



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, February 17, 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/83737919904?pwd=TlNmeTVrc0gvRFJ5ay9KQ1ZrVlg3Zz09>. 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 1-408-638-0968 and enter Meeting ID: 837 3791 9904 and Passcode: 919836. 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.**

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AGENDA

*Times allotted for each item are approximate and may be changed at the Board's discretion during the course of this meeting.

1. **Roll call** – 1 min.*

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.

3. **Approval of Agenda** – 1 min.*

4. **Public Comment** – 2 min. per speaker for *non*-agendized items*

5. **SPECIAL PRESENTATION**: “What Does Housing Have To Do With Race?” by Wilhelmenia Wilson, Executive Director, Healthy Black Families, Inc.

6. **CONSENT ITEMS** – 1 min.*
 - a. Approval of January 20, 2022 regular meeting minutes

7. **Public Comment** – 2 min. per speaker for items on the agenda*

8. **ACTION ITEMS**
from Board Members, Committees, Executive Director or Staff
 - a. Special Presentation on state housing legislation by Brian Augusta & Associates, Legislative Advocates – 40 min.*

- (1) Discussion and possible action regarding the Board taking a position on state housing legislation (Chair Simon-Weisberg)
- 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	1433 Walnut St.
N/A	2610 College Ave.
N/A	1611 Scenic Ave.
N/A	2404 Cedar St.
N/A	1235 Talbot Ave.

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
5019	1931 Fairview St.
5020	2235 Rose St.

9. APPEAL – 8:00 p.m.**

***This appeal will not be heard before 8:00 p.m. but may be heard any time thereafter.*

Case No. T-5924 (2226 Durant Avenue, #104)

Tenant appeals a hearing decision ordering the landlord to refund a total of \$1,551.50 to tenant for security deposit return. On appeal, the tenant argues that the landlord has repeatedly lied and misrepresented the extent to which he made repairs in the subject unit and that the apartment was uninhabitable for the entirety of his very brief tenancy. He further claims that the hearing examiner did not give enough weight to his evidence and too much to the landlord's given the landlord's alleged deceit. He does not state explicitly in his appeal what remedy he seeks, but it can be presumed that he is requesting that the entirety of what he paid to the landlord (\$3,625) be returned to him. A review of the record and analysis of relevant board precedent and case law, however, establishes that the hearing examiner correctly ruled on the issue of return of the security deposit. For this reason, legal staff recommends that the Board affirm the hearing examiner's decision.

10. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

Note: The Board may vote to move Information Items to the Action Calendar.

- a. Update on restoring Commissioners' access to their Rent Board email accounts – *Verbal* (Chair Simon-Weisberg/Board Secretary) – 5 min.*
- b. Update on the City's Website Reinvention Project timeline and the Rent Board's content migration – *Verbal* (Executive Director/Board Secretary) – 2 min.*

- c. *Monument to Extraction.org* article by Kimberly Pack and Roalla Toy titled, “Codornices Village – Segregation and integration in World War II worker housing” (Chair Simon-Weisberg) – 1 min.*
<https://monumenttoextraction.org/stories/worldwar2-housing/>
- d. Date to submit agenda topics/items for the March 17th Rent Board meeting: **Monday, March 7th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced going forward.

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Selawsky, Chair) – 5 min.*
Next regularly-scheduled meeting: Tuesday, February 15th at 5:30 p.m.

February 15th agenda
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: Wednesday, March 9th at 5:00 p.m.

February 9th agenda
- d. Outreach Committee (Commissioner Laverde, Chair) – 5 min.*
Next regularly-scheduled meeting: Wednesday, February 16th at 5:00 p.m.

February 16th agenda
- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – 3 min.*
Regularly-scheduled meeting date: TBA
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – 5 min.*
(Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)
Next regularly-scheduled meeting: Wednesday, February 23rd at 3:00 p.m.
- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair) – 3 min.*
Next meeting date: TBA

January 24th agenda
- h. Updates and Announcements – 3 min.*

- i. Discussion of items for possible placement on future agenda – 5 min.*
 - (1) Review of protocol and template for submittal of agenda items

12. ADJOURNMENT

COMMUNICATIONS DISCLAIMER:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website.

Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.



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RENT STABILIZATION BOARD
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7:00 p.m.

Minutes - *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:03 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Bursell, Mueller, Williams

2. **Approval of Agenda**
M/S/C (Alpert/Selawsky) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEMS 8.a.(1), 8.a.(2), 8.a.(3), 8.a.(4), AND 8.a.(6) TO CONSENT. ***Friendly amendment by Kelley (accepted):*** KEEP ITEM 8.a.(6) ON 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.

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

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

5. **SPECIAL PRESENTATION** by Tribal Chief Corrina Gould on the Importance of Land Acknowledgements – Tribal Chair Gould clarified her proper title, and addressed and took questions from the Board.

6. **CONSENT ITEMS**

Action items 8.a.(1), 8.a.(2), 8.a.(3), and 8.a.(4) were moved to Consent by a prior vote of the Board.

 - a. **Approval of December 16, 2021 regular meeting minutes**

M/S/C (Alpert/Kelley) APPROVE CONSENT ITEM 6.a. AND ITEMS 8.a.(1), 8.a.(2), 8.a.(3) AND 8.a.(4) AS WRITTEN. 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.

7. **Public Comment** – for Action Items* There were 2 speakers: Former Councilmember Cheryl Davila spoke regarding the importance of land acknowledgements, and thanked the Board for its action. Ira X. Armstrong thanked Tribal Chair Gould for her leadership and the Board for highlighting the importance of indigenous land acknowledgements.

8. ACTION ITEMS

Action items 8.a.(1), 8.a.(2), 8.a.(3), and 8.a.(4) were moved to Consent by a prior vote of the Board.

a. From Board Members, Committees, and Executive Director

- (1) Recommendation to adopt proposed amendments to Regulation 801 [Proper Filing of Rent Registration Statement] – Second reading (IRA/AGA/Registration Committee) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- (2) Recommendation to adopt proposed amendments to Regulation 1311 [Alleging Compliance in Complaint] – Second reading (IRA/AGA/Registration Committee) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- (3) Recommendation to adopt Resolution 22-01 authorizing the Executive Director to modify the contract with Sloan Sakai Yeung & Wong LLP for the 2021-2022 fiscal year (General Counsel) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- (4) Recommendation to adopt Resolution 22-02 authorizing the Executive Director to modify the contract with 3Di Systems, Inc. (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- (5) Discussion and possible action regarding land acknowledgement for the Rent Board to be read at the start of every meeting and exploration of other possible actions to support indigenous people of Berkeley (Chair Simon-Weisberg, Commissioner Laverde & Commissioner Mendonca)

M/S/C (Laverde/Simon-Weisberg) MOVE ALL THREE RECOMMENDATIONS AS WRITTEN IN THE REPORT. 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.

- (6) Discussion and possible action to change the name of the Individual Rent Adjustment/Annual General Adjustment/Registration Committee (the “IRA/AGA/Registration Committee”) to the Legislation, IRA/AGA and Registration Committee (the “LIRA Committee”) (Chair Simon-Weisberg)

M/S/C (Kelley/Laverde) MOTION TO APPROVE THE ITEM AS WRITTEN. 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. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

All items below were briefly mentioned or discussed. Underlined items have additional information.

a. Reports from Board Members/Staff

- (1) Update on the City's Website Reinvention Project timeline and the Rent Board's content migration – Verbal (Executive Director & Board Secretary) – Board Secretary Aimee Mueller gave an update on the City's revised timeline for the launch of the new website.
- (2) Market Medians Report updated through September 2021 (Executive Director)
- (3) January 5, 2022 memo to the 4 x 4 Joint Committee on Housing from Mayor Arreguín and Chair Simon-Weisberg: "Recommendation to Revise Berkeley B.M.C. Chapter 13.84 ("Relocation Ordinance") to better protect tenants during construction due to necessary repairs and new construction of ADUs (Accessory Dwelling Units) and other additional housing units" (Chair Simon-Weisberg) – Chair Simon-Weisberg gave a presentation on this item that was also given at the 4 x 4 Committee meeting on January 11, 2022.
- (4) Commissioner attendance records for Board and Committee meetings updated through December 2021 (Executive Director & Board Secretary)
- (5) January 12, 2022 *The New York Times* opinion video and article by Jeff Seal, Chris Libbey and Nick Libbey titled, "The Landlord's Worst Nightmare Is a Basic Human Right" (Chair Simon-Weisberg)
<https://www.nytimes.com/2022/01/12/opinion/new-york-eviction-bill.html>
- (6) Article by Larisa K. Miller from *Prologue – Quarterly of the National Archives and Records Administration* 45.3-4 (2013) titled, "The Secret Treaties With California's Indians" (Chair Simon-Weisberg)
<https://www.archives.gov/files/publications/prologue/2013/fall-winter/treaties.pdf>
- (7) Date to submit agenda topics/items for the February 17th Rent Board meeting:
Friday, February 4th

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Selawsky, Chair)
Next regularly-scheduled meeting: TBA
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – Committee Chair Mendonca reported that the Committee will meet next month.
Next regularly-scheduled meeting: TBA
- c. IRA/AGA/Registration Committee (Commissioner Kelley, Chair) – Committee Chair

Kelley reported that the Committee's next meeting is February 9.
Next regularly-scheduled meeting: Wednesday, February 9th at 5:00 p.m.

(1) January 12th agenda

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reported that the Committee met yesterday, and will continue to meet the third Wednesday of every month. She gave an update on the Request for Proposal (RFP) for the tenant survey and other items discussed by the Committee.
Next regularly-scheduled meeting: TBA

(1) January 19th 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 reported that the Committee's next meeting is February 23rd.
Committee Co-Chairs: Mayor Arreguín and Chair Simon-Weisberg
Next regularly-scheduled meeting: Wednesday, February 23rd at 3:00 p.m.

(1) January 11th agenda packet

- g. Ad Hoc Committee on RSB Technology Issues (Chair TBA) – Chair Simon-Weisberg reported that this Committee is meeting on January 24 at 5:00 p.m.
Next meeting date: TBA
- h. Updates and Announcements – Chair Simon-Weisberg mentioned a budget workshop on affordable housing was happening at the same time as the Rent Board meeting. Commissioner Laverde announced she would be attending a workshop on “RHNA” and the Tenant Opportunity to Purchase Act on January 27, and encouraged other commissioners to attend one or both workshops.
- i. Discussion of items for possible placement on future agenda

11. **ADJOURNMENT** – M/S/C (Alpert/Selawsky) MOTION TO ADJOURN. 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 8:25 p.m.



Brian Augusta & Associates

1107 9th Street, Suite 1011
Sacramento, CA 95814

To: Commissioners, Berkeley Rent Stabilization Board

From: Brian Augusta
Michael Moynagh

Date: February 7, 2022

Re: **State Legislative Report for the February 2022 Board Meeting**

The second half of the 2021-2022 legislative session is just beginning and the legislative activity in Sacramento is swiftly ramping up. New bill drafts were required to be submitted to the Office of Legislative Counsel by January 21, in preparation for the introduction deadline that lies just ahead on February 18. Between now and then, new bills will slowly trickle in. So far, roughly 300 new bills have been introduced, though few of them relate to housing (a short summary of those introduced so far is below). That will undoubtedly change in the weeks ahead.

January 31 was the deadline for any bills from last year to pass their house of origin. One such bill of note was **AB 854 (Lee)**, which proposed to amend the Ellis Act to allow localities to prohibit landlords from pursuing Ellis evictions until they have owned the property for at least five years. This bill is the most recent attempt on the subject. Former Senator Mark Leno pursued a similar policy in several bills during his tenure, all of which failed to make it to the Governor. Like prior efforts, AB 854 was supported by a broad array of tenant groups and opposed by the California Apartment Association, the California Association of Realtors and other landlord groups. Although the bill passed Assembly Housing Committee 6-2 on January 12 and Appropriations 12-3 on January 20, the votes did not materialize on the Assembly floor and the bill was not taken up for a vote. Having missed the deadline, the bill is now dead, although a similar bill could be introduced this year by the February 18 deadline.

Another January event is the introduction of state budget by the Governor, which kicks off budget negotiations and hearings that will continue between now and the end of June. The Governor's proposal has a few items of interest regarding affordable housing. These include:

- \$500M additional allocation to the state's Low-Income Housing Tax Credit program.
- \$500M to the Infill Infrastructure Grant program.
- \$300M to the Affordable Housing and Sustainable Communities program to provide funding for infill housing and transportation projects that reduce greenhouse gas emissions.
- \$100M to support affordable housing development on excess state-owned land.
- \$100M for adaptive reuse projects that convert non-residential uses to housing.

In addition, the legislature and Governor have begun to take "early action" on budget-related measures. Much of these are adjustments to the prior year budget, contained in a follow-up budget bill known as a "Budget Bill Junior." Of interest to the Board, **AB 147 (Ting)** and **SB 115 (Skinner)** are identical Budget Bill Juniors that include a mechanism for continuing to fund the local and state Emergency Rental Assistance

Programs (ERAP), that has provided COVID rent relief through funding from the federal government. Both the state and local programs are projecting a shortfall of funding compared to projected demand. While more funding is expected from the federal government as it redistributes ERAP dollars that went unused in other states, the amount is unclear.

The proposal in AB 147/SB 115, which will likely be acted on this week, provides cashflow loans to the ERAP programs administered at the state and local level to allow them to continue to fund ERAP applications between now and the end of March. If the money that arrives from the federal government is not enough to cover what is loaned, the amount will be forgiven and the cost will be backfilled from the state General Fund. The bills do not propose to extend the enhanced eviction process enacted in last year's **AB 832 (Chiu)** beyond March 31, when they are set to expire. Tenant advocates are calling for an extension to ensure that tenants waiting for rent relief are not evicted.

A related bill, **SB 847 (Hurtado)**, proposes to establish an additional state ERAP program funded with state dollars that would provide landlords with a payment equal to 100% of the COVID-rental debt. This program would provide relief in cases where the landlord or the tenant do not qualify under the federally funded state or local program, where the state or local program has not responded to an application within 20 days, or where the landlord has obtained a judgment against the tenant. Unlike the current federally funded ERAP program, this proposal provides relief regardless of the tenant's income.

Selected Bills of Interest Introduced So Far in 2022

AB 1615 (Ting)

Renames the Housing Navigation for Young Adults Program as the Housing Navigation and Maintenance Program; increases required eligibility by grantees from ages 18-21 to 18-24.

AB 1674 (Voepel)

Exempts newly-constructed ADUs from new construction photovoltaic requirements.

AB 1695 (Santiago)

Spot bill to fund reuse of nonresidential buildings for affordable housing.

AB 1707 (Boerner Horvath)

Requires the Senior Citizens and Disabled Citizens Property Tax Postponement Fund to begin each fiscal year with a balance of \$15M, with any shortfall made up by a transfer from the General Fund.

AB 1719 (Ward)

Expands the Teacher Housing Act of 2016 to include faculty and employees of community college districts.

AB 1738 (Boerner Horvath)

Revises requirements for enacting building standards for electric vehicle charging stations.

AB 1748 (Seyarto)

Exempts local public agency surplus land from disposal requirements if the parcel is zoned for less than 30 units/acre and the jurisdiction has met specified RHNA targets.

AB 1755 (Levine)

Requires an insurer to offer insurance on residential property if specified hardening steps have been taken.

SB 843 (Glazer)

If appropriated each year, increases the renters' credit to \$1000 for joint returns, surviving spouses, and heads of households earning under \$50,000/year, and others earning under \$25,000/year.

SB 849 (Umberg)

Spot bill on surplus land.

SB 869 (Leyva)

Requires training for mobilehome park managers and assistants, to be offered by HCD online.

SB 897 (Wieckowski)

Limits local ADU height restrictions to no less than 25 feet, prohibits requiring sprinklers and makes other changes.

Selected 2021 Housing Bills

In addition to AB 854, described above, here are the current status of other bills of interest introduced last year:

Signed by the Governor

AB 361 (Robert Rivas) Teleconferences & remote meetings: Brown Act requirements.

Status: Signed by the Governor

Description: Allows local agencies to hold meetings remotely during a declared emergency under specified procedures. Certain Brown Act requirements would not need to be complied with, including: Providing a teleconference location accessible to the public; Having at least a quorum of members participating within the jurisdiction; and Allowing the public to address the legislative body at each teleconference location (thereby allow members of the body to participate remotely without having to post their home address or other remote location).

AB 838 (Friedman) State Housing Law: enforcement response to complaints.

Status: Signed by the Governor

Description: Establishes standards for cities and counties to follow up on complaints from tenants about substandard buildings and potential lead hazards.

SB 8 (Skinner) SB 330 cleanup.

Status: Signed by the Governor

Description: Clean-up bill for SB 330. Changes include clarifying that the law applies to both ministerial and discretionary projects and to charter cities.

SB 9 (Atkins) Lot split ministerial approval.

Status: Signed by the Governor

Description: Requires ministerial approval of duplexes and specified lot splits, similar to SB 1120 from 2020; allows an extension of subdivision map validity by one year.

SB 10 (Wiener) By-right infill approval.

Status: Signed by the Governor

Description: Allows local governments to rezone a parcel by right in infill or jobs-rich areas.

SB 274 (Wieckowski) Local government meeting agenda and documents.

Status: Signed by the Governor

Description: Requires a local agency with an internet website to email a copy of, or website link to, the agenda and agenda packet if a person requests that the items be delivered by email; If the agency determines it is technologically infeasible to email or post, the agenda and packet must be mailed.

SB 498 (Umberg) Legal aid eligibility.

Status: Signed by the Governor

Description: Increases income level to qualify for assistance from legal services projects to 200% of federal poverty level; also makes eligible veterans receiving disability compensation.

Vetoed by the Governor

AB 1487 (Gabriel) Eviction defense funding.

Status: Vetoed

Description: Upon appropriation, creates a grant program at the State Bar Legal Services Trust Fund Commission for legal services organizations for eviction defense and education for tenants at risk of homelessness.

Still Active in 2022

ACA 7 (Muratsuchi) Preemption of state land use laws by charter cities.

Status: Awaiting referral to an Assembly committee (deadlines do not apply to constitutional amendments)

Description: Specifies that a city charter provision, or an ordinance or regulation adopted pursuant to a city charter, that regulates zoning or land use is deemed to address a municipal affair and prevails over a conflicting state statute; also provides that those regulations would prevail over conflicting general laws, with specified exceptions.

SB 6 (Caballero) Housing on commercial sites.

Status: Awaiting a hearing in Assembly Housing

Description: Authorizes housing on commercial sites that include affordable units and comply with a skilled and trained workforce requirement.

SB 355 (Becker) Court fee waiver eligibility.

Status: On Assembly Floor

Description: Changes income eligibility for court fee waivers to 80% of the highest area median income in the state; adds to the categories of litigants eligible for court fee waivers persons receiving unemployment compensation, WIC program participants, and persons receiving the EITC.

SB 649 (Cortese) Local governments: affordable housing: local tenant preference.

Status: Awaiting a hearing in Assembly Housing

Description: Allows local governments to have a policy giving preference to lower-income households at risk of displacement in tax credit-funded affordable housing.

SB 679 (Kamlager) County of Los Angeles housing finance agency.

Status: Awaiting a hearing in Assembly Housing

Description: Establishes the Los Angeles County Affordable Housing Solutions Agency (LACAHSAs); authorizes LACAHSAs to utilize specified local financing tools to fund renter protections and the preservation and production of housing units affordable to lower income households; the agency would serve in a secondary capacity for any cities with similar local programs.

SCA 2 (Allen) Article 34 repeal.

Status: Awaiting assignment to an Assembly committee

Description: Would place the repeal of Article 34 on a future ballot.

Dead

AB 115 (Bloom) Housing in commercial zones.

Status: Died

Description: Re-run of AB 3107 from 2020 making housing with 20% lower-income units an allowable use in commercial zones. Similar to SB 6 in the Senate Housing Package.

AB 834 (Choi) Tax credit for assisted tenants.

Status: Died

Description: Creates a tax credit for property owners renting to tenants receiving housing assistance.

AB 964 (Boerner Horvath) Short-term rentals: hosting platforms.

Status: Died

Description: Provides that local regulation of short-term rental hosting platforms are not subject to the Coastal Act.

AB 1000 (Ward) Homelessness discrimination.

Status: Died

Description: Adds housing status as a prohibited form of discrimination under CalFEHA; prohibits background checks from including information on crimes and violations associated with homelessness.

AB 1199 (Gipson) Large-scale landlord excise tax.

Status: Died

Description: Imposes an 25% excise tax on landlords who rent 10 or more single family homes or 25 or more multifamily properties with 5 or more units, to be used to fund a variety of activities to benefit low-income renters.

AB 1241 (Jones-Sawyer) Rental housing applications: criminal records.

Status: Died

Description: Establishes procedures for landlords to follow regarding tenant applicant criminal background checks.

SB 238 (Melendez) Fair employment and housing: political affiliation.

Status: Died

Description: Adds "political affiliation" as a protected class for housing and employment under the California Fair Employment and Housing Act.

SB 676 (Bates) Unlawful detainer.

Status: Died

Description: Authorizes a defendant in an unlawful detainer action to file a motion to strike on or before the day fixed for the defendant's appearance; authorizes a party in an unlawful detainer action to file a motion for summary adjudication in the same manner as a motion for summary judgment.

SB 5 (Atkins) \$6.5B housing bond.

Status: Died

Description: Places a \$6.5B housing bond on the November 2022 ballot.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: February 17, 2022
TO: Honorable Members of the Rent Stabilization Board
FROM: DeSeana Williams, Executive Director
BY: Basil Lecky, Community Service Specialist II
SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approve the attached recommendations.

Background and Need For Rent Stabilization Board Action:

The Board's penalty waiver process is governed by Regulations 883, 884 and 885. Regulation 883 lists the grounds for administrative waivers. In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria for an administrative waiver. Regulation 884 lists 12 categories, which will require a review of the totality of the circumstances by the full Board prior to granting any waiver request. Waivers that require a review of the totality of the circumstances are listed below as "Discretionary Waiver." If none of the 12 listed categories apply to the property, the waiver shall be granted/denied in a ministerial manner, based upon the formula outlined in Regulation 884(C). The Board may only alter these ministerial waivers if staff has incorrectly applied the criteria listed in Regulation 884 (B)(1-12).

Ministerial Waivers

In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria enumerated in Regulation 883. The following waiver request will be decided ministerially, unless the Board has reason to believe the underlying basis of the recommended assessment is inappropriate.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	1433 WALNUT ST	JETCO MOTORS	\$1,250	\$1,250	\$0.00
	2610 COLLEG AVE	SRIYA PROPERTIES LLC	\$2,250	\$2,250	\$0.00
	1611 SCENIC AVE	BABAK S. SANI	\$563	\$563	\$0.00
	2404 CEDAR ST	BABAK S. SANI	\$731	\$731	\$0.00
	1235 TALBOT AVE	PATRICIA UNGERN	\$150	\$150	\$0.00
TOTAL			\$4,944	4,944	\$0.00

Financial Impact: Ministerial Waivers

Approval of Acting Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$4,944**.

Discretionary Waivers

For the waiver requests listed below, staff recommendations are attached and presented to the full Board for its approval. With respect to these cases, the determination of good cause to waive some or all of the penalties depends on the totality of the circumstances.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
5019	1931 FAIRVIEW ST	KATHLEEN MANGOTICH	\$460	\$460	\$0
5020	2235 ROSE ST	JOEL CARTY	\$250	\$0	\$250
TOTAL			\$710	\$460	\$250

Financial Impact: Discretionary Waivers

Approval of Acting Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$460**.

Name and Telephone Number of Contact Person:

DeSeana Williams, Executive Director
Rent Stabilization Board
2125 Milvia Street, Berkeley, CA 94704
(510) 981-7368

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: :	Property address: 1931 FAIRVIEW ST	Transferred: 02/25/2003
Exempt units (as of February 2021): Unit # 1 - OCCC - Tenant		
Owner(s): KATHLEEN MANGOTICH	Waiver filed by: OWNER	# of Units: 5
Other Berkeley rental property owned: None		

Late payment/penalty history: The property comprises of five units, all of which are currently rented and subject to the registration requirement. Prior to September 2020, only 4 of the units were rented. In November 2021, the owner submitted a Vacancy Registration Form for the 5th unit with a tenancy start date of 9/1/2020. This prompted prior fees and penalties for the unit. The owner paid the registration fee January 4, 2022. The owner's payment history is very solid, with the late payment of the 2021/2022 fee marking the first late payment in the last five years.

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEE FOR FY 2019/20 & FY2021/22
--

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2021/22	1	\$250.00	01/04/2022	\$250.00	\$0.00	\$250.00
2019/20	1	\$210.00	01/04/2022	\$210.00	\$0.00	\$210.00
Totals				\$460.00	\$0.00	\$460.00

Grounds under Regulation 884(B): (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.

Good cause claimed by owner: The owner stated that 2019-2020 fees were paid by the previous owner/manager of the property. On 7/6/2020, the owner was hospitalized with an illness after experiencing 2 weeks of extreme pain. The owner stated that they have not fully recovered from the illness and has been on disability. The illness has affected the owners work capacity and income. The owner stated that they have been working hard to catch up and will be able to stay current going forward.

Recommendation: Staff recommends waiving the penalty in full

Staff Analysis: Staff sympathizes with the situation the owner describes. The owner was able to provide proof of their illness. The owner has a great payment history and staff does not foresee any problems with compliance moving forward. Staff recommends a full waiver of the penalty.

CITY OF BERKELEY
RENT STABILIZATION PROGRAM
2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://www.cityofberkeley.info/rent/>

RECEIVED

JAN 04 2022

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1931 Fairview St.

Owner: Kathleen Mangotich

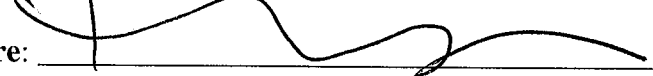
Date of acquisition, if new owner: 10/1/2019

Name & relationship of person filing request, if not owner: _____

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

It was certified to me, in a settlement agreement, that the 2019-2020 fees had been paid by the previous owner/manager, Jack Purat. Then, in 2020 (7/6/20) I was hospitalized with GBS after 2 weeks of extreme pain. I have not fully recovered to this day and have been on disability. GBS has affected both my work capacity and income. I have been working as hard as I can to catch up and will be able to stay current going forward.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 1/4/21 Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: Katie@featherpen.com

Mailing Address: 1931 Fairview St. Berkeley CA 94703

Phone Number: 510 367-9287 Fax Number: _____

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.



Video Visit
7/17/2020

Visit Information

Date & Time	Provider	Department	Encounter #
7/17/2020 2:50 PM	Kiang, Jacqueline Chin-Yin (M.D.)	INTERNAL MEDICINE IN FAB 3A	984916885

Reason For Encounter History

User	Date & Time	Reason For Encounter
Kiang, Jacqueline Chin-Yin (M.D.)	07/16/2020 01:06 PM	TELEPHONE APPOINTMENT VISIT

Diagnoses

Diagnoses	Comments
MILLER FISHER VARIANT OF GUILLAIN BARRE SYNDROME - Primary HYPONATREMIA CONSTIPATION	

Diagnoses

Visit Diagnosis Changes

529239 marked as Primary Diagnosis by KIANG, JACQUELINE C (W350610), Thu Jul 16, 2020 1:21 PM
 Added 529239 by KIANG, JACQUELINE C (W350610), Thu Jul 16, 2020 1:21 PM
 Added 516577 by KIANG, JACQUELINE C (W350610), Thu Jul 16, 2020 1:21 PM
 Added 513680 by KIANG, JACQUELINE C (W350610), Thu Jul 16, 2020 1:22 PM

Encounter Messages

No messages in this encounter

Patient Secure Message

No messages in this encounter

Video Consent

Patient has provided verbal consent to participate in this video visit.

Progress Notes

Progress Notes signed by Kiang, Jacqueline Chin-Yin (M.D.) at 7/16/2020 1:22 PM

Version 1 of 1

Author: Kiang, Jacqueline Chin-Yin (M.D.)	Service: —	Author Type: Physician
Filed: 7/16/2020 1:22 PM	Creation Time: 7/16/2020 11:32 AM	Status: Signed
Editor: Kiang, Jacqueline Chin-Yin (M.D.) (Physician)		

SCHEDULED TELEPHONE APPOINTMENT VISIT.

TAV Appointment, I called at the number provided and introduced myself. I asked for the specified patient and patient confirmed DOB and address and that indeed I was speaking to the correct person. I discussed limitations of Telephone Appointment Visits.

Kathleen Mangotich is a 61 Y year old female who has a TAV today.
Converted VAV to TAV

TELEPHONE APPOINTMENT VISIT



KAISER FOUNDATION HOSPITALS

OAK-NEW HOSPITAL
275 WEST MACARTHUR
BLVD
OAKLAND CA 94611-5641
Hospital Record

Mangotich, Kathleen
MRN: [REDACTED], DOB: [REDACTED] Sex: F
Adm: 7/6/2020, D/C: 7/13/2020



Intake Examination

Rm/Bed	MRN	Adm Date	Att Prov	DOB	Age	Sex
917-917-A 2	11001413181	7/6/20		7/10/1959	62 Y	F

Chief Complaint

Complaint	Comment
DIFFICULTY SWALLOWING	Since last night, progressively getting worse. Has had MRI for vestibular neuritis, has nodule on inner ear, with enlarged lymphnodes. States that she feels her throat muscles are getting weak, versus something being stuck. No stridor noted, but pt appears to be generally weak.

Priority

	Most Recent Value
Decision A	---
Decision B	---
Decision C	---
Decision D Vitals	---
Decision D Priority	2Emerg

Arrival Information

Expected	Arrival	Acuity	Means of arrival	Escorted by
-	7/6/2020 9:38 AM	2 Emergent	Walk-In	Partner

Arrival complaint

Allergy History as of 07/13/20

HYDROCHLOROTHIAZIDE

	Noted	Status	Severity	Type	Reaction
07/07/20 1230 Kiang, Jacqueline Chin-Yin (M.D.)	07/07/20	Active			

Comments: Hospital admission for low sodium to 108, only had 2-3 doses of HCTZ

ED Vitals

Date and Time	Temp	Temp Source	Resp	Pulse	BP	Patient Position	SpO2	O2 Delivery	Pain Score	Weight	User
07/06/20 0944	97.6 °F (36.4 °C)	Oral	22	59	135/77	--	100 %	RA-Room Air	--	-- too weak	JR
07/06/20 1100	--	--	12	58	154/85	SITTING	99 %	RA-Room Air	8	--	ASB
07/06/20 1200	--	--	11	61	141/75	--	100 %	--	--	--	ASB
07/06/20 1235	--	--	11	61	146/76	--	100 %	--	--	--	ASB
07/06/20 1300	--	--	8	61	144/87	--	100 %	--	--	--	ASB
07/06/20 1400	--	--	12	60	133/65	--	100 %	RA-Room Air	--	--	JT

Glasgow Coma Scale

Date and Time	Eye opening	Verbal response	Motor Response	Total Coma Score (Glasgow)	User
07/13/20 0840	4	5	6	--	NBT
07/13/20 0400	4	5	6	--	JTE
07/13/20 0000	4	5	6	--	JTE

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5020	Property address: 2235 ROSE ST BERKELEY CA	Transferred: 04/01/2021
Exempt units (as of February 2021): Unit # UPPER - OCCC - Owner, Unit # MAIN - NAR - Vacant		
Owner(s): JOEL CARTY	Waiver filed by: OWNER	# of Units: 3
Other Berkeley rental property owned: None		

Late payment/penalty history: The property comprises of three (3) units, with two (2) of the units currently exempt and one (1) unit currently being rented. The current owner took ownership of the property in April 2021. They paid the registration fee on January 5, 2022. This is the owners first time owning a rent controlled property. They currently do not have a payment history.

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEE FOR FY2021/22

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2021/22	1	\$250.00	01/05/2022	\$250.00	\$0.00	\$0.00
Totals				\$250.00	\$0.00	\$0.00

Grounds under Regulation 884(B): (11) The Executive Director, or his or her designee, recommends that the interests of justice require that a greater or lesser amount be waived

Good cause claimed by owner: The owner purchased the property in April 2021. This is their first time as homeowners. The property was split into three (3) units. The owner currently live in one (1) unit, while the other two (2) units are rented. The owner states that the property had a lot of deferred maintenance, which they have spent the last 8 months fixing. The improvements are now complete and they have been showing the space to prospective tenants. In preparing a lease agreement, the owner reached out to the Rent Board for guidance. This is when the owner discovered there was a penalty due for unpaid registration fee. The owner states that they were unaware of the registration fee and have since paid the registration fee and penalty. The owner is requesting forgiveness for the penalty due to the fact that the property changed hands and the property had a vacancy due to improvements being made.

Recommendation: Staff recommends the waiver be denied.

Staff Analysis: Staff notes that the owner did not reach out to the Rent Board upon transfer of the property in April 2021. In fact, the owner did not contact the agency regarding the property until January of this year. Had the owner inquired with the City of Berkeley about their rights and responsibilities earlier, they probably could have avoided accruing the penalty. As a landlord in a rent control city, the owner has an obligation to know the registration requirements of the Rent Ordinance. Therefore, staff recommends the waiver be denied.

JAN 18 2022

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2235 ROSE ST BERKELEY, 94709

Owner: JOEL CARTY

Date of acquisition, if new owner: 4/1/21

Name & relationship of person filing request, if not owner: _____

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

WE PURCHASED THIS PROPERTY IN APRIL 2021. THIS IS OUR FIRST TIME AS HOMEOWNERS!
THE PROPERTY IS SPLIT UP INTO (3) UNITS. WE LIVE IN ONE AND THE OTHER TWO ARE RENTAL
UNITS. THE PROPERTY HAD A LOT OF DEFERRED MAINTANCE, WE HAVE SPENT THE LAST
8 MONTHS FIXING IT UP. THE IMPROVEMENTS ARE NOW COMPLETE AND WE HAVE BEGAN TO SHOW
THE THE SPACE TO PROSPECTIVE TENNANTS. IN PREPARING A LEASE AGREEMENT I LOOKED TO THE
RENT BOARD FOR GUIDANCE. WE DISCOVERED THERE WAS A PENALTY FEE DUE FOR LATE REGISTRATION
WE WAS UNAWARE OF THE REGISTRATION FEE AND HAVE SINCE PAID THE \$500 FEE. I AM REQUESTING
FORGIVENESS FOR THE PENALTY DUE TO THE FACT THAT THE PROPERTY CHANGED HANDS AND THE PROPERTY
HAD VACANCY DUE TO IMPROVEMENTS BEING MADE. THANK YOU FOR YOUR TIME AND CONSIDERATION!
I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 1/1/2022 Signature: Joel Carty

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: JOEL CARTY3@GMAIL.COM

Mailing Address: 2235 ROSE ST. BERKELEY CA, 94709

Phone Number: 805-895-3845 Fax Number: _____