



RENT STABILIZATION BOARD
EVICTION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Tuesday, April 11, 2023

6:00 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley, CA 94704

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/86906094096?pwd=OTRZOFN6b2gyeUdKUks4N2FpZ2NRZz09>. 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 Webinar ID: 869 0609 4096 and Passcode: 808455. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment for the Committee's consideration and inclusion in the public record, email oeHLinger@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR EVICTION/SECTION 8 COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee 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. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director of the Rent Board, at 510-981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



Rent Stabilization Board

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AGENDA

1. Roll call
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 the Agenda
4. Approval of Minutes of the March 8, 2023 meeting
5. Public Comment
6. Discussion and possible action regarding Committee masking policy
7. Discussion and possible action regarding agency preparation in response to the Berkeley COVID Eviction Moratorium sunset
8. Discussion and possible action regarding agency's procedures upon receiving an eviction notice
9. Discussion and possible action regarding Committee work plan
10. Confirm next meeting date
11. Adjournment

STAFF CONTACT: Ollie Ehlinger, Staff Attorney – (510) 981-4924
COMMITTEE: Stefan Elgstrand (Chair), Xavier Johnson, Ida Martinac, Nathan Mizell



Rent Stabilization Board

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EVICTION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

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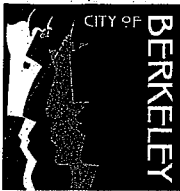
MINUTES – (*Unapproved*)

1. Roll call: Ollie Ehlinger called Roll
Members present: Elgstrand, Johnson, and Mizell. Martinac arrived at 6:05 p.m.
Staff present: O. Ehlinger and A. Mueller.
2. Approval of the Agenda: M/S/C (Johnson/Elgstrand) Motion to approve the agenda. Roll call vote. YES: Elgstrand, Johnson and Mizell; NO: None; ABSTAIN: None; ABSENT: Martinac. Carried 3-0-0-1.
3. Land Acknowledgment Statement: The Land Acknowledgment Statement was read aloud.
4. Approval of Minutes of the October 27, 2022 meeting (attached to Agenda): M/S/C (Elgstrand/Johnson) Motion to approve the October 27, 2022 meeting minutes. Roll call vote. YES: Elgstrand, Johnson, Martinac and Mizell; NO: None; ABSTAIN: None; ABSENT: None. Carried 4-0-0-0.
5. Election of Chair: Recommendation to elect Commissioner Elgstrand as Chair of the Committee, Commissioner Elgstrand accepted. M/S/C (Elgstrand/Johnson). Motion to nominate Commissioner Elgstrand as Chair. Roll call vote. YES: Elgstrand, Johnson, Martinac and Mizell; NO: None; ABSTAIN: None; ABSENT: None. Carried 4-0-0-0.
6. Public Comment: One Public Comment.
7. Discussion and possible action regarding Measure AA Owner Move-in Eviction Report (See attached staff report): The Committee discussed the report, no action taken.
8. Discussion regarding amendments to Berkeley Municipal Code section 13.110: The Committee discussed the item and took public comment, staff will provide additional updates at the next committee meeting.
9. Discussion and possible action regarding future agenda items: Update on possible amendments to Berkeley Municipal Code section 13.110 and Nuisance Evictions.

10. Confirm next meeting date: Next meeting scheduled for Tuesday, April 11, 2023 at 6:00 p.m.
11. Adjournment: M/S/C (Johnson/Mizell) Motion to Adjourn. Roll call vote. YES: Elgstrand, Johnson, Martinac and Mizell; NO: None; ABSTAIN: None; ABSENT: None. Carried 4-0-0-0. meeting adjourned at 6:48 p.m.

STAFF CONTACT: Ollie Ehlinger, Staff Attorney – (510) 981-4924

COMMITTEE: Stefan Elgstrand (Chair), Xavier Johnson, Ida Martinac, Nathan Mizell



**Rent Stabilization Board
Public Information Unit**

03-31-2023

[REDACTED]

BERKELEY, CA 94704

RE: Eviction Notice/Notice to Vacate dated: 03-20-2023

Received by the Rent Board on: 03-21-2023

Reason: Substantial Violation of Material Term of Rental Agreement

Property Address: [REDACTED] 94704

Dear [REDACTED]

The Rent Stabilization Board has received a copy of a Notice to Terminate Tenancy from your landlord. You should have received this Notice as well. If you have, this is the first step in a legal eviction process. You should respond promptly and carefully read all documents you receive.

NOTE: During the COVID-19 emergency, most evictions are prohibited in Berkeley.

There are several state and local requirements that must be met before a landlord can evict you. Non-registration, illegally high rent or habitability violations are possible defences to an eviction.

[REDACTED]

Additional information is available at www.cityofberkeley.info/rent. For assistance, you can contact a Rent Board Housing Counselor at (510) 981-RENT or rent@cityofberkeley.info. If you have legal questions, please contact an attorney. (See the referral list on reverse side.)

cc: Landlord/Representative:

[REDACTED]

BERKELEY, CA, 94704

GOOD CAUSE FOR EVICTION

The grounds for eviction are summarized below:

- Tenant fails to pay lawful rent;
- Tenant violates a material term of the rental agreement or wilfully causes substantial damage to the unit and refuses to pay for or make repairs;
- Tenant refuses to sign a new rental agreement substantially identical to the expired one;
- Tenant disturbs the peace and quiet of other tenants after receiving a written request to cease;
- Tenant refuses, after reasonable notice, to allow access to the rental unit to show [REDACTED];
- Tenant engages in unlawful activity on the premises;
- Repairs that are necessary to bring the unit into compliance with the Housing Code cannot be made while the tenant lives there, and all the necessary work permits have been obtained; however, if the landlord has any vacant unit in Berkeley, at the time notice is given or at any time prior to the tenant leaving the unit, one of these units must be offered to the tenant on a temporary or permanent basis;
- Tenant refuses to vacate temporary housing offered by the landlord after repairs to the tenant's original unit have been completed;
- Landlord has received a permit to demolish the unit [REDACTED];
- The owner of a 50% recorded interest in the property, or the owner's spouse, parents or children, wish to occupy the rental unit as their principal residence and the owner has no comparable unit that is or was available around the time the owner decided to recover and occupy the unit;
- Lessor wishes to move back into a sub-leased unit as permitted in the [REDACTED] tenant(s); and
- The unit is being permanently removed from the rental market. (Ellis Act)
Call (510) 981-4928

Note: Sale of the property, foreclosure, expiration of a lease or change in the Federal Section 8 status does not constitute good cause for eviction under the Ordinance.

Legal Service Provider:

Eviction Defense Center
350 Franklin Plaza, Suite [REDACTED]
Oakland, CA 94612
(510)452-4541

East Bay Community Law Center
2921 Adeline St.
Berkeley, CA 94703
(510) 548-4040

Alameda County Bar Association
Lawyer Referral Service
(510) 302-2222

[REDACTED]



Rent Stabilization Board

MEMORANDUM

DATE: April 11, 2023

TO: Honorable Members of the Eviction/Section 8/Foreclosure Committee

FROM: Ollie Ehlinger, Staff Attorney

SUBJECT: 2023 Eviction/Section 8/Foreclosure Committee Meeting
Schedule/Workplan Proposal

Committee Chair Elgstrand has proposed the following meeting schedule for discussion:

The Eviction/Section 8/Foreclosure Committee has a regular scheduled meeting time of the second Tuesday of the month at 6:00 pm at the Law Library, 2001 Center St, 2nd Floor. Below is the suggested Committee Work Plan for 2023:

- May – No Meeting
- June – Reports on Ellis Evictions and Foreclosures
- July – Update on Eviction Moratorium and Transition Period
- August – No Meeting
- September – Owner Move-In Report
- October – No Meeting
- November – Updates on Section 8 and Berkeley Housing Authority
- December – No Meeting

Meetings and topics may be canceled, added, or amended as needed.