (Executive Director) – Executive Director Williams reported that funding is currently depleted but City Council will be voting in July on additional funding.
- b. Update on the May 9, 2022 “Fair Chance Access to Housing” webinar presented by the Berkeley Property Owners Association, Just Cities, and the Rent Board – *Verbal* (Executive Director)
- c. May 4, 2022 Housing Element Update from the Planning Commission (Executive Director)
- d. Rent Board’s participation in the May 20, 2022 “Rent Stabilization: Lessons Learned from Implementing Rent Stabilization Policies” webinar (Minneapolis/St. Paul) from 9:00 a.m. - 11:00 a.m. Pacific Time – *Verbal* (General Counsel) – General Counsel Brown will speak at this webinar.
- e. May 3, 2022 *KTVU.com* article by Alexa Mae Asperin titled, “California launches new program for first-time homebuyers” (Commissioner Kelley)
<https://www.ktvu.com/news/california-launches-new-program-for-first-time-homebuyers>
- f. Date to submit agenda topics/items for June’s regular Rent Board meeting: **Monday, June 6th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Chang, Chair) – Committee Chair Chang updated the Board on topics discussed at the Committee’s last meeting, including the budget, commissioner stipends, and the review process for the Executive

Director.

Next regularly-scheduled meeting: Tuesday, May 17th at 5:00 p.m.

May 17th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – Committee Chair Mendonca reported that the Committee received an Owner Move-in Eviction report and presentations from the Easy Bay Community Law Center and Eviction Defense Center on their funding proposals for fiscal year 2022-23.

Next regularly-scheduled meeting: Thursday, June 23rd at 5:30 p.m.

April 28th agenda

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley said the Committee will meet next month to discuss policies for when the eviction moratorium is lifted at some future point.

Next regularly-scheduled meeting: TBA

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reported that the Committee discussed the new website and the tenant survey resolution amongst other things.

Next regularly-scheduled meeting: Wednesday, May 18th at 5:15 p.m.

May 18th agenda

- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA)
Regularly-scheduled meeting date: TBA
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg mentioned that the Committee had significant discussions on proposed amendments to the Rent Ordinance, including expanding just cause for eviction protections to all tenancies in Berkeley and expanding tenants’ rights to add people to their household.

(Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)

Next regularly-scheduled meeting: Monday, June 22nd at 3:00 p.m.

May 3rd agenda packet

- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair) – The Board Secretary said she’d be contacting the Committee members next week to schedule a meeting.

Next meeting date: TBA

- h. Ad Hoc Committee on the Status of Virtual Meetings (Chair TBA)
Next meeting date: TBA
- i. Updates and Announcements – Commissioner Laverde mentioned there will be a convention on June 29, 2022 to determine who will be on the tenant slate in the upcoming election for Rent Board commissioners, and encouraged everyone to spread the word.
- j. Discussion of items for possible placement on future agenda – Chair Simon-Weisberg would like to discuss not having meetings in August, and would like to send a letter of support for additional funding for the City’s Rental Assistance Program.

12. ADJOURNMENT

M/S/C (Kelley/Selawsky) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The meeting adjourned at 8:35 p.m.