



**RENT STABILIZATION BOARD  
Regular Meeting**

**Thursday, May 18, 2023 – 7:00 p.m.**

**School District Board Room – 1231 Addison Street, Berkeley, CA 94702**

**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/88524276546?pwd=bjBTVjNYcGtGbFQ3WlC0VUttK0hqUT09>. 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: 885 2427 6546 and Passcode: 056490. 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@cityofberkeley.info](mailto:amueller@cityofberkeley.info) 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, 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 (981-RENT). The Rent Board may take action related to any subject listed on the Agenda.



**COMMUNICATION ACCESS INFORMATION:**

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# RENT STABILIZATION BOARD

## Regular Meeting

Thursday, May 18, 2023

7:00 p.m.

**School District Board Room – 1231 Addison Street, Berkeley, CA 94702**

### 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. – 2 min.\*
3. **Approval of Agenda** – 1 min.\*
4. **Public Comment** – 2 min. per speaker for *non*-agendized items\*
5. **Public Comment** – 2 min. per speaker for items on the agenda\*
6. **CONSENT ITEMS** – 1 min.\*
  - a. Approval of the April 20<sup>th</sup> regular meeting minutes
7. **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) – 5 min.\*

- b. Discussion and possible action to recommend that the Board adopt Proposed Amendments to Regulations 525 [Procedure for Challenging Tenant in Occupancy Status], 1205 [Filing the Petition], and 1210 [Notices to Opposing Parties and Board] – *First Reading* (LIRA Committee) – 15 min.\*
- c. Discussion and possible action to recommend that the Board adopt Proposed Amendments to Regulations 883 [Waiver of Penalties and Interest on Delinquent Registration Fees] and 884 [Other Waiver Requests] to streamline the waiver process – *Second Reading* (LIRA Committee) – 5 min.\*
- d. Discussion and possible action to recommend that the Board send a letter of support for Assembly Bill 1218 (Lowenthal) - Development projects: demolition of residential dwelling units (LIRA Committee) – 10 min.\*
- e. Recommendation to adopt Resolution 23-12 authorizing the Executive Director to amend the staffing model to add an Assistant Management Analyst in the Finance Unit for the 2023-2024 fiscal year (Budget & Personnel Committee) – 10 min.\*

## **8. 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. Eviction Moratorium outreach update (Public Information Unit Manager) – 5 min.\*
- b. Copy of April Eviction Moratorium mailing to Berkeley property owners, managers, and tenants (Executive Director) – 2 min.\*
- c. Update on Rent Board staff outreach at the April 22<sup>nd</sup> Berkeley Bay Festival at the Berkeley Marina (Public Information Unit Manager) – 2 min.\*
- d. Copy of April 24, 2023 letter to Assemblymember Bonta conveying the Board’s support for Assembly Bill 846 (Chair Simon-Weisberg) – 1 min.\*
- e. May 10, 2023 *Berkeleyside* article by Supriya Yelimeli titled, “Berkeley’s eviction moratorium is ending. Here’s what you need to know” (Executive Director) – 1 min.\*  
<https://www.berkeleyside.org/2023/05/10/berkeleys-eviction-moratorium-is-ending-heres-what-you-need-to-know>
- f. Date to submit agenda topics/items for June’s regular Rent Board meeting: **Monday, June 5<sup>th</sup> by 5:00 p.m.** (Board Secretary) – 1 min.\*

**9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Thursday, June 1<sup>st</sup> at 5:30 p.m.

May 4<sup>th</sup> agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Tuesday, June 13<sup>th</sup> at 6:00 p.m.

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee)  
(Commissioner Kelley, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Tuesday, June 6<sup>th</sup> at 5:30 p.m.

May 2<sup>nd</sup> agenda

- d. Outreach Committee (Vice-Chair Alpert, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Monday, June 12<sup>th</sup> at 5:30 p.m.

May 8<sup>th</sup> agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5 min.\*  
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)  
Next regularly-scheduled meeting: TBA

May 2<sup>nd</sup> agenda packet

- f. Ad Hoc Committee on Environmental Sustainability (Commissioner Martinac, Chair) – 5 min.\*  
Next meeting date: Wednesday, June 7<sup>th</sup> at 5:30 p.m.

May 3<sup>rd</sup> agenda

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District  
(Chair TBA) – 1 min.\*  
Next meeting date: Monday, May 15<sup>th</sup> at 5:30 p.m.

May 15<sup>th</sup> agenda

- h. Updates and Announcements – 5 min.\*

- i. Discussion of items for possible placement on future agenda – 5 min.\*

## **10. 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.



## RENT STABILIZATION BOARD

### Regular Meeting

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# RENT STABILIZATION BOARD

## Regular Meeting

Thursday, April 20, 2023

6:30 p.m.

**School District Board Room – 1231 Addison Street, Berkeley, CA 94702**

### Minutes - *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 6:33 p.m.  
Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg  
Staff present: Bethany, Brown, Bursell, Cole, Dahl, Eberhart, Ehlinger, Mueller, Williams
2. **CLOSED SESSION** – Pursuant to California Government Code Section 54956.9(a), the Board convened in closed session for an update on litigation:

*Athan Magganas and Maxaco, LLC v. City of Berkeley Rent Stabilization Board*  
(Alameda County Superior Court Case #22CV011758)

Potential litigation: *Alan Wofsy & Associates, a California corporation (dba Hearst Commons), on behalf of itself and all others similarly situated v. City of Berkeley Rent Stabilization Board* (unfiled)

*Williams, et al. v. Alameda County, Alameda County Board of Supervisors, City of Oakland, Oakland City Council* (United States District Court for the Northern District of California Case # 3:22-cv-01274-LB) – amicus brief

Upon return from closed session, the Chair announced that the Board approved a motion to begin prelitigation in the *Alan Wofsy & Associates, a California corporation (dba Hearst Commons), on behalf of itself and all others similarly situated v. City of Berkeley Rent Stabilization Board* case. No other reportable action was taken.

3. **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.

**4. Approval of Agenda**

M/S/C (Kelley/Alpert) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEMS 9.c. AND 9.d. TO CONSENT. Voice vote. Carried: 9-0-0-0.

**5. Introduction of Rent Board staff:** Shamika Cole and Kaleia Bethany introduced themselves to the Commissioners.

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

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

**8. CONSENT ITEMS**

*Action items 9.c. and 9.d. were moved to Consent by a prior vote of the Board.*

- a. Approval of the March 16<sup>th</sup> regular meeting and public hearing 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

893 NEILSON  
1230 BURNETT  
1305 KAINS  
455 ARLINGTON  
1136-1138 KEELER  
1737 PARKER  
2303-2309 CALIFORNIA  
1505-1507 DERBY  
1767 EUCLID #1  
2217 8TH ST  
1560 SCENIC

**Discretionary Waivers**

Waiver No.    Property Address

W5079            2225 8TH



W5080 2601 COLLEGE AVE #203  
W5081 2304 DERBY

M/S/C (Alpert/Johnson) APPROVE ALL CONSENT ITEMS AS WRITTEN, INCLUDING ACTION ITEMS 9.c. AND 9.d. Voice vote. Carried: 9-0-0-0.

## 9. 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. There were no speakers.

*Action items 9.c. and 9.d. were moved to consent by a prior vote of the Board.*

- a. Chair Update (Chair Simon-Weisberg) – No update.
- b. Special presentation on housing legislation by Brian Augusta, Rent Board Legislative Advocate – Mr. Augusta presented and took questions from the Board.
  - (1) State Legislative Report with discussion and possible Board action regarding several state legislative bills

M/S/C (Kelley/Marrero) SEND A LETTER OF SUPPORT FOR THE FOLLOWING BILLS: ASSEMBLY BILL (AB) 846 (BONTA), SUPPORT RENT INCREASE CAP FOR LOW-INCOME HOUSING TAX CREDIT PROPERTIES FOR INCREASES OF UP TO 3%; SENATE BILL (SB) 712 (PORTANTINO), PROVIDED THAT THERE ARE NO ADDITIONAL STORAGE CHARGES; SB 567 (DURAZO); SB 594 (DURAZO); SB 569 (GLAZER); AND AB 1620 (ZBUR). Voice vote. Carried: 9-0-0-0.

- c. Recommendation to adopt Resolution 23-10 authorizing the pass-through of a portion of the Fiscal Year 2023-2024 registration fee for fully-controlled rental units to certain tenants (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- d. Recommendation to adopt Resolution 23-11 authorizing the Executive Director to increase the purchase order with ACRO Service Corporation by an additional amount not to exceed \$40,000 for full-time temporary support for administrative tasks related to changes to the Eviction Moratorium (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- e. Recommendation to adopt proposed amendments to Regulations 883 and 884 to streamline the waiver process – *First reading* (LIRA Committee)

M/S/C (Mizell/Kelley) ADOPT THE PROPOSED AMENDMENTS TO

REGULATIONS 883 AND 884 AS WRITTEN. Voice vote. Carried: 9-0-0-0.

- f. Update and possible action on the waiver recommendation for Discretionary Waiver Number W5078 for 1951 Chestnut Street (Registration Unit Manager)

M/S/C (Simon-Weisberg/Kelley) ADOPT THE STAFF RECOMMENDATION FOR WAIVER W5078. Voice vote. Carried: 9-0-0-0.

## **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 COMMENTS.**

- a. Eviction Moratorium Communication Plan update (Website, Tenant/Landlord mailing/Workshop) – *Verbal* (Executive Director)
- b. Updated Commissioner attendance at Board and Committee meetings, including unanticipated remote participation, through the 1<sup>st</sup> quarter of 2023 (Board Secretary)
- c. Date to submit agenda topics/items for May’s regular Rent Board meeting: **Monday, May 8<sup>th</sup> by 5:00 p.m.** (Board Secretary)

## **11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

- a. Budget and Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker did not have an update, but mentioned the next meeting date. Next regularly-scheduled meeting: Thursday, May 4<sup>th</sup> at 5:30 p.m.
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand reported that the Committee adopted its workplan. Next regularly-scheduled meeting: Tuesday, June 13<sup>th</sup> at 6:00 p.m.

April 11<sup>th</sup> agenda

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley mentioned the regulation changes passed on first reading earlier, and said that the Committee will be looking at legislative and Ordinance improvements. Next regularly-scheduled meeting: Tuesday, May 2<sup>nd</sup> at 5:30 p.m.

April 3<sup>rd</sup> agenda

- d. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert discussed the eviction moratorium outreach plan, and said the Committee is

expecting an update on the tenant survey results and will further discuss tracking and metrics.

Next regularly-scheduled meeting: Monday, May 8<sup>th</sup> at 5:30 p.m.

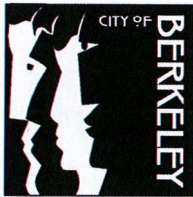
April 10<sup>th</sup> agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg mentioned the next meeting date.  
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)  
Next regularly-scheduled meeting: Tuesday, May 2<sup>nd</sup> at 3:00 p.m.
- f. Ad Hoc Committee on Environmental Sustainability (Chair TBA)  
Next meeting date: Wednesday, May 3<sup>rd</sup> at 5:30 p.m.
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – The Executive Director will confirm the first meeting date, which will likely be in early May.  
Regularly-scheduled meeting date: TBA
- h. Updates and Announcements – Commissioner Elgstrand mentioned that it's likely that the Land Use Committee will discuss the Tenant Habitability Plan and Relocation Ordinance at a May 1<sup>st</sup> meeting. Chair Simon-Weisberg announced ACE outreach in Sacramento around trying to amend AB 1482. Commissioner Marrero mentioned supporting the Pajaro community. Executive Director Williams gave a reminder that the Rent Board will have a table at the Bay Festival on April 22<sup>nd</sup>.
- i. Discussion of items for possible placement on future agenda

## 12. ADJOURNMENT

M/S/C (Alpert/Kelley) ADJOURN THE MEETING. Voice vote. Carried 9-0-0-0.

The meeting adjourned at 9:27 p.m.



Rent Stabilization Board  
Legal Department

DATE: May 18, 2023

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Honorable Members of the LIRA Committee  
By: Matt Brown, General Counsel *MB*  
Hannah Kim, Staff Attorney

SUBJECT: Proposed Amendments to Regulations 525 [Procedure for Challenging Tenant in Occupancy Status], 1205 [Filing the Petition], and 1210 [Notices to Opposing Parties and Board] – First Reading

### **Recommendation**

That the full Board adopt the following proposal to amend Regulations 525,<sup>1</sup> 1205,<sup>2</sup> and 1210<sup>3</sup> to allow for service of various petition documents via email. The LIRA Committee reviewed staff's proposed amendments at their February 6, 2023 committee meeting, and recommended adoption of the attached amendments.

### **Background**

The City Manager, acting as the Director of Emergency Services, declared a local State of Emergency based on COVID-19, which the City Council ratified on March 10, 2020. Staff began remote work and many tenants and landlords more frequently used email for communications with staff and other parties, including submitting petitions and notices pursuant to Regulations 525, 1205, and 1210.

After over three years of such practices, the Rent Board staff concludes that permitting email service pursuant to certain guidelines (e.g. verifying validity of an email address) reflects

<sup>1</sup> Regulation 525 outlines the procedure for challenging tenant(s) occupancy status.

<sup>2</sup> Regulation 1205 outlines the procedure for filing rent increase petitions relating to regulations: 1214, (Advisory Implementation), 1262-1265 (Maintenance of Net Operating Income), 1267 (Capital Improvement), 1268 (Recent Rent Changes), 1269 (Change in Space or Services/Code Violations), 1270 (Increase in Occupancy), 1276 (Debt Service), 1278 and 1278.5 (Restoration of Annual General Adjustment), and 1280 (Historically Low Rent), 702 (Payment of Interest on Security Deposit), 1269 (Change in Space or Services/Code Violations), 1270 (Occupancy Level), 1271 (Overcharges) and Rent Withholding Petitions pursuant to Chapter 15.

<sup>3</sup> Regulation 1210 outlines the procedure for noticing opposing parties as well as the Board.

the Rent Board’s current best practices<sup>4</sup> and should continue irrespective of a State of Emergency based on COVID-19.

A number of other California rent control jurisdictions have similarly changed their regulations and procedures to allow for increased digital communication during the administrative petition process in lieu of requiring only hard copies through personal delivery or U.S. mail.

The LIRA committee reviewed and approved these proposed amendments at its meeting on February 6, 2023.

**Proposed Amendments**

Regulation	Issue	Proposed Fix
525	Reg. 525 does not allow for email service of petitions relating to challenging tenant occupancy status.	Explicitly allow for email service in accordance with Regulations 1205 and 1210.
1205	Reg. 1205 does not allow for email service of rent increase petitions.	Explicitly allow for email service if the serving party confirms the validity of the email address.
1210	Reg. 1210 does not allow for email service of notices to opposing parties and the Rent Board staff.	Explicitly allow for email service unless a party provides notice on a Board-approved form that it declines to receive service in such manner.

***Regulation 525***

Staff recommends amending **Regulation 525(A)** as follows:

“(A) The landlord of any rental unit who seeks a determination that the unit is not being occupied by a tenant in occupancy may file a petition on a form provided by the Board. The petition shall include a brief explanation of the basis for the petition, including a statement that the unit is not occupied by any subtenants. (See Regulation 1013 (O) and California Civil Code Section 1954.53 (d) et. seq. for the status of units occupied by subtenants, where the original occupant(s) no longer permanently reside(s) in the unit.) Proof that the petition has been served on all tenants claiming a right to possession of the unit shall be submitted with the petition. Service shall be *in accordance with Regulations 1205 and 1210* ~~by personal service or service by~~

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<sup>4</sup> Email service allows Rent Board staff to review, respond to, and manage petitions and notices in a much more efficient manner than US Mail alone.

~~mail to the unit and any other address provided to the owner by the tenant in writing.~~ Concurrent with or anytime after the filing of the petition, the landlord may give legal notice of a rent increase that exceeds the limitations of Berkeley Municipal Code Sections 13.76.110 and 13.76.120, however, the noticed increase shall remain inoperative until a decision is rendered on the landlord's petition."

### ***Regulation 1205***

Staff recommends amending **Regulation 1205(A)(3)** to include the following italicized language:

"The landlord shall file with the Board the petition, copies of the documentation required by Regulation 1201 and by the Regulation pursuant to which the Petition is filed, and a proof of service by first-class mail, *by email if the landlord confirms on a Board-approved form that the respondent's email address is valid*, or in person of the petition and documentation on each affected tenant. The landlord may also file an Agreement of Parties and/or Waiver of Right to Hearing."

In addition, staff recommends amending **Regulation 1205(B)(3)** to include the following italicized language:

"The tenant shall file with the Board the petition, copies of the documentation required by Regulation 1201 and by the Regulation pursuant to which the petition is filed, and proof of service by first-class mail, *by email if the tenant confirms on a Board-approved form that the respondent's email address is valid*, or in person of the petition and documentation."

Should the Board adopt these proposed amendments, staff will prepare the Board-approved form, which will be included in the petition packet.

### ***Regulation 1210***

Staff recommends amending **Regulation 1210(A)** to include the following underlined and italicized language:

"Manner of Notice. Notice(s) to opposing parties shall be served by first-class or certified mail, *email*, or by personal service on the party or the party's representative of record. Personal service shall be performed according to state law. Notices to the Board shall include a proof of service that proper notice was given to the opposing parties, by means of a written declaration by the server under penalty of perjury, stating the names and addresses of parties served and the date and manner of such service, *unless service was by email, in which case the parties served may be identified as the recipients in the email header.*"

In addition, staff recommends amending Regulation 1210 to add **Section 1210(D)**, which will state:

“(D) Email. Where the Board or a party is required to serve a document under this Chapter, service may be affected by email delivery unless a party provides notice on a Board-approved form that it declines to receive service by email. A party may not decline to be served by email if the party uses email for serving documents.”

Should the Board adopt these proposed amendments, staff will prepare the Board-approved form, which will be included in the petition packet.

### **Conclusion**

Staff would like to continue use of email service for petitions and certain notices and recommends the above amendments to memorialize current best practices. Staff has also heard from the public that they appreciate the convenience of allowing for more access to the Board’s services through email.

The LIRA Committee reviewed staff’s proposed amendments at their February 6, 2023 committee meeting, and recommended further changes. Legal staff discussed these changes with Hearings Unit staff who have agreed to implement the changes as proposed by the LIRA Committee in the attached amendments.

Proposed Regulations 525, 1205, and 1210 are attached hereto. Additions are underlined. Deletions are marked with strikethrough text.

### **Name and Telephone Number of Contact Person:**

Matt Brown, General Counsel (510) 981-4930  
Rent Stabilization Board

### **Attachments:**

1. Proposed Amendments to Regulation 525
2. Proposed Amendments to Regulation 1205
3. Proposed Amendments to Regulation 1210

525. Procedure for Challenging Tenant in Occupancy Status.

(A) The landlord of any rental unit who seeks a determination that the unit is not being occupied by a tenant in occupancy may file a petition on a form provided by the Board. The petition shall include a brief explanation of the basis for the petition, including a statement that the unit is not occupied by any subtenants. (See Regulation 1013 (O) and California Civil Code Section 1954.53 (d) et. seq. for the status of units occupied by subtenants, where the original occupant(s) no longer permanently reside(s) in the unit.) Proof that the petition has been served on all tenants claiming a right to possession of the unit shall be submitted with the petition. Service shall be ~~by personal service or service by mail to the unit~~ in accordance with Regulations 1205 and ~~any other address provided to the owner by the tenant in writing~~ 1210. Concurrent with or anytime after the filing of the petition, the landlord may give legal notice of a rent increase that exceeds the limitations of Berkeley Municipal Code Sections 13.76.110 and 13.76.120, however, the noticed increase shall remain inoperative until a decision is rendered on the landlord's petition.

(B) Petitions filed under this section shall be expedited so that a hearing on the petition is held within 30 days of filing and a decision rendered within 30 days of the hearing. The parties shall be given at least 15 days notice of the hearing.

(C) Except as provided in subsection (B), proceedings on petitions filed under this section shall be conducted according to all provisions of Chapter 12, Subchapter B. A determination that a tenant is not a tenant in occupancy must be supported by a preponderance of the evidence presented to the hearing examiner. If the owner makes a prima facie showing that the unit is not continuously occupied by the individual as a residence, the burden of proving that the unit is the usual place of return and not a secondary residence or used primarily for commercial, office, or storage, except as provided in Section 524(D), shall shift to the tenant. If the hearing examiner determines that the tenant is not a tenant in occupancy, any rent increase noticed by the landlord shall become effective on the date specified in the notice or the date on which rent is next due following service of the hearing examiner's decision, whichever is later.

[Effective Date: 5/22/03]



## 1205. Filing the Petition

(A) For rent increase petitions, the following procedure applies:

(1) Rent increase petitions may be filed under the following regulations: 1214, (Advisory Implementation), 1262-1265 (Maintenance of Net Operating Income), 1267 (Capital Improvement), 1268 (Recent Rent Changes), 1269 (Change in Space or Services/Code Violations), 1270 (Increase in Occupancy), 1276 (Debt Service), 1278 and 1278.5 (Restoration of Annual General Adjustment), and 1280 (Historically Low Rent).

(2) A copy of the rent increase petition and, except as provided in Regulation 1267 (Capital Improvements), supporting documentation must be served on the tenants of all units affected by the petition.

(3) The landlord shall file with the Board the petition, copies of the documentation required by Regulation 1201 and by the Regulation pursuant to which the Petition is filed, and a proof of service by first-class mail, by email if the landlord confirms on a Board-approved form that the respondent's email address is valid, or in person of the petition and documentation on each affected tenant. The landlord may also file an Agreement of Parties and/or Waiver of Right to Hearing.

(4) Board staff shall review the petition and supporting documentation for conformance to Board regulations and within five working days shall either mail notice of the petition's unacceptability (pursuant to Regulation 1207) to the landlord, or mail Notice to Opposing Parties to the tenants, as provided in Regulation 1210. For petitions filed pursuant to Regulations 1262-1265 (MNOI), the review period shall be 15 working days. If a petition is unacceptable, the landlord may refile at any time but the Board will administratively close the file after fourteen days. Acceptance of a petition by Board staff does not mean that the petitioner has submitted adequate documentation to support a decision in petitioner's favor. A landlord may, at any time prior to submission of the matter for an administrative decision, request that a hearing be held.

(5) The notice to the tenant shall include a notice that the tenant has a right to object to the petition, and that if the tenant does not object within twenty days of the mailing of the notice, or if the tenant's objection does not specify one or more grounds listed in the notice, the rent for the tenant's unit may be increased by the applicable amount, based on the information in the landlord's petition and the Board's files. Failure to file an objection may constitute a waiver of the right to a hearing on objections to the petition.

(6) A hearing shall be held on the petition and objections thereto, in accordance with Regulation 1221, unless no tenant files an objection within the time allowed, the landlord has not requested a hearing and the hearing examiner determines that a decision may be rendered on the petition without hearing live testimony. Notwithstanding any other provision of these regulations, Board staff may, upon notice to all parties, request further documentation and/or schedule a hearing on the petition

(B) For tenant petitions, the following procedure applies:

(1) Tenant petitions may be filed pursuant to Regulations 702 (Payment of Interest on Security Deposit), 1269 (Change in Space or Services/Code Violations), 1270 (Occupancy Level), 1271 (Overcharges) and Rent Withholding Petitions pursuant to Chapter 15.

(2) A copy of the tenant petition and supporting documentation must be served on the petitioner's landlord.

(3) The tenant shall file with the Board the petition, copies of the documentation required by Regulation 1201 and by the Regulation pursuant to which the petition is filed, and proof of service by first-class mail, by email if the tenant confirms on a Board-approved form that the respondent's email address is valid, or in person of the petition and documentation.

(4) Board staff shall review the petition and supporting documentation for conformance to Board regulations and within five working days shall either mail notice of the petition's unacceptability (pursuant to Regulation 1207) to the tenant, or mail notice to the landlord, as provided in Regulation 1210. If a petition is unacceptable, the tenant may refile at any time but the Board will administratively close the file after fourteen days. Acceptance of a petition by Board staff does not mean that the petitioner has submitted adequate documentation to support a decision in petitioner's favor.

(5) The notice to the landlord shall include a notice that the landlord has a right to object to the petition, and that if the landlord does not object within twenty days of the mailing of the notice, or the landlord's objection does not specify one or more grounds listed in the notice, the rent for the tenant's unit may be decreased by the applicable amount, based on the information in the tenant's petition and the Board's files. Failure to file an objection may constitute a waiver of the right to a hearing on objections to the petition

(6) A hearing shall be held on the petition and objections thereto, in accordance with Regulation 1221, unless the landlord does not file objection within the time allowed, the tenant does not request a hearing and the hearing examiner determines that a decision may be rendered on the petition without hearing live testimony. Notwithstanding any other provision of these regulations, Board staff may, upon notice to all parties, request further documentation and/or schedule a hearing on the petition.

(C) The time limits set forth in this section will prevail over any other time limits set out elsewhere in these regulations.

[Amendments effective April 11, 1997, January 8, 2000; amended Sections (A)(3) and (B)(3) to make clear that petitioners need only file the petition and need not file two copies of the documentation required by Regulation 1201 – 9/19/19]

1210. Notices to Opposing Parties and Board

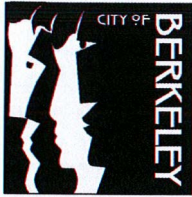
(A) Manner of Notice. Notice(s) to opposing parties shall be served by first-class or certified mail, email, or by personal service on the party or the party's representative of record. Personal service shall be performed according to state law. Notices to the Board shall include a proof of service that proper notice was given to the opposing parties, by means of a written declaration by the server under penalty of perjury, stating the names and addresses of parties served and the date and manner of such service, unless service was by email, in which case the parties served may be identified as the recipients in the email header.

(B) Notice after Petition Filed. The Board shall notify the opposing party(ies) of the filing of a petition and send each opposing party a response form that includes notice that the party has a right to object to the petition, a statement of possible objections, notice that the ~~party~~party's failure to object within the time specified may constitute a waiver of the right to have a hearing on objections to the petition, and a brief description of the hearing process.

(C) Other Notices. The Board shall send a copy of all notices, and parties shall send a copy of all documents or communications filed with the Board after the filing of the initial petition, except for documents or communications which are filed during the hearing or are confidential, to each party.

(D) Email. Where the Board or a party is required to serve a document under this Chapter, service may be affected by email delivery unless a party provides notice on a Board-approved form that it declines to receive service by email. A party may not decline to be served by email if the party uses email for serving documents.

[Amendment to section (B) effective January 8, 2000]



Rent Stabilization Board  
Legal Unit

DATE: May 18, 2023  
 TO: Honorable Members of the Berkeley Rent Board  
 FROM: Honorable Members of the LIRA Committee  
 By: Matt Brown, General Counsel *MBS*  
 Ollie Ehlinger, Staff Attorney

SUBJECT: Proposed amendments to Regulations 883 [Waiver of Penalties and Interest on Delinquent Registration Fees] and 884 [Other Waiver Requests] to streamline the waiver process – Second Reading

### **Recommendation**

That the Board adopt the proposed changes to Regulations 883 and 884 articulated herein. The LIRA Committee reviewed these amendments on April 3, 2023, and voted to recommend their approval to the full Board. The Board voted to adopt these amendments on first reading at its April 20, 2023 meeting.

### **Background**

The Ordinance requires landlords to fully pay annual registration fees on all rental properties on or before July 1 of each year. Following the July 1 deadline, the Board assesses a 100% penalty on all delinquent registration fees.<sup>1</sup> For all delinquent accounts, the Board assesses a further 100% penalty for unpaid registration fees every six months thereafter.

While the Ordinance does not allow the Board to waive the collection of registration fees, it provides broad authority to waive penalties assessed for late payment. The Board adopted Regulations 881, 883, 884, and 885 to govern the waiver process. The Board's goal for the waiver process has historically been compliance rather than punishment. By creating a system where owners with delinquent accounts may come current with fees and penalties without extreme sanction, the Board hopes to incentivize owners to make timely registration fee payments in the future. Moreover, the Board understands that there is a net benefit to having more properties properly registered.

Regulations 883 and 884(C) govern ministerial waivers – waiver requests where, because of the reason for late payment provided by the owner, the regulations empower Rent Board staff to determine the appropriate amount of the penalty to waive. Ministerial waivers include requests for waiver of penalties that arose from staff errors, waiver requests for registration fees the owner pays within 60 days of the due date, waiver requests from new owners of Berkeley rental property, and a catch-all category based on the owner's payment history. Ministerial waivers provide staff a set schedule as a guide to waive various penalties. For instance, Regulation

<sup>1</sup> BMC Section 13.76.080F.

883(D) allows staff to waive 100% of penalties for a previously registered property which Rent Board staff erroneously failed to bill. Regulation 883(H) applies to owners who fully pay their registration fee within a 60-day period after the due date, and provides staff a schedule to waive penalties, based on the owner's payment history.

Regulation 884(B) contains the provisions for discretionary waivers: waiver requests which require Board staff to weigh a list of factors and provide a recommended waiver amount for Board consideration. Regulation 884(B) does not provide staff with guidance on how to weigh each factor when providing a recommendation to the Board. Therefore, when drafting recommendations to the Board for discretionary waivers, staff must undertake a more extensive, holistic review of the property, and in some cases the owner. For instance, Regulation 884(B)(4) states that one of the factors to be considered when evaluating a discretionary waiver is that two or more of the rental units at the property are not available for rent. Regulation 884(B)(4) does not state how unavailable units affect an owner's waiver request or how to evaluate the unavailable units compared to other factors in the regulation.

Once staff receive a waiver, they review the supporting materials to determine if a discretionary category applies to the request. In that case, the staff prepare an analysis of the request under the factors laid out in Regulation 884(B) and make a recommendation to the Board. If no discretionary categories apply to the waiver, the staff investigate the waiver request as a ministerial waiver.<sup>2</sup>

### **Proposed Regulatory Changes**

Rent Board staff has identified a few areas in which the waiver process could be improved to promote fairness and administrative efficiency. First, staff has fielded multiple waiver requests from owners who, upon the denial of an initial waiver, assert new and previously undisclosed grounds for a waiver on a subsequent waiver request. Currently, the Regulations do not contain any clear direction regarding the finality of decisions regarding waivers for the Board or staff. The proposed regulations indicate that waiver determinations are final, and no additional requests for waiver may be submitted for the same penalty.

Second, with the inclusion of Measure MM units in the billing cycle, staff recommends extending the period in which an owner can make full payment for registration fees and request a waiver from 60 days to 90 days. With the increase in units for which the Board currently collects registration fees, registration staff spend much of the month of July processing registration payments. Extending this deadline allows registration staff extra time to thoroughly review all accounts as well as pursue informal collection efforts which often lead to increased compliance without a complicated waiver process.<sup>3</sup>

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<sup>2</sup> In very simple cases where Board staff is able to waive a significant majority or all of the penalty, staff will process the waiver request using the regulatory ministerial relief outlined in Regulation 883. For example, if a landlord has paid the fee late only once in the past six years, staff has the authority to waive 100% of the penalty without having the Board review the application for waiver.

<sup>3</sup> For the last several years, the Board has adopted an amnesty period to allow the staff to work with the landlord community to address delinquent accounts. Adding 30 days to the process outlined in Regulation 883(H) will provide a more workable framework for dealing with these penalties and hopefully increase compliance without

Third, the proposed regulations narrow the scope of factors staff must consider for a discretionary waiver recommendation. To the extent possible, the proposed regulations remove factors from discretionary review and place them into the ministerial review. This allows staff to more quickly review a greater amount of waiver requests. To effectuate this, the proposed regulations create new subsections in Regulation 883.

- Proposed Regulation 883(J) applies to waiver requests filed after the Rent Board has started legal action to collect fees and penalties; the corresponding factor in the current discretionary waiver process is Regulation 884(B)(2). The schedule in this proposed subdivision matches the Board's internal policy for settlement of accounts during a small claims or superior court collection action. Adding this subdivision would prevent a landlord from receiving a larger penalty waiver than what the landlord would be entitled to by settling their court case with the Board.
- Proposed Regulation 883(K) applies to waiver requests filed for a property subject to a rent ceiling reduction or a rent withholding order; the corresponding factor in the current discretionary waiver process is Regulation 884(B)(5). The schedule in this proposed section provides incentives for landlords to quickly comply with hearing orders and encourages compliance with the Ordinance and often times helps to ensure that units are brought to acceptable levels of code compliance with habitability issues.
- Proposed Regulation 883(L) applies to waiver requests for properties with two or more units not available for rent; the corresponding factor in the current discretionary waiver process is Regulation 884(B)(4). The schedule in this proposed section matches staff's current recommendations for units unavailable due to permitted rehabilitation work.

The proposed additions to Regulation 883 also include the introduction of subparagraph numbering for the existing schedules in Regulation 883, in order to improve readability.

Additionally, the proposed regulations remove certain discretionary waiver factors. The Proposed regulations remove current Regulation 884(B)(3), the discretionary waiver factor for a landlord who has tried to perform a no-fault eviction since 1999. Staff's rationale for removing this factor is that this factor requires a search through the eviction history of all a landlord's property since 1999 and creates an administrative burden. Moreover, this provision was first introduced in 2003 when Costa-Hawkins vacancy increases were relatively new and might have been more indicative of a landlord's increased rental income and thus ability to pay a penalty.

The proposed regulations remove current Regulation 884(B)(9) which allows landlords to assert that they have received foreclosure paperwork as good cause for failing to pay their Rent Board registration fees. Staff's rationale for removing this factor is that inclusion of it may incentivize a property owner delinquent on their mortgage payments not to attempt to bring their property accounts current if their mortgage delinquency may be factored against granting them a waiver.

To the extent that these proposed regulations direct more waiver requests into ministerial review

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having to process so many discretionary waiver requests.

with set schedules, the regulations still allow for Board review of waiver requests with unique facts. Proposed Regulation 883(M) allows the Executive Director to deviate from the schedules in subsections (H) through (K) if “the interests of justice require” such modification. Additionally, Proposed Regulation 884(B)(7) allows the Executive Director to suggest a waiver amount for discretionary waivers in the interest of justice, which will provide staff the flexibility needed to address the range of reasons for nonpayment that owners provide.

In circumstances where any of the ministerial categories conflict, the proposed regulation amendments state the Executive Director will apply the greater penalty waiver, which is consistent with the Board’s goal of compliance.

**Conclusion**

This staff report is submitted by the LIRA Committee for the Board’s consideration based on staff review of the waiver process. The proposals are particularly timely in that, if adopted prior to July 1, the regulatory amendments will help guide staff and the Commissioners in processing registration fee penalties that come due for the 2023/2024 Fiscal Year. Staff believe the proposed amendments equitably address the goals of administrative efficiency and fairness to the landlord community while at the same time preserving the Commissioners’ broad authority to address cases that require discretionary review.

Attached is a draft of the proposed amendments to Regulations 883 and 884. Additions are underlined. Deletions are marked by strikethrough.

**Financial Impact**

Unknown. It is anticipated that this proposal will reduce the amount of time staff spends on waivers. These proposed regulatory changes should not significantly impact the amount of penalties the Board or staff waive but will hopefully increase compliance with the Ordinance.

**Name and Telephone Number of Contact Person**

Matt Brown, General Counsel (510) 981-4930

Attachments:

1. Proposed Amendments to Regulation 883
2. Proposed Amendments to Regulation 884

### 883. Waiver of Penalties and Interest on Delinquent Registration Fees

A landlord who is assessed a penalty pursuant to Regulation 881 may request ~~that~~ the Board to waive all or part of the penalty by showing good cause for the delinquent payment. In order to implement the provisions of Section 8(f) of the Rent Stabilization Ordinance, the Board has determined that the following circumstances constitute good cause for waiver of penalties. When substantial delays in billing or delays in reconciling accounts are attributable to City staff, the penalties otherwise due ~~will~~ shall be waived. Additionally, when a landlord discovers that they failed to pay registration fees through their inadvertence and promptly makes full payment of registration fees, penalties may be waived or reduced as set forth in subsections (H)-(L). The Rent Board Executive Director, or his or her designee, is empowered to waive late payment penalties under the following circumstances:

(A) An invalid or erroneous account number was assigned, which resulted in billing errors or improper crediting of payments by the landlord.

(B) The landlord was billed for a fewer number of units because of errors in property records maintained by the City where the error was not attributable to information supplied by the landlord. The penalties are waived only for unbilled units; the billed units should be paid on time.

(C) The billing address of the landlord has not been corrected after the owner had notified the Board in writing of a change of address.

(D) A previously registered property was not billed as a result of staff error.

(E) A property account was erroneously closed for reasons not attributable to the landlord, and the account is subsequently reopened and billed.

(F) The determination of whether or not the property was subject to the Ordinance required an analysis by Rent Board legal staff. Penalties ~~will~~ shall be waived only while the legal opinion is pending. If the landlord raised the issue requiring legal determination, penalties ~~will~~ shall be waived only from the date of the first written contact with the Board in which the issue was raised.

Waiver of penalties ~~will~~ shall not be granted if the legal staff determines that the issue raised is already settled and/or has no substantial merit. If the legal issue was raised by Rent Board staff, the waiver period commences on the date on which the legal opinion was requested by the staff.

In all situations in which a legal opinion was requested, the waiver period terminates when the landlord is notified of the legal determination regarding the status of his/her property.

In all cases in which a waiver is granted pursuant to the provisions of this subsection, penalties ~~will~~ shall again accrue if the bill is not paid within 30 days after the error has been corrected and the landlord has been notified of the determination of the status of his/her property under the



Ordinance.

(G) Other errors in billing or reconciling accounts are directly attributable to Rent Board or City staff.

(H) The late payment of a fee due on July 1st is made, without deliberate delay, by ~~August 30th~~ September 30th of the same year (within ~~60~~ 90 days of the July 1st due date), and all other balances due are paid within that time. In such case, the Executive Director ~~will~~ shall, except as provided in subsection (J) below, waive the penalties based on the landlord's payment history for the property in accordance with the following schedule:

1. For the first late payment within the prior six years, - 100% of penalties waived;
2. For the second late payment within the prior six years, - 90% of penalties waived;
3. For the third late payment within the prior six years - 75% of penalties waived;
4. For the fourth late payment within the prior six years - 55% of penalties waived;
5. For the fifth late payment within the prior six years - 30% of penalties waived;
6. For the sixth late payment within the prior six years - waiver denied.

For the purposes of this subsection (H), "landlord" means the current property owner . However, if the landlord was not a bona fide purchaser for value, this definition includes the immediate predecessor owner.

(I) A new owner with no other residential rental property in Berkeley was unaware of the property registration requirements of the Rent Ordinance and registered the property within 12 months of acquiring title to the property. In such case, the Executive Director ~~will~~ shall, except as provided in subsection (~~J~~M) below, waive the penalties in accordance with the following schedule:

1. The property contains 1 or 2 rental units - 100% of penalties waived;
2. The property contains 3 to 5 rental units - 90% of penalties waived;
3. The property contains 6 to 10 rental units - 75% of penalties waived;
4. The property contains 11 to 20 rental units - 50% of penalties waived;

If a property covered by the above schedule is registered between 12 and 24 months after the new owner acquired title, the percentage of penalties waived ~~will~~ shall decrease by 10%. Waiver requests for new owners of property containing more than 20 units or of properties that were not registered within 24 months of acquiring title ~~will~~ shall be evaluated pursuant to Regulation 884(B).

~~This subsection (I) does not apply if a prior owner incurred penalties that are outstanding and subject to review under any circumstance listed in Regulation 884(B), except subsections 884(B)(5) and (B)(6).~~

(J) The waiver request was filed following the referral to and initiation of legal action by the Rent Board to recover unpaid registration fees. In such case, the Executive Director shall, except as provided in subsection (M) below, waive the penalties in accordance with the following schedule:

1. The waiver request was filed during the period when the property was identified for additional collection efforts by Rent Board staff but prior to the filing of a complaint in small claims or Superior Court- 50% of penalties waived;
2. The waiver request was filed after the filing of a complaint in small claims or Superior Court but before the date of a small claims trial or dispositive motion or hearing- 40% of penalties waived.

(K) Within the past 5 years, as the result of a petition filed by a current tenant at the property or relating to the current tenancy, the Board has reduced the rent ceiling at the property or issued an order to the landlord to register the property. In such case, the Executive Director shall waive the penalties in accordance with the following schedule:

1. The rent ceiling reduction order or order to register is active - waiver denied;
2. The landlord complied with the Board's order within the past year- 40% of penalties waived;
3. The landlord complied with the Board's order greater than one 1 year but less than 3 years before the request - 60% of penalties waived;
4. The landlord complied with the Board's order greater than 3 years but less than 5 years before the request- 80% of penalties waived.

In such cases where there is a dispute regarding compliance with an active rent ceiling reduction order or order to register, the request shall be considered by the Board as a discretionary waiver.

(L) Two or more rental units on the property were not available for rent due to substantial construction or rehabilitation. In such case, the Executive Director shall, upon receipt of proof of such construction or rehabilitation, waive 100% of the penalties for the period in which the units were not available for rent. In order to qualify for this waiver, the construction or rehabilitation must be fully permitted by the appropriate City of Berkeley department.

(M) The payment schedules in subsections (H) and through (L) above shall not apply if the Executive Director, or his or her designee, recommends that the Board review the request under Regulation 884(B) because the interests of justice require that a greater or lesser amount be waived.

(N) If two or more of the above categories apply to a waiver request, the Executive Director shall apply the subdivision which allows for the greater penalty waiver. This subdivision shall not apply to a waiver request that arises under section (K)(1), where the property is subject to an active rent ceiling reduction or rent withholding order.

#### 884. Other Waiver Requests

(A) Waiver requests for good cause that do not meet the criteria enumerated in Regulation 883 ~~will~~ **shall** be referred to the Executive Director for review. The Executive Director, or his or her designee, ~~will~~ **shall** evaluate the request and determine if it should be reviewed ministerially by staff, or on a discretionary basis by the full Board. The Board ~~will~~ **shall** examine whether there is good cause to waive some or all of the penalties. If the landlord's request does not arise under the circumstances set forth in subsections (H) or (I) of Regulation 883, the Executive Director, or their designee, may forward waiver requests to the Board for discretionary review, when the Executive Director recommends that the Board review the request.

The decision the Board reaches for each waiver request shall be final, and the Board shall not further review waiver requests associated with the same penalty.

(B) Discretionary Waivers. The determination of good cause for a waiver of penalties depends on the totality of the circumstances in the following categories:

(1) The good cause asserted in the waiver request is a death or illness in the landlord's family and the landlord provides sufficient documentation to support their request;

~~(2) — The waiver request was filed following the initiation of legal action by the Rent Board to recover unpaid registration fees;~~

~~(3) — Rent Board records indicate that, on or after January 1, 1999, the landlord requesting the waiver had served a notice of termination of tenancy pursuant to Civil Code section 1946, 1946.1, or 1954.535, or a notice of intent to withdraw accommodations pursuant to Berkeley Municipal Code section 13.77.050 (Ellis Act);~~

~~(4) — Two or more rental units at the property for which the waiver is requested are not available for rent;~~

~~(5) — A tenant at the property for which the waiver is requested filed an Individual Rent Adjustment or Rent Withholding petition during the prior five years;~~

~~(6) The landlord requesting the waiver owns or manages 11 or more rental units;~~

~~(7) The landlord requesting the waiver was not the owner of the property when the penalty first accrued;~~

~~(8) The penalty has accrued because registration fees have not been paid for three or more fiscal years;~~

~~(9)~~ A notice of default or notice of sale for the property has been recorded with the county recorder's office pursuant to Civil Code section 2924, within the past five years;

(405) The landlord has paid late each year for the prior five years;

(446) The Executive Director, or his or her designee, recommends that the interests of justice require that a greater or lesser amount be waived.

(427) The property is on the inventory of potentially hazardous soft story buildings, as defined in the Soft Story Ordinance (Berkeley Municipal Code Chapter 19.39), but the landlord is not in compliance with that ordinance. For the purposes of this Regulation, compliance with the Soft Story Ordinance means that the landlord has notified tenants and posted a notice as required by B.M.C. section 19.39.060, and submitted an Initial Screening and seismic engineering evaluation report as required by B.M.C. section 19.39.070, by the applicable deadline under B.M.C. section 19.39.090.

(C) Ministerial Waivers. For all other waiver requests, the landlord's recent payment history ~~will~~ shall determine penalties using the following schedule:

First late payment within the prior five years -	100% of penalties waived;
Second late payment within the prior five years -	80% of penalties waived;
Third late payment within the prior five years -	60% of penalties waived;
Fourth late payment within the prior five years -	40% of penalties waived.
Fifth late payment within the prior five years -	the waiver request <del>will</del> shall be decided by the full Board in accordance with Regulation 884(B)(10).

(D) For the purposes of this Regulation 884, "landlord" means the current property owner. However, if the landlord was not a bona fide purchaser for value, this definition includes the immediate predecessor owner.

(E) Where a waiver of penalties paid to the Board is granted in whole or in part, the amount of the waiver ~~will~~ shall be credited to the landlord's account to offset future registration fees unless the Executive Director, upon written request of the landlord, determines that there is good cause to issue a refund.

(F) A waiver of penalties granted under this regulation is conditional upon payment of the balance due within the time period designated by the Executive Director or the full Board.

[Amended February 5, 1999; amended August 21, 2000 by changing the initial review of

requests for waiver of late registration penalties from a Board Commissioner to a Hearing Examiner and setting forth grounds for waiver of late registration penalties as listed in A through F; amended June 24, 2003, eliminating former A – F and adding (B) 1 - 8 and various other changes; amended December 13, 2010, by clarifying the Executive Director's role in (A), eliminating service of a 3-day notice as triggering a discretionary waiver in (B) 3, adding (B) 9 – 11, establishing a new schedule in (C), defining landlord for this regulation in (D), and making various other changes. Amended July 30, 2012 by adding subsection (12) to Section (B), which adds compliance with Soft Story Ordinance as criterion for discretionary waiver requests.]



**Brian Augusta & Associates**

1107 9<sup>th</sup> Street, Suite 1011  
Sacramento, CA 95814

To: Commissioners, Berkeley Rent Stabilization Board  
DéSeana Williams, Executive Director  
Matthew Brown, General Counsel

From: Brian Augusta

Date: April 27, 2023

**Re: State Legislative Report for the May 2, 2023 Rent Board LIRA Committee Meeting**

This week the legislature reached one of the first major deadlines of the legislative year, the deadline for all bills that have any fiscal impact to clear all policy committees to which they have been referred. Many did, some with significant amendments. Those that failed to clear committee are now two-year bills and can be revisited in January of next year.

The memo that follows is an updated summary of each of the bills presented to the Board at its last meeting, with two adjustments. First, any bills that the board has already taken a position on are not described here. In addition, those bills that are now two-year bills are listed as such at the end of the memo.

## **Selected Bills of Interest**

### **Landlord-Tenant**

#### **AB 894 (Friedman) - Shared Parking**

*Awaiting hearing in Asm. Appropriations*

This bill would require local governments to allow shared parking and all shared parking to count towards meeting any required parking minimums for a development project. The bill additionally requires jurisdictions and landowners to study the feasibility of using shared parking when a development uses state funds or prior to a parking lot being developed with public funds.

#### **AB 1317 (Wendy Carrillo) - Unbundling Parking Charges from Rent**

*Pending on the Assembly Floor*

This bill would require that for housing with more than 15 units constructed after January 1, 2025, landlords must charge tenants for parking separately from the rent or, where that is not possible, to annually itemize the cost of rent and parking separately.

**SB 267 (Eggman) - Use of Credit History for Tenants with Rental Subsidy**

*On the Sen. Appropriations suspense file*

For any tenancy where there is a governmental rent subsidy, this bill would require that if the landlord assesses the tenant's credit history as part of the application process the landlord must allow the tenant the option of providing alternative evidence of "financial responsibility and ability to pay." If the tenant elects the alternative method, the landlord must use that evidence in lieu of the tenant's credit history.

**SB 395 (Wahab) - Statewide eviction and rent increase database**

*Hearing set for Sen. Appropriations on Monday, May 1, 10 a.m.*

Beginning January 1, 2025 would require any notice of termination or rent increase to be filed with HCD within 10 days of being served on the tenant, and require HCD to establish a database to make the information publicly available, while anonymizing any information that could identify an individual tenant.

**SB 352 (Padilla) - Minimum Wage to Afford Housing**

*Hearing in Sen. Appropriations not scheduled yet*

Requires the California Workforce Development Board, in conjunction with HCD and the state Secretary of Labor, to recommend to the Legislature each year the minimum wage for a full-time worker to afford housing in each county.

## **Fair Housing**

**AB 920 (Bryan) - Housing Status as a Protected Class**

*On the Asm. Appropriations suspense file*

This bill would add housing status as a protected class under the state Fair Employment & Housing Act (FEHA).

**SB 16 (Smallwood-Cuevas) - Local Enforcement of FEHA**

*On the Sen. Appropriations suspense file*

This bill would allow cities and counties to enforce the state Fair Employment and Housing Act.

## **Housing Development Approvals**

**AB 1218 (Lowenthal) - Replacement Housing/Relocation Assistance Requirements**

*Awaiting hearing in Asm. Appropriations*

This bill would make changes to the existing framework requiring the replacement of certain housing units and relocation assistance for certain displaced occupants as a condition of approval of development projects.

**SB 4 (Wiener) - Affordable Housing By Right on Faith and University Land**

*Awaiting hearing in Sen. Appropriations*

This would make 100% affordable housing (for lower-income households) a use by right on land owned by faith institutions and private colleges and universities.

**SB 423 (Wiener) - SB 35 Sunset Removal**

*Awaiting hearing in Sen. Appropriations*

This bill would remove the sunset on SB 35, increase labor standards for affordable housing projects and reduce them for market-rate projects, and allow SB 35 streamlining for all projects with at least 10% lower-income units if a jurisdiction does not have a compliant housing element.

## **Housing Finance**

**AB 309 (Lee) - Social Housing**

*Awaiting hearing in Asm. Appropriations*

This bill would define social housing and state the intent of the Legislature to pass subsequent legislation to "address the shortage of affordable homes by developing housing for people at all income levels."

**AB 1657 (Wicks) - Affordable Housing Bond**

*Awaiting hearing in Asm. Appropriations*

Puts a bond of an unspecified amount on the November 2024 ballot to fund various affordable housing programs.

**SB 469 (Allen) - Article 34 Exemptions**

*Hearing set for May 1 in Senate Appropriations*

Exempts all HCD funding programs and Low-Income Housing Tax Credit (LIHTC) projects from triggering Article 34.

**SB 555 (Wahab) - Social Housing**

*Awaiting hearing in Sen. Appropriations*

This bill would define social housing in state law, set statewide social housing goals, establish a Social Housing Fund, and require HCD to prepare a social housing plan.

**Two-Year Bills**

These bills are no longer moving this year. They have an opportunity to move forward in January of next year.



**AB 485 (Davies) - Tenant Credit Report**

This bill would require a landlord to provide a prospective tenant with a copy of their credit report within 24 hours after receipt, if requested by the prospective tenant.

**AB 500 (Davies) - Electronic rent increase notice.**

Allows landlords to notify tenants of rent increases electronically.

**SB 460 (Wahab) - Fair Chance Housing**

This bill would prohibit a landlord from inquiring about a prospective tenant's criminal history, except as provided by criminal law, or use of the state's sex offender registry.

**AB 1035 (Muratsuchi) - Limits on Rent Increases in Mobilehome Parks**

Under this bill that would apply statewide, mobilehome park space rent increases would be limited to 5% per year. Also, vacancy control would be put in place, unless a new mobilehome is placed on the space.

**SB 863 (Allen) - Tenant Protection Act**

This bill would give tenants protected under the Tenant Protection Act at least 7 days to cure a lease violation prior to being served a 3-day notice to quit.

**AB 1532 (Haney) - By Right Approval for Office to Housing Conversions**

Requires by right approval for office to housing conversions anywhere, regardless of zoning, as long as the project includes 10% of units for low- or moderate-income households.



Rent Stabilization Board  
Office of the Executive Director

DATE: May 18, 2023

TO: Honorable Members of the Rent Stabilization Board

FROM: Honorable Members of the Budget & Personnel Committee  
By: DéSeana Williams, Executive Director

SUBJECT: Adding Assistant Management Analyst Position to Staffing Model

### **Background**

The Finance Director started on April 17, 2023, and is moving forward with developing a staff and implementation plan for the new Finance Unit. Staff has prioritized hiring a new Assistant Management Analyst position to ease the transition of duties and realign financial activities for the agency. The proposed Assistant Management Analyst position will provide generalized fiscal support in procurement, contracting, systems management, data analysis, and reporting.

Staff has consulted with the Human Resources Department to best align the current framework for the Finance Unit with an existing job classification. Staff previously proposed the Accounting Technician position; however, after further analysis, Staff recommends that the Board approve the new Assistant Management Analyst position. This position is typically responsible for supporting budget development and performing technical and administrative work, which more closely aligns with the proposed plan to centralize financial duties, develop fiscal policies, establish uniform and consistent practices, and perform adequate checks and balances.

The salary for the Assistant Management Analyst position ranges between \$80,724 - \$95,284 Annually. The complete class specification is attached.

The Budget & Personnel Committee reviewed the status of the agency's staffing model and considered the need to add an Assistant Management position at their May 4, 2023 meeting.

### **Recommendation**

The Budget & Personnel Committee and Executive Director recommend that the Board adopt Resolution 23-12 authorizing the addition of a 1.0 FTE Assistant Management Analyst to the agency's staffing model.

2125 Milvia Street, Berkeley, California 94704

TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4940  
E-MAIL: [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info) ○ □INTERNET: [www.cityofberkeley.info/rent/](http://www.cityofberkeley.info/rent/)

**Financial Impact**

Staff project that adding an Assistant Management Analyst will cost \$160,000 in salary and benefits for FY 2023/24. There are sufficient funds in FY 2023/24 budget to cover the costs for this position for the next fiscal year.

**Name and Telephone Number of Contact Person:**

DéSeana Williams, Executive Director      (510) 981-7368

Attachments:

1. Assistant Management Analyst Class Specification

## **RESOLUTION 23-12**

### **ADJUSTING THE FISCAL YEAR 2022-2023 STAFFING MODEL TO ADD A NEW ASSISTANT MANAGEMENT ANALYST POSITION**

**BE IT RESOLVED** by the Rent Stabilization Board of the City of Berkeley as follows:

**WHEREAS**, at its regular meeting on October 20, 2022, the Rent Stabilization Board adopted a staffing model for fiscal year 2022-23 that maintains a staffing level of at least 26.0 career Full-Time Equivalents (FTEs); and

**WHEREAS**, the Budget and Personnel Committee and the Executive Director continuously monitor the agency's staffing model and the overall capacity throughout the fiscal year; and

**WHEREAS**, the Budget & Personnel Committee has supported the Executive Director's recommendation to create a new Finance Unit responsible for all of the agency's financial and budgetary duties, which has been historically spread between several different work units; and

**WHEREAS**, the Budget & Personnel Committee supports the Executive Director's recommendation to create a new Assistant Management Analyst position to perform essential fiscal duties for the new Finance Unit; and

**WHEREAS**, the Budget & Personnel Committee and Executive Director have determined, after consulting with staff in the Human Resources Department, that the Assistant Management Analyst classification can best support the Finance Unit in procurement, contracting, systems management and reporting; and

**WHEREAS**, after reviewing the recommendation of the Budget & Personnel Committee and the Executive Director, the Board believes that it is necessary to add a new Assistant Management Analyst position and increase the overall staffing level to at least 27.0 career Full-Time Equivalents (FTEs), and

**RESOLUTION 23-12**

**ADJUSTING THE FISCAL YEAR 2022-2023 STAFFING MODEL TO ADD AN ASSISTANT MANAGEMENT ANALYST POSITION (Page 2)**

**WHEREAS**, the addition of an Assistant Management Analyst position projects to cost the agency up to \$160,000 in salary and benefits for the fiscal year 2023-24, and there are sufficient funds in the FY 2023/24 budget to cover these projected costs.

**NOW, THEREFORE, BE IT RESOLVED** that the addition of an Assistant Management Analyst position and the adjustment of the agency’s overall staffing level to 27.0 FTEs is hereby adopted for Fiscal Year 2022-2023.

Dated: May 18, 2023

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director



# Assistant Management Analyst

Class Code:  
2038

Bargaining Unit: Service Employees  
International Union, Local 1021 (Comm Svcs  
& PT Rec Leaders)

CITY OF BERKELEY  
Established Date: Oct 7, 2008  
Revision Date: Oct 7, 2008

## SALARY RANGE

\$38.81 - \$45.81 Hourly  
\$3,104.80 - \$3,664.80 Biweekly  
\$6,727.07 - \$7,940.40 Monthly  
\$80,724.80 - \$95,284.80 Annually

## DESCRIPTION:

### DEFINITION

Under immediate supervision, performs responsible administrative, systems, statistical and other management analyses in support of departmental or division activities and functions; makes recommendations for action and assists in policy, procedure and budget development and implementation; performs related work as assigned.

### CLASS CHARACTERISTICS

This is the entry level in the professional Management Analyst series. The duties of this class involve beginning to moderately difficult professional staff work to relieve a superior who heads a major line or staff function of administrative and management details. Specific to general instructions are given on the scope and method of completing assignments, and work is subject to periodic review by supervisors for completeness and accuracy. Incumbents may supervise a small clerical unit. Emphasis in assignments is upon gathering, arranging and analyzing data, defining problems and their sources, creating proposals for improvements or solutions to problems and assisting in implementation of decisions reached. This class differs from that of higher level Management Analyst classes in that it is the beginning level class, and assignments and work performed are supervised more closely, are not as difficult and complex, and do not require the knowledges as those performed by the latter.

## EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Performs administrative research, gathers material and data for reports, and assists in the preparation of narrative, charts, graphs, and tables;
2. Performs the less complex technical and administrative work involved in managing meetings and conferences such as agenda preparation;
3. Assists with the analyses and revision of administrative procedures, forms and reports to increase their effectiveness; supervises conformance with administrative procedures;
4. Answers inquiries received in person, by telephone, electronic mail or correspondence; investigates and resolves complaints referring more difficult and complex complaints to appropriate superiors;
5. Composes correspondence and prepares reports; writes public relations material; assists in the preparation of the annual report and similar publications;
6. Assists in the preparation of grant applications to secure federal, state or private funds, and conducts follow up in monitoring report procedures to assure compliance with grant reporting requirements, gathers data to assist in the evaluation of various grant programs;
7. Represents his/her superior at meetings with other divisions, departments, commissions, other public agencies, civic groups, private organizations and the general public;
8. Assists in the analysis and evaluation of budget and purchase requests; performs less complex work involved in budget preparation;
9. Acts in the absence of his or her superior on routine matters;
10. May supervise and review the work of clerical or subordinate staff;
11. Conducts a variety of management studies, i.e., work flow, leading to work simplification and greater operating efficiency;
12. Utilizes a variety of computer applications commonly found in a modern office environment, including standard desktop office applications such as the Microsoft Office Suite; and specific enterprise-wide applications such as FUND\$, fiscal/budget, content management, and resource databases; and
13. Performs related duties as assigned.

## **KNOWLEDGE AND ABILITIES:**

Note: The level and scope of the knowledges and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Principles, practices and methods of administrative and organizational analysis;
2. Public administration principles and practices;
3. Business computer applications related to the work such as Microsoft WORD, Excel, Access, PowerPoint; and related programs and systems;
4. Financial/statistical/comparative analysis techniques and formulae;

5. Basic budgetary principles and practice; and

6. Basic supervisory principles and practices.

Skill in:

1. Analyzing administrative, operational and organizational problems, evaluating alternatives and reaching sound conclusions;

2. Collecting, evaluating and interpreting varied information and data, either in statistical or narrative form;

3. Interpreting and applying laws, regulations, policies and procedures;

4. Preparing clear, concise and complete reports and other written materials;

5. Maintaining accurate records and files;

6. Operating a computer with proficiency and familiarity;

7. Directing the work of others on a project day-to-day basis;

8. Coordinating multiple projects and meeting critical deadlines;

9. Exercising sound independent judgment within established guidelines;

10. Establishing and maintaining effective working relationships with those contacted in the course of the work; and

11. Communicating effectively orally and in writing.

## **MINIMUM QUALIFICATIONS:**

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS: Equivalent to graduation from a four-year college with major coursework in business or public administration or a closely related field. Responsible office or program administrative or similar sub professional work may be substituted for the education on a year for year basis.

### **SPECIAL STATUS**

Positions in the City Manager's office are exempt from the regular career service and the incumbent will hold regular "at will" status.

### **OTHER REQUIREMENTS**

Specified positions may require possession of a valid California driver's license and a satisfactory driving record.

## **CLASSIFICATION HISTORY:**

Established: 1988-11-01



Revised: 2007-02-01



Rent Stabilization Board

## The Berkeley City Council has placed end dates on the COVID-19 Eviction Moratorium!

The Berkeley City Council has made two important changes to the Eviction Moratorium (BMC Chapter 13.110) that you should know about.

### The “Covered Period” Is Extended Through April 30, 2023

- During this period, landlords may only evict tenants to ensure the health and safety of other residents.
- Unpaid rent that accrues at any point during the Covered Period may not be used as the basis to evict a tenant following the expiration of that period.

### A New “Transition Period” Covers May 1 – August 31, 2023

During the Transition Period, landlords may evict tenant households for three reasons:

1. To ensure the health and safety of other residents at the property.
2. To perform an Owner Move-in eviction if they own only one residential property in Berkeley.
3. For nonpayment of rent that came due May 1 through August 31, 2023, unless the tenant provides documentation of a COVID-related reason for nonpayment.

A COVID-related reason for nonpayment of rent includes at least one of the following:

- A decrease in income caused by COVID-19 or any government response to COVID-19.
- Material decrease in household income due to caregiving responsibilities.
- Material out-of-pocket medical expenses due to COVID-19.
- A reduction in the number of tenants in a residential unit.



After August 31, 2023, a landlord may be able to use any unpaid rent that accrues during the Transition Period to begin an eviction lawsuit. Tenants are strongly encouraged to apply for all available rental assistance as soon as possible if they have a COVID-related reason for nonpayment.

*Starting September 1, 2023, all eviction protections arising from COVID-19 will have expired.* State law and the good cause for eviction provisions of the Rent Stabilization Ordinance will again regulate terminations of tenancy and evictions from that point forward.

Please visit the Rent Board’s COVID-19 webpage for more, including information about rent relief: [www.tinyurl.com/rsbcovidinfo](http://www.tinyurl.com/rsbcovidinfo). See the back side of this mailer for an infographic explaining the Transition Period.

# Eviction Moratorium

UNDERSTANDING THE 'TRANSITION' PERIOD

**MAY 1, 2023 - AUGUST 31, 2023**



## Some Evictions Permitted

An owner may evict a tenant for the following reasons:

- The eviction is necessary to stop an imminent threat to the health and safety of other occupants.
- A qualifying owner intends to move into a residential unit as their own primary residence.
- The tenant has failed to pay rent that came due on or after May 1, 2023 and did not provide the owner with a documented COVID-related reason for failing to pay.



## A COVID-related reason for failing to pay rent is:

- A decrease in income caused by COVID-19 or any government response to COVID-19.
- Material decrease in household income due to caregiving responsibilities.
- Material out-of-pocket medical expenses due to COVID-19.
- A reduction in the number of tenants in a residential unit due to COVID-19.



## Notice Requirements

Any notice to terminate a tenancy for nonpayment of rent must inform the tenant of their right to submit documentation establishing a COVID-related reason for the failure to pay rent.

Tenant must provide a declaration and/or any documentation regarding their COVID-19 related reason for failing to pay rent before the expiration of any notice to terminate the tenancy.



## Rent Relief

The Eviction Defense Center (EDC) has funding from the City of Berkeley to assist Berkeley tenants with rent relief. Please contact the EDC at (510) 452-4541.

**Housing Retention Grants webpage:** [www.tinyurl.com/housing-grants](http://www.tinyurl.com/housing-grants)



## Speak to a Housing Counselor

Contact us with questions about your rights and responsibilities. Counselors cannot give legal advice.

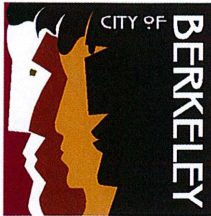
**Phone:** 510-981-7368 **Email:** [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info)

**Make an Appointment:** [www.tinyurl.com/rsbappointment](http://www.tinyurl.com/rsbappointment)



## More information available online!

**Rent Board COVID-19 Resources webpage:** [www.tinyurl.com/rsbcovidinfo](http://www.tinyurl.com/rsbcovidinfo)



Rent Stabilization Board

April 24, 2023

The Honorable Mia Bonta  
 California State Assembly  
 1021 O Street, Room 5620  
 Sacramento, CA 94249-0018

RE: AB 846 – SUPPORT

Dear Assemblymember Bonta,

The City of Berkeley Rent Stabilization Board is pleased to support AB 846, your bill to protect low-income renters from unpredictable and potentially significant rent spikes by capping annual rent increases for properties funded through the Low-Income Housing Tax Credit (LIHTC) program. This is a much-needed improvement to LIHTC, the state’s primary funding source for lower-income housing.

Federal law establishes a maximum rent for LIHTC units that is 30% of the area median income (AMI) for the income category the unit is deed-restricted to serve, adjusted for household size based on an assumption of 1.5 persons per bedroom. As a result of this formula-based approach, people in LIHTC units often pay more than 30% of their income in rent, the generally accepted standard for “affordable,” from the start of their tenancy. Further, whenever AMIs rise, property owners are free to raise rents to the new maximum, regardless of whether a tenant’s income has also risen and regardless of how much of a rent increase that may mean. Because of this, over time, LIHTC tenants can become severely rent-burdened (i.e., paying over 50% of their income in rent) despite living in “affordable” housing.

While California law caps annual rent increases in some multifamily properties, residents in LIHTC properties are excluded from that cap. AB 846 will limit annual rent increases in LIHTC properties to ensure that tenants have more predictability and less likelihood of becoming severely rent burdened. A growing number of states, including Alabama, Idaho, Michigan, Minnesota, Montana, New Jersey, Oregon, Pennsylvania, and Wisconsin, limit LIHTC rent increases in some way. The Biden administration recently challenged other states to adopt similar policies as part of its Resident-Centered Housing Challenge to promote fairness and transparency in the rental market.

Thank you for authoring this important bill. We look forward to working with you and your staff to ensure its enactment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Leah Simon-Weisberg".

Leah Simon-Weisberg, Chair  
 City of Berkeley Rent Stabilization Board



**RENT STABILIZATION BOARD**  
**BUDGET & PERSONNEL COMMITTEE MEETING**

**Thursday, May 4, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, 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/89475306218?pwd=SlDDQjVWNEhndk40T2QyVGt1NzZCQT09>. If you do not wish your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself as 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: 894 7530 6218 and Passcode: 996254. 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 [amueller@cityofberkeley.info](mailto:amueller@cityofberkeley.info) with the Subject line in this format: "PUBLIC COMMENT ITEM FOR BUDGET & PERSONNEL 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 3:30 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.



**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.

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**RENT STABILIZATION BOARD**  
**BUDGET & PERSONNEL COMMITTEE MEETING**

**Thursday, May 4, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

**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 agenda
4. Public Comment
5. Approval of February 22, 2023, meeting minutes (attached to agenda)
6. Synthesia Digital Video Education Demonstration
7. Discussion and possible recommendation for Board and Staff attendance at the Annual Local Progress Convention
8. Funding of the Low-Income Tenant Pass-through Reimbursement Program (See attached Presentation)
9. Update, Discussion, and Possible Action on the Current Staffing Model and Recommendation to add a 1.0 (FTE) Staff Position (see attached report)
10. 3<sup>rd</sup> Quarter Fiscal Year 2023 Budget Update (See attached spreadsheet)
11. Discussion and Possible Action on Fiscal Year 2023/24 Budget Process (See attached Committee Timeline)
12. Office Relocation Process Update (verbal report only)
13. Future agenda items
14. Discussion and possible action to set the next meeting
15. Adjournment

**STAFF CONTACT: DéSeana Williams, Executive Director (510) 981-7368**  
COMMITTEE: Soli Alpert, Nathan Mizell, Leah Simon-Weisberg, Dominique Walker (Chair)



**RENT STABILIZATION BOARD**  
**LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING**

**Tuesday, May 2, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

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To submit an e-mail comment for the Committee's consideration and inclusion in the public record, email [mbrown@cityofberkeley.info](mailto:mbrown@cityofberkeley.info) with the Subject line in this format: "PUBLIC COMMENT ITEM FOR LIRA 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 3:30 p.m. on the day of the Committee meeting in order to be included.**

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Rent Stabilization Board

## **RENT STABILIZATION BOARD**

### **LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING**

**Tuesday, May 2, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

### **AGENDA**

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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 from the April 3, 2023 meeting (Attached to agenda)
5. Public Comment
6. Discussion and possible action regarding sanction options for failure to produce Vacancy Registration Forms for current tenancies (See attached staff report)
7. Discussion and possible action regarding recommending that the full Board take positions on various state legislative bills (See attached staff report)
8. Discussion and possible action regarding future agenda items
  - ➔ Expansion or extension of certain City services to all residents (Commissioner Kelley)
  - ➔ Potential Rules and/or Regulations for digital or keyless entry (Commissioner Kelley)
  - ➔ Potential Regulation regarding Occupancy Subleases (Commissioner Johnson/Alpert)
  - ➔ Inventory of Proposed Amendments to the Ordinance (Commissioner Alpert)
  - ➔ Potential items for the 2024 ballot initiatives (Commissioner Alpert)
9. Confirm next meeting date
10. Adjournment

**STAFF CONTACT: Matt Brown, General Counsel (510) 981-4930**  
**COMMITTEE:** Soli Alpert, Andy Kelley (Chair), Ida Martinac, Nathan Mizell





**RENT STABILIZATION BOARD**  
**OUTREACH COMMITTEE MEETING**

**Monday, May 8, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, 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.

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**To join by phone:** Dial 1-669-900-6833 and enter Webinar ID: 824 4043 3351 and Passcode: 591949. 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 [ndahl@cityofberkeley.info](mailto:ndahl@cityofberkeley.info) with the Subject line in this format: “PUBLIC COMMENT ITEM FOR OUTREACH 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 3:30 p.m. on the day of the Committee meeting in order to be included.**

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**COMMUNICATION ACCESS INFORMATION:**

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Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**OUTREACH COMMITTEE MEETING**

**Monday, May 8, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

**AGENDA**

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 Chochoeny (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 (2 min)
4. Approval of the Minutes of the April 10, 2023 Meeting (5 min)
5. Public Comment (5 min)
6. Outreach Efforts Related to Transition and End of Eviction Moratorium (15 min)
7. Review of RSB Agency-Wide Outreach Plan and Budget from 2017-2018 (20 min)
8. Next Meeting Scheduled for June 12, 2023 (2 min)
9. Future Agenda Items: (5 min)
  - Eviction Moratorium Outreach Efforts
  - Review of Draft Data Results from Tenant Survey – June Meeting
  - 2022 Counseling Data (calls, emails, appts. counseling cases) – July Meeting
  - Rent Board Outreach Activities and Metrics Tracking – July Meeting
  - Exploring Costs of Ads (Bart, Bus)
  - Exploring Costs of Digital Ads and Robo Calls for landlines.
10. Announcements (5 min)
11. Adjournment (2 min)

**STAFF CONTACT: Nathan Dahl, Public Information Unit Manager (510) 981-4935**

**COMMITTEE:** Soli Alpert (Chair), Stefan Elgstrand, Andy Kelley, Vanessa Marrero



4x4 Joint Task Force Committee on Housing  
City Council and Rent Board

**4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING  
CITY COUNCIL/RENT STABILIZATION BOARD**

**Tuesday, May 2, 2023 – 3:00 p.m.  
2180 Milvia Street, 1<sup>st</sup> Floor, Cypress Room, Berkeley**

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL  
WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.**

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**To join by phone:** Dial 1-669-254-5252 and enter Webinar ID: 161 935 9698 and Passcode: 435279. 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 a written communication for the Committee's consideration and inclusion in the public record, email [btran@cityofberkeley.info](mailto:btran@cityofberkeley.info) with the Subject line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 COMMITTEE." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 1:00 p.m. on the day of the Committee meeting in order to be included.**

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4x4 Joint Task Force Committee on Housing  
City Council and Rent Board

## AGENDA

### **4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD**

**Tuesday, May 2, 2023 – 3:00 p.m.**

**2180 Milvia Street, 1<sup>st</sup> Floor, Cypress Room, Berkeley**

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 (Huchiu-(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. Public comment on non-agenda matters
5. Approval of February 15, 2023 Committee meeting minutes (see attachment)
6. Discussion regarding outreach to property owners and tenants on the Eviction Moratorium (requested by Mayor Arreguín)
7. Discussion and possible recommendations regarding the Housing Retention Program (staff from the Eviction Defense Center)
8. Discussion regarding the approval process for messages in the City of Berkeley's Newsletter, such as the recent message to promote short-term rentals (requested by Councilmember Hahn)
9. Quick updates on previously discussed items
  - a. Tenant Habitability Plan (Mayor Arreguín)
10. Discussion of possible future agenda items
11. Confirm next meeting date
12. Adjournment

COMMITTEE MEMBERS:

Mayor Jesse Arreguín  
City Councilmember Sophie Hahn  
City Councilmember Kate Harrison  
City Councilmember Rigel Robinson

Rent Board Chairperson Leah Simon-Weisberg  
Rent Board Commissioner Xavier Johnson  
Rent Board Commissioner Vanessa Danielle Marrero  
Rent Board Commissioner Dominique Walker



4x4 Joint Task Force Committee on Housing  
City Council and Rent Board

## 4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD

Wednesday, February 15, 2023 – 3:00 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 Rent Board Resolution 21-29, this meeting of the City Council and Rent Stabilization Board's **4 x 4 Joint Task Force Committee on Housing** (Committee) 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/83758415401?pwd=TVdxY2xwUkRnVHFzTIIXK21Yb3JPZz09>. 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: 837 5841 5401 and Passcode: 702926. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Committee Chair.

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4x4 Joint Task Force Committee on Housing  
City Council and Rent Board

## 4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD

Wednesday, February 15, 2023 – 3:00 p.m.

### Minutes to be Approved

1. Roll call: Chair Simon-Weisberg called the meeting to order at 3:04 p.m.  
Present: Mayor Arreguín, CM Hahn, CM Harrison, RBC Johnson, RBC Marrero, RB Chair Simon-Weisberg, RBC Walker.  
Absent: CM Robinson.  
Staff present: Matt Brown, Steve Buckley, Lief Bursell, Nate Dahl, Brendan Darrow, Ollie Ehlinger, Stefan Elgstrand, Margot Ernst, Jen Fabish, Andy Kelley, Jordan Klein, Chris Naso, Be Tran, Jennifer Vasquez, DéSeana 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 (Huchiuñ-(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 the agenda: M/S/C (Johnson/Harrison) Approve the agenda as written. Roll call vote. YES: Arreguín, Hahn, Harrison, Johnson, Marrero, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Robinson. Carried: 7-0-0-1.
4. Public comment on non-agenda matters: There was one speaker.
5. Approval of February 1, 2023 Committee meeting minutes (see attachment): M/S/C (Arreguín/Johnson) Approve the minutes as written. Roll call vote. YES: Arreguín, Hahn, Harrison, Johnson, Marrero, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Robinson. Carried: 7-0-0-1.

6. Discussion and possible action regarding the expiration of the Eviction Moratorium and amendments to the COVID-19 Emergency Response Ordinance (requested by Mayor Arreguín, see attached BMC 13.110): The committee had an extensive discussion. There were six public speakers.

M/S/C (Arreguin/Harrison) Recommend that (1) Council consider at its February 28 meeting extending the covered period under the existing Emergency Ordinance for at least an additional 60 days to align with Alameda County; (2) Council consider additional legislation to extend the covered period until September 1, 2023, during which time: Owner Move-In evictions would be allowed in cases where the owner owns only one rental property in the City of Berkeley, and reflecting the language CM Harrison put into the record; other no-fault evictions would be prohibited; evictions in cases where the tenant is still impacted by a protected COVID-19 reason would be prohibited. **Friendly amendment by Hahn**

**(accepted):** Recommend that Council and the Rent Board make budget referrals to fund expanded outreach, increase counseling and legal aid, and increase housing retention funding. **Friendly amendment by Simon-Weisberg (accepted):** Tenants who can't pay rent due to rent increases will also be eligible for housing retention funds. Roll call vote. YES: Arreguín, Hahn, Harrison, Johnson, Marrero, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Robinson. Carried: 7-0-0-1.

7. Discussion and possible recommendations on a moratorium on rent increases (requested by Chair Simon-Weisberg): Chair Simon-Weisberg noted that her friendly amendment to the motion for item 6 addressed this issue, so the committee moved on to item 8 without discussing this item.

8. Discussion and possible recommendations to City Council regarding amendments to the Demolition Ordinance (Steve Buckley, Planning Department, see attached February 1, 2022 staff report to the Planning Commission): Chair Simon-Weisberg presented and answered questions from committee members. There were three public speakers.

M/S/C (Simon-Weisberg/Harrison) Recommend that Planning Department staff, Rent Board staff, the City Attorney's Office, and other necessary City staff review Chair Simon-Weisberg's proposal for a hybrid Below Market Rate/rent control model for replacement units as presented at the meeting, and report back to the committee with their analysis. Further recommend that review of proposed changes to the Demolition Ordinance not advance to other commissions/Council until the 4x4 has the opportunity to propose additional changes. Roll call vote. YES: Arreguín, Hahn, Harrison, Johnson, Marrero, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Robinson. Carried: 7-0-0-1.

9. Discussion of possible future agenda items: The Demolition Ordinance is a priority for the next meeting. Other items to discuss in the future include the Short-Term Rentals Ordinance, and the Elevator Ordinance.
10. Confirm next meeting date: The committee agreed to tentatively hold the 4<sup>th</sup> Thursday in March for the next meeting, but will work with committee staff to finalize a meeting date.
11. Adjournment: M/S/C (Johnson/Harrison) Adjourn the meeting. Roll call vote. YES: Arreguín, Hahn, Harrison, Johnson, Marrero, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Robinson. Carried: 7-0-0-1.

The meeting adjourned at 5:09 p.m.

COMMITTEE MEMBERS:

Mayor Jesse Arreguín  
City Councilmember Sophie Hahn

Rent Board Chairperson Leah Simon-Weisberg  
Rent Board Commissioner Xavier Johnson



City Councilmember Kate Harrison

City Councilmember Rigel Robinson

Rent Board Commissioner Vanessa Danielle Marrero

Rent Board Commissioner Dominique Walker



**RENT STABILIZATION BOARD**  
**AD HOC COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY**

**Wednesday, May 3, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

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Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**AD HOC COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY**

**Wednesday, May 3, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

**AGENDA**

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. Election of the Chair of the Committee (2 min)
4. Approval of the Agenda (2 min)
5. Public Comment (5 min)
6. Purpose and Scope of Work of the Committee (35 min)
7. Meeting Frequency and Regular Meeting Time (5 min)
8. Future Agenda Items (15 min)
9. Announcements (5 min)
10. Adjournment (2 min)

**STAFF CONTACT: Nathan Dahl, Public Information Unit Manager (510) 981-4935**

**COMMITTEE:** Stefan Elgstrand, Xavier Johnson, Andy Kelley, Ida Martinac



## **2 X 2 JOINT COMMITTEE ON HOUSING**

### **RENT STABILIZATION BOARD (RSB)/BERKELEY UNIFIED SCHOOL DISTRICT (BUSD)**

**Monday, May 15, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

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**To join by phone:** Dial 1-669-444-9171 and enter Webinar ID: 896 9947 2233 and Passcode: 750699. 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 [dewilliams@cityofberkeley.info](mailto:dewilliams@cityofberkeley.info) with the Subject line in this format: "PUBLIC COMMENT ITEM FOR 2X2 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 3:30 p.m. on the day of the Committee meeting in order to be included.**

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## **2 X 2 JOINT COMMITTEE ON HOUSING**

### **RENT STABILIZATION BOARD (RSB)/BERKELEY UNIFIED SCHOOL DISTRICT (BUSD)**

**Monday, May 15, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

### **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 agenda
4. Public Comment
5. Election of Committee Chair
6. Discussion and possible action regarding Committee's scope of work
7. Future agenda items
8. Discussion and possible action to set the next meeting
9. Adjournment

**STAFF CONTACT: DéSeana Williams, Executive Director (510) 981-7368**

COMMITTEE: Vanessa Marrero (RSB), Leah Simon-Weisberg (RSB), Mike Chang (BUSD), Jennifer Shanoski (BUSD)