



Rent Stabilization Board

RENT STABILIZATION BOARD
EVICITION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Tuesday, November 14, 2023 – 6:00 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd 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/83211945281?pwd=gDhRo7k3dJelEQ0sCzGI9IZIqcUAAXX.1>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 832 1194 5281 and Passcode: 747669. 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 email comment for the Committee's consideration and inclusion in the public record, email oeHLinger@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR EVICITION/SECTION 8 COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum apply for both in-person attendees and those participating by teleconference or videoconference.

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



COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at (510) 981-6418 (voice) or (510) 981-6347 (TDD) at least three (3) business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



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AGENDA

1. Roll call
2. Land Acknowledgment Statement: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.
3. Approval of the Agenda
4. Approval of Minutes of the September 26 meeting
5. Public Comment
6. Presentation: The Berkeley Housing Authority and the Section 8 Program, Tilda Barnes and Tracy Jackson, Berkeley Housing Authority
7. Discussion and possible action regarding recent eviction activity
8. Discussion and possible action regarding eviction notices
9. Discussion and possible action regarding future agenda items
10. Confirm next meeting date (Commissioners: please bring calendars to meeting)
11. Adjournment

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

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



Rent Stabilization Board

RENT STABILIZATION BOARD

EVICITION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Tuesday, September 26, 2023 – 6:00 p.m.

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MINUTES – (*Unapproved*)

1. Roll call: Committee Staffer Ollie Ehlinger called Roll
Members present: Elgstrand, Johnson, Martinac and Mizell.
Staff present: O. Ehlinger
2. Land Acknowledgment Statement: The Land Acknowledgment Statement was played.
3. Approval of the Agenda: Committee Chair Elgstrand requested a motion to change the order of the agenda to place Item 8 after public comment. M/S/C (Johnson/Martinac). Voice vote.
Carried: 4-0-0-0.
4. Approval of Minutes of the July 18, 2023 meeting: M/S/C (Mizell/Johnson) Motion to approve the April 18, 2023 meeting minutes. Voice vote. Carried: 4-0-0-0.
5. Public Comment: One member of the public offered a comment.
6. Discussion regarding expiration of COVID-19 Eviction Moratorium: Committee Chair Elgstrand gave a brief report on the Mayor and Councilmember Taplin's discussions with the owners of Strawberry Creek Lodge. Committee Staffer Ehlinger gave a brief report on the Board's data regarding eviction notices. The Committee briefly discussed the reports and no action was taken. Two members of the public commented on this item.
7. Discussion and possible action regarding Measure AA Owner Move-in Eviction Report: Committee Staffer Ehlinger gave an overview of the Measure AA Owner Move-in Eviction Report, the Committee briefly discussed the report, and no action was taken.
8. Discussion and possible action regarding Ellis Act Withdrawal Eviction Report: Committee Staffer Ehlinger gave an overview of the Ellis Act Withdrawal Eviction Report, the Committee briefly discussed the report, and no action was taken.
9. Discussion and possible action regarding future agenda items: Committee Chair Elgstrand requested that a continued update on the expiration of the COVID-19 Eviction Moratorium and a

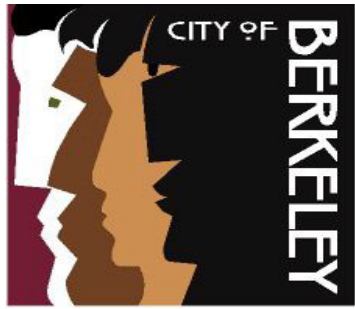
presentation from the Berkeley Housing Authority be placed on the next meeting agenda.

10. Confirm next meeting date: Next meeting scheduled for November 14, 2023 at 6:00 p.m.

11. Adjournment: M/S/C (Johnson/Elgstrand) Motion to Adjourn. Voice vote. Carried: 4-0-0-0.
Meeting adjourned at 6:53 p.m.

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

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



BERKELEY RENT BOARD

The Berkeley Rent Stabilization Ordinance and the Section 8 Program

Eviction/Section 8/Foreclosure Committee

November 14, 2023

Oliver Ehlinger, Staff Attorney

Affordable Housing

- Any housing where a legal mechanism is used to keep a residential unit's rent below the market rate.
- Common legal mechanism: subsidy payment to the owner representing the difference between the subsidized rent and the market rent.
- Most forms of affordable housing also have some form of eviction control attached as well.
- Because eviction and rent controls in many affordable programs mirror, and in some cases surpass, those provided in the Ordinance, the many affordable housing units are exempt from the Ordinance.

Section 8 Exemption

-Berkeley Municipal Code section 13.76.050.D exempts:

Rental units leased to tenants assisted under the Section 8 program (42 U.S.C. Section 1437f) or the Shelter Plus Care Program (42 U.S.C. 11403 et. seq.) or similar federally funded rent subsidy program... from the registration, rent control, and petition sections of the Ordinance.

-The exemption exists “only for so long as the rent demanded does not exceed the authorized Payment Standard.”

-Includes more than just Section 8 voucher tenants (ie: Project-based vouchers).

-Section 8 tenants are entitled to interest on any security deposit.