



RENT STABILIZATION BOARD
Regular Meeting
Thursday, December 19, 2024 – 7:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley, CA

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/86351823870?pwd=StV8iv1VnftDeahcLsszUQPN5RdeeE.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 1-408-638-0968 and enter Webinar ID: 863 5182 3870 and Passcode: 662299. 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@berkeleyca.gov 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 4:00 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 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting at the posted location(s). 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:

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
Regular Meeting
Thursday, December 19, 2024
7:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley, CA

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. **SPECIAL ORDER OF BUSINESS** – 10 min.*
 - a. **Oath of Office of Commissioners-elect**:
City Clerk Mark Numainville will administer the Oath of Office to Commissioners-elect.

 - b. Introduction of and comments from Commissioners-elect

4. **SPECIAL ORDER OF BUSINESS** – 15 min.*
 - a. Election of Rent Board Chair:
The Executive Director conducts the election for the Board’s Chair.

 - b. Election of Rent Board Vice-Chair:
The newly-elected Chair conducts the election for the Board’s Vice-Chair.

 - c. Comments from the newly-elected Chair and Vice-Chair

5. **Approval of Agenda** – 1 min.*
6. **Public Comment** – 2 min.*
7. **CONSENT ITEMS** – 1 min.*
 - a. Approval of the November 21st regular meeting 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

2710 Claremont Blvd
1819 Carleton St
1403 Carleton St
1626 Russell St
1701 62nd St
1221 Shattuck Ave
1440 67th St
2529 Etna St
1700 Francisco St
1280 Delaware St
1822 Berkeley Way #3
2523 10th St
2133 California St
1519 6th St
1331 Dwight Way
3001 Deakin St
2509 Dana St
2811 Dohr St

Discretionary Waivers

Waiver No. Property Address

W5134	1802 Cedar St
W5135	1370 University Ave
W5136	956 Euclid Ave

8. **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. Recommendation to adopt Resolution 24-23 approving the new employment agreement with Executive Director DéSeana Williams (Commissioner Alpert) – 5 min.*
- b. Recommendation to adopt substantive changes to the following existing Regulations to incorporate Rent Ordinance amendments from Measure BB: 801 [Proper Filing of the Rent Registration Statement], 1000 [Base Rent Determination for Previously Exempted Units], 1012 [Separate Agreements], and 1269 [Change in Space or Services] – *All First Reading* (General Counsel) – 15 min.*
- c. Recommendation to adopt the following new Regulations to incorporate Rent Ordinance amendments from Measure BB: 410 [Government-subsidized Rental Units], 411 [Property Management Company; definition], and 1209.5 [Parties in a Petition Subject to a Tenant-based Government Subsidy] – *All First Reading* (General Counsel) – 20 min.*
- d. Recommendation to repeal Regulation 807 [Exemption from Registration for units with tenants receiving monthly assistance through the Section 8 Program or the Shelter Plus Care Program or equivalent rent subsidy program] – *First Reading* (General Counsel) – 3 min.*
- e. Recommendation to adopt Resolution 24-24 establishing the elected Rent Board’s Regular Meeting Schedule for 2025 (Executive Director) – 10 min.*
- f. Demolition Ordinance and Demolition projects status update (Senior Planner Lief Bursell) – 10 min.*

9. 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. Deadline to submit agenda items/topics for January’s regular Rent Board meeting: **Will be announced following adoption of the Board’s 2025 Regular Meeting Schedule** (Board Secretary)

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – 5 min.*
Next regularly-scheduled meeting: To Be Announced (TBA)
- b. Climate Resilience Committee (Commissioner Martinac, Chair) – 5 min.*
Next regularly-scheduled meeting date: TBA

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA

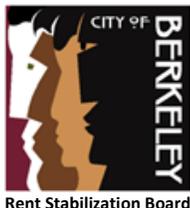
December 12th agenda

- e. Outreach Committee (Vice-Chair Alpert, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Commissioner Marrero, Co-Chair) – 5 min.*
Next meeting date: TBA
- g. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5 min.* (Chair and Co-Chair TBA)
Next regularly-scheduled meeting: TBA
- h. Updates and Announcements – 5 min.*
- i. Discussion of items for possible placement on future agenda – 5 min.*

11. 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

Thursday, November 21, 2024 – 6:30 p.m.

Rent Stabilization Board office – 2000 Center Street, 4th Floor, Berkeley, CA

Teleconference location(s): 1418-A 67th Street, Berkeley, CA

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

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RENT STABILIZATION BOARD

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Thursday, November 21, 2024

6:30 p.m.

Rent Stabilization Board office – 2000 Center Street, 4th Floor, Berkeley, CA

Teleconference location(s): 1418-A 67th Street, Berkeley, CA

Minutes - Unapproved

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 6:51 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley (via Zoom), Marrero, Martinac, Mizell, Simon-Weisberg
Commissioners absent: Walker
Staff present: Brown, Eberhart, Ehlinger, Kim, Mueller, Williams
2. **Closed Session:** Public Employee contract discussion pursuant to California Government Code Section 54957(b)(1):

Title: Executive Director

The Board adjourned and reconvened in closed session. Upon the Board's return from closed session, Chair Simon-Weisberg announced that the Board agreed on the terms of the Executive Director's new contract, and the Executive Director accepted those terms.

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 (Alpert/Elgstrand) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ITEMS 9 AND 10 TO BE HEARD BEFORE ITEM 8; DEFER ITEM 14 TO A FUTURE MEETING. Roll call vote. YES: Alpert,

Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Simon-Weisberg; NO: None;
ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

5. **Public Comment** – There were no speakers.

6. **CONSENT ITEMS** –

- a. Approval of the October 17th regular meeting minutes
- b. Recommendation to amend the Rent Stabilization Board Meeting Procedures to allow an allotted amount of time for a designated union representative to speak at full Board meetings (LIRA Committee)
- c. Recommendation to approve the stipend deduction reimbursement request for Commissioner Marrero for a committee meeting absence (Vice-Chair Alpert)
- d. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

982 University Ave
2319 Jefferson Ave
2412 6th St
836 Channing Way
1711 Milvia St #B
2415 California St
2535 Ridge Rd #A
2707 Parker St
1201 Evelyn Ave
1253 Carrison Ave
1640 Fairview St
2922 Otis St
1425 Harmon St
1169 Miller Ave
2853 Sacramento St
1320 Ordway St #A
1321 Bonita Ave #A
2908 Deakin St. #C
1531 Alcatraz Ave
2615 Telegraph Ave #307
2615 Telegraph Ave #306
1900 7th St
2709 McGee Ave
3218 Ellis St

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
5128	2431 Ellsworth St
5129	1797 Shattuck Ave
5130	2008 Shattuck Ave
5131	2001 Allston Way
5132	3000 San Pablo
5133	2628 Shattuck Ave

M/S/C (Alpert/Kelley) APPROVE ALL CONSENT ITEMS AS WRITTEN, WITH VICE-CHAIR ALPERT NOTING THAT A REVISED VERSION OF ITEM 6.b. WAS POSTED ON THE RENT BOARD'S WEBSITE. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

7. Special Presentation: *State Legislative Update*

Presenter: Brian Augusta, Public Interest Advocates

Brian Augusta presented and took questions from the Board.

8. Special Presentation: *Registration 365*

Presenter: Amanda Eberhart, Registration Unit Manager

Amanda Eberhart presented and took questions from the Board.

9. Appeal – Case No. T-6080 (1211 Parker St., Unit D)

Appearances:

Ghislaine Phan Van Thiet, Appellant

Gary Widman, on behalf of Appellant

Olga Lidia Sanchez Calderon, on behalf of Respondent

Nayelit Sanchez, on behalf of Respondent

M/S/C (Alpert/Marrero) UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Marrero, Martinac; NO: None; ABSTAIN: Kelley, Mizell, Simon-Weisberg; ABSENT: Walker. Carried: 5-0-3-1.

10. Appeal – Case No. T-6084 (2732 MLK Jr. Way, No. 8)

Appearances:

Tracey Quezada, Appellant

Jason Mazetis, on behalf of Appellant

M/S/C (Mizell/Alpert) MOTION TO UPHOLD THE HEARING EXAMINER'S

DECISION REGARDING THE EXTERIOR CLUTTER, AND MODIFY THE HEARING EXAMINER'S DECISION TO AWARD A FORTY PERCENT RENT REDUCTION BASED ON THE INABILITY OF THE TENANT TO PREPARE FOOD IN THE KITCHEN, IMPAIRED USE OF THE BATHROOM, AND THE OVERALL IMPACTS OF THE DRAIN FLY INFESTATION. Roll call vote. YES: Alpert, Johnson, Kelley, Marrero, Martinac, Mizell, Simon-Weisberg; NO: None; ABSTAIN: Elgstrand; ABSENT: Walker. Carried: 7-0-1-1.

11. 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.

- a. Recommendation to adopt Resolution 24-22 in appreciation of Leah Simon-Weisberg for eight years of outstanding service to the Berkeley Rent Stabilization Board and the City of Berkeley (Vice-Chair Alpert)

Vice-Chair Alpert read Resolution 24-22 aloud. Commissioners and staff expressed their appreciation for Chair Simon-Weisberg's years of service to the Board and those it serves.

M/S/C (Alpert/Martinac) ADOPT RESOLUTION 24-22 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

At this point, the Board moved to adjourn the meeting. So, Items 11.b. through 13.i. were not heard.

- b. Chair Update (Chair Simon-Weisberg)
 - (1) Measure BB and election update – *Verbal* – This item was not heard.
- c. State Legislative Report: Discussion and possible action to adopt a position on pending housing legislation (Chair Simon-Weisberg & Vice-Chair Alpert) – This item was not heard.

12. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

NONE OF THE ITEMS BELOW WERE HEARD.

- a. Updated Commissioner attendance at Board and Committee meetings through September 2024 (Board Secretary).

- b. Copy of 2025 Annual General Adjustment (AGA) and Security Deposit Interest postcard mailed to property owners and tenants (Executive Director)
- c. November 14, 2024 *Los Angeles Times* article by Andrew Khouri titled, “Could L.A.’s rezoning plan to boost housing supply cause more tenant displacement?” (Chair Simon-Weisberg)
<https://www.latimes.com/california/story/2024-11-14/los-angeles-housing-goals-demolition>
- d. Deadline to submit agenda items/topics for the December regular Rent Board meeting: **Friday, December 6th by 5:00 p.m.** (Board Secretary)

13. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair)
Next regularly-scheduled meeting: To Be Announced (TBA)

November 12th agenda
- b. Climate Resilience Committee (Commissioner Martinac, Chair)
Next regularly-scheduled meeting date: TBA
- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elstrand, Chair)
Next regularly-scheduled meeting: TBA

November 12th agenda
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair)
Next regularly-scheduled meeting: TBA
- e. Outreach Committee (Vice-Chair Alpert, Chair)
Next regularly-scheduled meeting: Monday, November 18th at 6:15 p.m.

November 18th agenda
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Commissioner Marrero, Co-Chair)
Next meeting date: Monday, November 18th at 5:00 p.m.

November 18th agenda
- g. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: TBA

h. Updates and Announcements

i. Discussion of items for possible placement on future agenda

- 14. Closed Session:** Pursuant to California Government Code Section 54956.9(a), the Board will convene in closed session for an update on litigation:

ALAN WOFSY & ASSOCIATES, a California corporation (dba Hearst Commons), on behalf of itself and all others similarly situated VS. BERKELEY RENT STABILIZATION BOARD (Alameda County Superior Court Case No. 23CV043503)

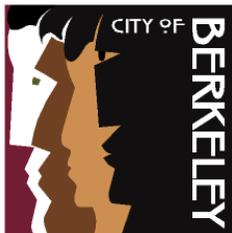
THIS ITEM WAS DEFERRED TO A FUTURE MEETING BY A PRIOR MOTION OF THE BOARD.

15. Adjournment

M/S/C (Alpert/Martinac) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

The meeting adjourned at 10:51 p.m.

Public



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: December 19, 2024

TO: Honorable Members of the Rent Stabilization Board

FROM: DeSeana Williams, Executive Director

BY: Basil Lecky, Community Service Specialist II

SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approve the attached recommendations.

Background and Need for Rent Stabilization Board Action:

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

Ministerial Waivers

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

2000 Center Street, Suite 400, Berkeley, California 94704

TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4940

E-MAIL: rent@cityofberkeley.info • INTERNET: www.cityofberkeley.info/rent

Waiver Recommendations

December 19, 2024

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Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	2710 Claremont Blvd	Mark Thomas	\$347.00	\$347.00	\$0.00
	1819 Carleton St	Minhui Huang	\$3,642.00	\$3,642.00	\$0.00
	1403 Carleton St	Invelopment Llc	\$66.00	\$66.00	\$0.00
	1626 Russell St	Certified True Investment Berkeley	\$580.00	\$580.00	\$0.00
	1701 62nd St	Samuel Kang	\$190.80	\$190.80	\$0.00
	1221 Shattuck Ave	Ahkem Tungloong	\$212.00	\$127.20	\$84.80
	1440 67th St	Walter Butler	\$1,168.00	\$1,168.00	\$0.00
	2529 Etna St	Paul Revenaugh	\$24.00	\$24.00	\$0.00
	1700 Francisco St	Charles Watson	\$344.00	\$275.20	\$68.80
	1280 Delaware St	Carlos Velasquez	\$317.00	\$253.60	\$63.40
	1822 Berkeley Way #3	Valerie Artese	\$178.00	\$142.40	\$35.60
	2523 10th St	Sadaf Najmabadi	\$1,032.00	\$1,032.00	\$0.00
	2133 California St	Cihan Tugal/ Aynur Sadet Tugal	\$712.00	\$712.00	\$0.00
	1519 6th St	Faezeh Shamtoob	\$580.00	\$580.00	\$0.00
	1331 Dwight Way	Alison Davies & Timothy Learmonth	\$868.00	\$694.40	\$173.60

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Waiver Recommendations

December 19, 2024

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	3001 Deakin St	Mei-Lin Chein	\$7,284.00	\$5,827.20	\$1,456.80
	2509 Dana St	Chi-Jun & Lin-Lin Liao	\$7,368.00	\$5,894.40	\$1,473.60
	2811 Dohr St	Qi Zheng	\$6,088.00	\$6,088.00	\$0.00
TOTAL			\$31,000.80	\$27,644.20	\$3,356.60

Financial Impact: Ministerial Waivers

Approval of Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$27,644.20**.

Discretionary Waivers

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

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
W5134	1802 Cedar St	Sam Cohen	\$688.00	\$688.00	\$0.00
W5135	1370 University Ave	Avanath Acton	\$26,468.00	\$13,234.00	\$13,234.00
W5136	956 Euclid Ave	Yoram Litwin	\$568.00	\$568.00	\$0.00

Waiver Recommendations

December 19, 2024

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TOTAL	\$27,724.00	\$14,490.00	\$13,234.00
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Financial Impact: Discretionary Waivers

Approval of Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$14,490.00**.

Name and Telephone Number of Contact Person:

DeSeana Williams, Executive Director
Rent Stabilization Board
2000 Center Street, Suite 400, Berkeley, CA 94704
(510) 981-7368

December Waivers

Ministerial

Address	Details
2710 Claremont Blvd	This property was a rented single-family home that became exempt August 2024. The owner has owned this property since 2023. The owner stated that they did not receive any notice regarding the registration fee or penalties. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1819 Carleton St	This property consists of three units with two rented and one exempt. The owner has owned this property since 2023. The owner stated they received their first notice from the Rent Board on September 17, 2024. Being new property owners, They were still learning the local regulations. They are requesting a waiver of the penalty fees because they believe they have always been diligent in paying other city fees and because they did not receive timely notice about this particular requirement. The owner stated this was a one-time oversight, as they have always been conscientious about paying fees like RHSP, Fire Prevention, and Business License fees. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1403 Carleton St	This property consists of six units with three rented and three exempt. The owner has owned this property since 2024. The owner stated that the property was managed by different management companies in the last 4 years. They stated that many of the notices were missed. The new owner has since paid all the registration fees. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1626 Russell St	This property consists of three rented units. The owner has owned this property since 2006. The owner stated they mistakenly paid a significant higher penalty for the previous year. They believe the error occurred because they were unaware of the late payment. They also stated they did not receive any prior notice of the delinquency. They believe they should only be charged for one unit for the 2023/2024 registration year because they occupied one of the units. Additionally, they stated the excessive penalty is a significant burden on them. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1701 62nd St	The property is a rented single-family home that is covered by Measure MM. The owner has owned this property since 2019. The property manager reported that the owner and their property are new clients of theirs. They claim to have sent payment for the registration fee prior to the deadline, but the payment was received and processed afterward. This property does not have a record of late payments. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.

Public

<p>1221 Shattuck Ave</p>	<p>The property is a rented single-family home covered by Measure MM. The owner has owned this property since 2004. The owner stated their financial issues stem from the commercial tenant at 984 University Ave. They claim the tenant has a history of non-payment, which was exacerbated by the pandemic-related eviction moratorium. They feel the tenant exploited the legal process to avoid paying rent for nearly three years. The owner stated they recently regained possession of the property, but the legal costs have left them unable to pay the significant penalties and fees. The owner's stated they are retired and rely on rental income to maintain their properties and cover expenses like insurance, taxes, and legal fees. The owner has a history of late payments. Staff recommends waiving 60% of the penalties because this is the third late payment within the prior five years per regulation 884 C.</p>
<p>1440 67th St</p>	<p>This is a rented single-family home covered by Measure MM. The owner has owned this property since 1993. The owner noted that the invoice was sent to the property address and not their mailing address. The claims the tenant did not inform them of the invoice. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.</p>
<p>2529 Etna St</p>	<p>This property consists of six units with four rented and two exempt. The owner has owned this property since 2022. The property owner reported that, in June 2024, they paid registration fees for a rental unit that had been previously exempt. The lease for this unit commenced in May 2024. Subsequently, the owner received a bill for the unit, which included a penalty fee. Having already fulfilled the registration fee requirement, the owner is requesting a waiver of the penalty fee. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.</p>
<p>1700 Francisco St</p>	<p>This property consists of two units with one rented and one exempt. The owner has owned this property since 2022. The owner reported that they separated from their spouse last year and some of the mail is being forwarded to the spouse's new address. As a result, they missed the Rent Board invoice. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.</p>
<p>1280 Delaware St</p>	<p>This property is a rented single-family home covered by Measure MM. The owner has owned this property since 2021. The owner stated that their family decided to rent their house in late 2023. At the same time, they were expecting their second child, who was born seven days before the unit was rented. These events caused the owner to forget to update the occupancy status of the unit for the 2023/2024 registration year. Additionally, the owner claims they did not receive the invoice for the 2024/2025 registration fee to their new mailing address. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.</p>
<p>1822 Berkeley Way #3</p>	<p>This property is a rented condo covered by Measure MM. The owner has owned this property since 2003. The property owner asserts that they did not receive the invoice for the 2023-2024 registration year. They further claim to have received communication from the Rent Board in September, which indicated that payment was required to be postmarked on the same day the notice was received. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.</p>

Public

2523 10th St	This property consists of two rented units. The owner has owned this property since 2017. The property owner reported that, since October 2020, only two and not three units have been rented. The previous management company, terminated in March, failed to forward the notice about registration to the owner. Consequently, the owner was unaware of the registration fee until September 18th. Due to this oversight the owner is requesting a waiver of the penalties. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2133 California St	This property was a rented single-family home that became exempt November 2024. The owner has owned this property since 2008. The owner stated that they mailed their registration payment but for some reason it did not arrive at our office. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1519 6th St	This property consists of two rented units. The owner has owned this property since 2005. The property owner reported not receiving the original invoice due to a typo in their mailing address. They were out of the country from September 22 to October 10, 2023, and received the past-due notice during this time. The owner has provided proof of their travel. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1331 Dwight Way	This property is a rented single-home covered by Measure MM. The owner has owned this property since 2013. The owner claims to have contacted the Rent Board this past summer regarding the outstanding balance on their account. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
3001 Deakin St	This property consists of six rented units. The owner has owned this property since 2011. The property manager reported that the son of the deceased owner, Mei-Li Chien, recently discovered an outdated notice that was mailed to 45253 Tom Blalock St. #301 Fremont, CA 94539, which should be removed from your records due to it being an old mailing address. The son informed the property manager that he contacted the Rent Board over a year ago to update the mailing address to K&S Co. Inc. at 1035 San Pablo Ave. #12 Albany, CA 94706. Due to the oversight and the significant delay, they believe the penalties are unwarranted. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
2509 Dana St	This property consists of six rented units. The owner has owned this property since 1991. The property manager reported that they did not receive the invoice for registration fees from the Rent Board. Despite requesting an update to the mailing address, the change was not made. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
2811 Dohr St	This property consists of seven units with two units rented and five units exempt. The owner has owned this property since 2015. The owner reported that they recently relocated after residing in Berkeley since 2015. The property remained vacant during the COVID-19 pandemic. They claim to have been unaware of the registration requirements and did not receive any notifications from the Rent Board. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.

Discretionary

Address	Details
1802 Cedar St	The owner explained that they had been absent for eight years due to a battle with cancer. They noted that the individual entrusted with their affairs had overlooked the bill. Additionally, the owner stated that their mail delivery has been irregular since the onset of the COVID-19 pandemic. In light of these circumstances, they request that the penalties be waived. Due to the owner's terminal illness, staff recommends waiving the full penalties.
1370 University Ave	Avanath Acton, LP acquired the property on July 1, 2021. As this was their first property in the city, they were unaware of the city's rent stabilization program registration requirements. In late 2023, the company was contacted by the Rent Board regarding unpaid fees for the past two years. After several discussions with the Rent Board, they learned about the registration process and how to report rental information. The owner claims that the online portal incorrectly listed the property as having double the number of units. This led to an inflated initial invoice. After correcting the unit count and identifying units exempt from fees, a revised invoice was issued, which the company paid. The company is now requesting that the penalties on the revised invoice be waived, citing their unintentional oversight and commitment to future compliance with the program. It is the owner's responsibility to become acquainted with the rules and regulations of the Rent Ordinance. Staff recommends waiving 50% of the penalties.
956 Euclid Ave	The property owner explained that her husband, who was also a co-owner, passed away in February 2024. In the months leading up to his passing, he required significant medical attention, necessitating increased care from her, his caregiver, and his nurse. Due to the challenges of this difficult year and frequent hospital visits, the owner inadvertently missed important communications and mail. Given these circumstances, she respectfully requests a waiver of the penalties. Due to the owner's challenging situation, staff recommends waiving all penalties.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5134	Property address: 1802 CEDAR ST BERKELEY	Transferred: 01/01/1900
Exempt units (as of February 2021): Unit # NA - COMM - Manager, Unit # NA - OCCC - Owner		
Owner(s): SAM COHEN	Waiver filed by: PROPERTY OWNER	# of Units: 5
Other Berkeley rental property owned: None		

Late payment/penalty history: 2020/2021, 2022/2023, 2023/2024, and 2024/2025

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2024/25	ALL	\$688.00	10/03/2024	\$688.00	\$0.00	\$0.00
2023/2024	ALL	\$870.00	11/03/2023	\$870.00	\$0.00	\$870.00
2022/2023	ALL	\$750.00	10/26/2022	\$1,000.00	\$250.00	\$750.00
2020/2021	ALL	\$750.00	02/22/2021	\$1,500.00	\$1,140.00	\$360.00
Totals (penalties previously assessed)				\$4,058.00	\$1,390.00	\$1,980.00

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEES						
Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2024-25	5	\$688.00	10/03/2024	\$688.00	\$0.00	\$0.00
Totals				\$688.00	\$0.00	\$0.00

Grounds under Regulation 884(B): None
Good cause claimed by owner: The owner explained that they had been absent for eight years due to a battle with cancer. They noted that the individual entrusted with their affairs had overlooked the bill. Additionally, the owner stated that their mail delivery has been irregular since the onset of the COVID-19 pandemic. In light of these circumstances, they request that the penalties be waived.

Recommendation: Staff recommends waiving 100% of the penalties

Staff Analysis: Due to the owner's terminal illness, staff recommends waiving the full penalties.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5135	Property address: 1370 UNIVERSITY AVE,	Transferred: 07/16/2021
Exempt units (as of February 2021): Unit # 411 - SEC8-V - ,		
Owner(s): AVANATH ACTON	Waiver filed by: OWNER REPRESENTATIVE	# of Units: 71
Other Berkeley rental property owned: None		

Late payment/penalty history: 2022/2023, 2023/2024, and 2024/2025

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2024-25	26	\$5,512.00	10/15/2024	\$5,512.00	\$0.00	\$0.00
FY2023-24	26	\$4,628.00	03/11/2024	\$9,256.00	\$0.00	\$0.00
FY2022-23	26	\$3,900.00	03/11/2024	\$11,700.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$26,468.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEES

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2024-25	26	\$5,512.00	10/15/2024	\$5,512.00	\$0.00	\$5,512.00
FY2023-24	26	\$4,628.00	03/11/2024	\$9,256.00	\$0.00	\$9,256.00
FY2022-23	26	\$3,900.00	03/11/2024	\$11,700.00	\$0.00	\$11,700.00
Totals				\$26,468.00	\$0.00	\$26,468.00

Grounds under Regulation 884(B): (6) The landlord requesting the waiver owns or manages 11 or more

Recommendation: Staff recommends waiving 50% of the penalties

Staff Analysis: It is the owner's responsibility to become acquainted with the rules and regulations of the

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5136	Property address: 956 EUCLID AVE BERKELEY	Transferred: 03/22/2018
Exempt units (as of February 2021): None		
Owner(s): YORAM LITWIN	Waiver filed by: PROPERTY OWNER	# of Units: 1
Other Berkeley rental property owned: 956 EUCLID AVE BERKELEY CA 94708		

Late payment/penalty history: 2023/2024 and 2024/2025

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2024-25	ALL	\$212.00	07/26/2024	\$212.00	\$0.00	\$0.00
FY2023-24	ALL	\$178.00	07/26/2024	\$356.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$568.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEES

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2024-25	1	\$212.00	07/26/2024	\$212.00	\$0.00	\$212.00
FY2023-24	1	\$178.00	07/26/2024	\$356.00	\$0.00	\$356.00
Totals				\$568.00	\$0.00	\$568.00

Grounds under Regulation 884(B): None

Good cause claimed by owner: The property owner explained that her husband, who was also a co-owner, passed away in February 2024. In the months leading up to his passing, he required significant medical attention, necessitating increased care from her, his caregiver, and his nurse. Due to the challenges of this difficult year and frequent hospital visits, the owner inadvertently missed important communications and mail. Given these circumstances, she respectfully requests a waiver of the penalties.

Recommendation: Staff recommends waiving 100% of the penalties

Staff Analysis: Due to the owner's challenging situation, staff recommends waiving all penalties.

RESOLUTION 24-23

**APPROVING EMPLOYMENT AGREEMENT FOR RENT STABILIZATION BOARD
EXECUTIVE DIRECTOR WITH DESEANA L. WILLIAMS**

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley (“Board”) as follows:

WHEREAS, the Board is authorized under Section 123(2) of Article XVII of the Charter of the City of Berkeley to employ staff as necessary to perform its functions; and

WHEREAS, DéSeana L. Williams has served as the Executive Director since being appointed by Resolution 21-26 on October 21, 2021; and

WHEREAS, the Board desires to continue to employ DéSeana L. Williams as the Executive Director; and

WHEREAS, the Executive Director shall serve as the chief administrator for the Board and is charged with the responsibility of protecting the interests of the Board and its employees as provided for under California law and Article XVII of the Charter of the City of Berkeley; and

WHEREAS, based upon Ms. Williams’ background, qualifications, experience and expertise, Ms. Williams is qualified to serve as Executive Director of the Board; and the Board desires to continue to employ DéSeana L. Williams as its Executive Director

NOW, THEREFORE, BE IT RESOLVED that on November 21, 2024, the City of Berkeley Rent Stabilization Board authorized the Board Chair to execute an employment agreement with DéSeana L. Williams in the form attached hereto as Exhibit “A”.

RESOLUTION 24-23

**APPROVING EMPLOYMENT AGREEMENT FOR RENT STABILIZATION BOARD
EXECUTIVE DIRECTOR WITH DESEANA L. WILLIAMS**

(Page 2)

Dated: December 19, 2024

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

YES:

NO:

ABSTAIN:

ABSENT:

Chair
Rent Stabilization Board

Attest: _____
Matt Brown, General Counsel

EMPLOYMENT AGREEMENT

Executive Director

This Employment Agreement (“Agreement”) is made and entered into on this 21 day of November, 2024, by and between the **Rent Stabilization Board of the City of Berkeley** (the “Board”) and **DéSeana L. Williams** (“Employee”) for services to be performed by Employee in the position of Executive Director. Board and Employee are collectively hereinafter referred to as “Parties.”

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the Parties agree as follows:

1. **Term.** The Board hereby employs Employee as Executive Director of the Board and Employee hereby accepts employment for a period of five (5) years commencing on November 21, 2024, and ending on November 21, 2029, subject to the limitations of this Agreement.

2. **Duties.** Employee shall serve as Executive Director of the Board and shall carry out her duties in a manner consistent with the City of Berkeley Charter, Ordinances of the City of Berkeley, and applicable law. The Executive Director shall further the purposes and goals of the Rent Stabilization and Eviction for Good Cause Ordinance of the City of Berkeley (“Ordinance”) and shall be responsible to the Board for the implementation of Board policy and for efficient and effective administration of all Board affairs. The Executive Director shall have the following powers and duties:
 - a. To ensure that the Ordinance, regulations, resolutions and directives of the Board are implemented and enforced.
 - b. To administer the Rent Stabilization Ordinance under the direction of the Board.
 - c. To assume primary responsibility for the supervision and management of all Board employees, except the General Counsel of the Board. This shall include the power and duty to appoint, direct the work of, handle personnel issues involving, discipline, and remove all such Board employees subject to the Civil Services provisions of the City of Berkeley Charter and Ordinances. Neither the Board nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any specific person to office or employment by the Executive Director. The Board recognizes that it is a collective body and each Board member recognizes that her/his power as a Board member is derived from the collective deliberation of the Board as a whole in a duly constituted meeting. Individual Board members will not give direction to the Executive Director or any staff member regarding operational issues, management of the staff, or the solution of specific problems, unless authorized by Board action, Board Policy or the ordinance. It is through Board Policy, the ordinance and/or official Board action that the Board gives direction to the Executive Director. The Board shall refer all operational concerns made to individual members of the Board, or the Board as a body, for review and action by the Executive Director. The Board shall refer all personnel complaints made to individual members of the Board, or the Board as a body, for review and action by the Executive Director and/ or Human Resources as appropriate under the circumstances.

- d. To develop and direct the policies and procedures for program implementation of the goals and objectives of the Board.
 - e. To attend all regular meetings of the Board and its committees, or assign an appropriate designee to attend, with the right to take part in discussions, but without the power to vote.
 - f. To recommend to the Board for adoption such measures and resolutions as may be deemed necessary.
 - g. To make investigations into the affairs of the Board, or any functional unit thereof.
 - h. To prepare and submit to the Board for its consideration and approval the proposed annual budget.
 - i. To keep the Board fully apprised of the financial condition and needs of the Board.
 - j. To designate another employee of the Board as Acting Executive Director during planned periods of absence.
 - k. To perform such other duties as may be prescribed by law or required by resolution or motion of the Board.
 - l. Represent the Board in furtherance of the Ordinance and duties listed in this Agreement guided primarily by previous Board decisions.
 - m. The Employee shall devote productive time, ability and attention necessary to fulfill the duties of Executive Director Employee shall not render any compensated services of a business, commercial or professional nature to any other person or organization during the term of this Agreement without prior written consent of the Board.
3. **Compensation and Benefits.** For services rendered pursuant to this Agreement the Board shall pay Employee an annual base salary of Two Hundred Ninety-eight Thousand Seven Hundred Sixty Dollars (\$298,760), which is 15% above the top salary of the Director of Planning classification at the City of Berkeley. Said salary shall be paid on the dates and in the manner consistent with the payroll procedures of the City of Berkeley. Except as otherwise provided in this Agreement, Employee shall receive such employee benefits, for example, pension and vacation benefits, as are payable to that class of City of Berkeley employees designated Department Director in Unit Z1. Employee shall receive any cost-of-living adjustments awarded to the Director of Planning classification to the extent such increases do not exceed cost-of-living as defined in Government Code Section 3511.1. Any annual increase awarded to the Director of Planning classification above cost-of-living shall be subject to the sole and absolute discretion of the Board, although it is the parties' intent that the salary of the Executive Director remain at least 15% above that of the Director of Planning. Nothing herein prevents the Board from otherwise adjusting the annual base salary of Employee at such times and to such extent as the Board may determine.
4. **Annual Goals.** Employee shall develop an annual statement of goals and objectives and a progress report for the Board and shall present such goals at a regularly called meeting of the Board to be selected each year by the Executive Director.
5. **Performance Evaluation.** Every two years, prior to November 1, the Board and Employee shall meet to evaluate the performance of Employee. With professional assistance from a management

consultant, the Board has developed standards for performance assessment, which shall be used unless and until a different process is established. Nothing in this section shall be construed to require Board to grant Employee any pay increases based on the performance standards, if any, mentioned above nor to limit in any manner the discretion of Board to grant or not grant pay increases. Nor shall anything in this Agreement be interpreted to require Board to evaluate Employee solely upon the performance standards, nor to limit the discretion of the Board to evaluate Employee more frequently than every two years or as the Board otherwise deems necessary in the sole discretion of the Board.

6. Termination and Severance.

- a. Due to the duties of the position and nature of the services provided by Employee to Board, the Employee serves at-will at the pleasure of the Board, and nothing herein shall prevent, limit, or otherwise interfere with the right of the Board to terminate Employee with or without cause. Employee shall have no right to a termination hearing.
- b. ~~If Employee is terminated by the Board while the Employee is still willing and able to~~ perform the duties of Executive Director, the Board agrees to pay Employee a lump sum payment of twelve (12) months aggregate salary for termination on or before the four-year anniversary of the commencement of this Agreement. For termination arising after the four-year anniversary of this Agreement, Employee shall receive severance in the amount of the number of months remaining on the term of this Agreement at the time of termination of employment. Any severance payment made by the Board pursuant to this section, shall release the Board from any further obligations under this Agreement. Contemporaneously with the payment of severance under this section, the Employee shall execute and deliver to Board a release releasing the Board and the City of Berkeley from liability for all claims that the Employee may have against the Board or the City, except those claims prohibited from such release under either California or Federal law.
- c. Notwithstanding section 5(b) above, the Board shall not be obligated to pay, and shall not pay any amounts under section 5(b) to Employee if Employee is terminated because of:
 - i. The conviction of felony or misdemeanor or plea of nolo contendere to a crime,
 - ii. the conviction of any felony or misdemeanor involving moral turpitude,
 - iii. the willful or persistent material breach of duties or inattention to duties,
 - iv. a violation of statute or law constituting misconduct in office, or
 - v. willful misconduct.

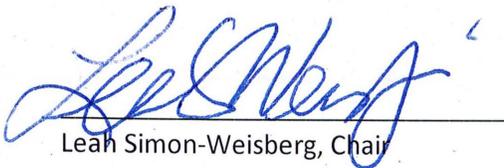
Further, Board shall not be obligated to pay Employee any severance amount under section 5(b) if Employee voluntarily retires or resigns in writing prior to termination. In the event Employee voluntarily retires or resigns, Employee shall provide advance written notice to the Board of at least one (1) month.

- d. This Agreement shall be immediately terminated upon Employee's death or legal incapacity by operation of Labor Code section 2920.

7. **Indemnification and Defense.** Board shall indemnify, defend, and hold Employee harmless from and against all demands, claims, suits, actions, and legal proceedings brought against Employee and arising out of events within the scope of Employee's employment and performance of professional duties as Executive Director, except to the extent that Employee's actions are the result of gross negligence or willful misconduct. Employee shall cooperate in good faith with the Board with respect to defense of such claims, demands, or legal actions.
8. **Abuse of Office.** Any salary provided Employee pending an investigation shall be fully reimbursed if the Employee is convicted of a crime involving an abuse of her office or position, as set forth in Government Code sections 53243 and 53243.4. Any funds for the legal criminal defense of the Employee provided by the Board shall be fully reimbursed to the Board if the Employee is convicted of an abuse of her office or position, as set forth in Government Code sections 53243.1 and 53243.4. Further, regardless of the term of this Agreement, if this Agreement is terminated, any cash settlement or severance related to the termination that the Employee receives from the Board shall be fully reimbursed to the Board if the Employee is convicted of a crime involving an abuse of her office or position, as set forth in Government Code sections 53243.2 and 53243.4.
9. **Severability.** In the event that any term of this Agreement is finally held or determined to be illegal or void by a court having jurisdiction over the Board and Employee, the remainder of this Agreement shall remain in full force and effect unless the term or terms held to be illegal or void are wholly inseparable from the remaining provisions of the Agreement.
10. **Governing Law.** This Agreement shall be governed by the laws of the State of California.
11. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.
12. **Entire Agreement.** This Agreement is the entire agreement between the parties regarding Board's employment of Employee and supersedes all prior oral or written understandings. This Agreement cannot be modified except by a written amendment signed by both Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement which shall be effective upon the commencement date specified in Section 1 herein.

RENT STABILIZATION BOARD OF THE CITY OF BERKELEY


Leah Simon-Weisberg, Chair

EMPLOYEE



DeSeana L. Williams

Registered on behalf
of the City Auditor by: _____
Finance Department

Attest by: _____
City Clerk



Rent Stabilization Board
Legal Department

DATE: December 19, 2024

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Honorable Members of the LIRA Committee
By: Matt Brown, General Counsel

SUBJECT: Recommendation to adopt substantive changes to the following existing Regulations to incorporate Rent Stabilization Ordinance amendments from Measure BB: 801 [Proper Filing of the Rent Registration Statement], 1000 [Base Rent Determination for Previously Exempted Units], 1012 [Separate Agreements], and 1269 [Change in Space or Services]– First Reading

Recommendation

That the full Board adopt the following substantive changes to existing Regulations 801 [Proper Filing of the Rent Registration Statement], 1000 [Base Rent Determination for Previously Exempted Units], 1012 [Separate Agreements], and 1269 [Change in Space or Services] to incorporate Rent Stabilization Ordinance amendments from Measure BB. The LIRA Committee reviewed staff’s proposed amendments at their December 12, 2024 meeting and unanimously recommended adoption of this proposal.

Background

On December 5, 2024, the Alameda County Registrar certified the count for the 2024 General Election. Measure BB, which incorporates a number of substantive changes to the Rent Ordinance, passed. Staff has prepared an initial draft of new regulations and updates to initial regulations that are necessary to implement the portions of Measure BB that become effective on December 20, 2024, 10 days following Council’s action to confirm the result of the election at its meeting on December 10, 2024. This memo addresses the proposed substantive amendments to existing regulations; a separate memo introduces proposed new regulations.

1. Regulation 801 [Proper Filing of the Rent Registration Statement]

Measure BB amended Berkeley Municipal Code section 13.76.080 to include a requirement that a landlord provide each new tenant a disclosure notice regarding tenants’ rights under the Rent Stabilization Ordinance (“Ordinance”) and any exemption from the Ordinance which the

landlord claims. If the rental unit is on a property with an interior common area, the landlord must also post the relevant notice in that space. In order to fully complete registration for a rental unit, the landlord must indicate on each new tenancy registration form that they have provided this notice.

The proposed amendments to Regulation 801 clarify three aspects of the provision of this disclosure notice. First, the proposal updates Regulation 801(A)(1) to make explicit that registration of a rental unit is not complete until the landlord completes an affidavit that they provided the disclosure notice to new tenants. Second, the proposal adds a new section (Regulation 801(G)) to clarify that, in a property with both Fully Covered and Partially Covered units and an interior common space, a landlord may satisfy the posting requirement by posting both applicable notices in the common space. Third, Regulation 801(G) states that the requirement to provide this notice to tenants will be subject to the “substantial compliance” standard for all regulation requirements. As set forth in state law, a landlord subject to a local system of price control is in compliance with the registration requirements of that system if 1) the landlord has made a good faith effort to comply with the requirements; and 2) the landlord has timely cured any defect in their registration upon notice from the Board. Therefore, the Board cannot sanction a landlord who substantially complies with the requirement to provide this disclosure notice to new tenants.

The proposed amendments to Regulation 801 also include citation changes in Regulation 801(D) to reflect the reorganization of the Just Cause for Eviction section of the Ordinance. These changes are not substantive.

The proposed text of Regulation 801 is below. Additions are in red text; deletions are in strikethrough.

801. Proper Filing of the Rent Registration Statement

(A) A rental unit is properly registered in accordance with Section 8 of the Rent Stabilization Ordinance if the landlord or landlord's representative has:

(1) Filed with the Board completed registration statements, on forms provided by the Board, including all of the information required for the individual units and the information concerning all the covered units in the same property and **an affidavit that the landlord has provided the notice required under Berkeley Municipal Code section 13.76.080.D;**

(2) Paid to the City of Berkeley all required registration fees and penalties due for the unit and all the covered units in the same property; and

(3) Fully completed registration for all covered units on the same property parcel.

(B) A landlord who asserts that they are unable to supply required information may request review of their registration status by the Rent Stabilization Board Executive Director or the

Executive Director's designee. The Executive Director or designee shall determine whether good cause exists to find the landlord properly registered notwithstanding the lack of required information. The request for review shall be made on a form approved by the Executive Director and shall include, without limitation, a declaration under penalty of perjury fully describing the landlord's efforts to obtain the missing information. The Executive Director may specify the nature and extent of the efforts, and documentation thereof which is required. The landlord shall serve a copy of the request for review on all current tenants in the property and known prior tenants who resided in the premises during the time period for which the information is missing. A proof of service by mail on said tenants shall accompany the request for review. The tenants may submit in writing to the landlord any relevant information concerning the request for review within ten (10) days of the date of service of the request upon them. A copy of this information submitted to the landlord shall be filed with the Board. It shall be accompanied by a proof of service by mail upon the landlord. The Executive Director or designee shall determine whether or not the inability to provide the required information resulted from circumstances beyond the control of the landlord. If it is determined that the landlord was not at fault and that the missing information cannot now be produced nor reasonably reconstructed from any available information, the landlord may be found to be properly registered notwithstanding the lack of information. If the reason for the unavailability was within the control of the landlord, no relief shall be granted unless the landlord demonstrates that he or she has otherwise substantively complied with the Ordinance and that the landlord has made all reasonable efforts to obtain or reconstruct the information which is unavailable. A copy of the determination shall be mailed to the landlord and to the tenants of the affected property. The Board may establish an appropriate fee for the filing of a request for review of registration status. No rent withholding petition for non-registration shall be acted upon while a request for review is pending.

(C) In designating a rental unit as properly registered, the Board's intent is to facilitate the rent registration and individual adjustment of rent ceiling processes and the dissemination of information regarding the registration of rental units. Such designation shall not be construed as the Board's certification of the lawful base rent, current lawful rent ceiling or any other information provided on the rent registration statement. Nothing in this Regulation shall preclude the Board nor any person from challenging the accuracy of any information provided in any registration statement or declaration in the context of any proceeding or action.

(D) As used in this Regulation, "rent registration statement" shall include the initial registration statement, any required annual registration statement, any vacancy registration form required under Regulation 1013(K) and any supplemental registration statement approved and required by the Board. For units covered by B.M.C. ~~13.76.050~~**13.76.050.B.1** and B.M.C. ~~13.76.050~~**13.76.050.C.8**, "rent registration statement" shall include the "Registration Statement for Partially Covered Units", all required "Tenancy Registration Forms For Partially Covered Units" and any other supplemental or additional registration forms the Board requires. This subsection is intended to clarify the existing requirements concerning filing of initial, annual, vacancy and supplemental registration statements.

(E) When the Board determines that it is reasonably necessary to carry out the purposes of the Ordinance, the Board may require landlords to furnish information missing from any initial or annual registration statement or to complete a supplement registration statement approved by the Board. This may include information which was requested on the 1980-81 registration

statement but which was not required by this regulation, or specifically enumerated in the Ordinance at the time the registration statement was filed but which the Board finds it necessary for proper administration of the Ordinance. Any such request for information request for completion of a supplemental registration statement shall be responded to within a reasonable time period to be determined by the Board. If the landlord is unable to supply the information requested, the landlord shall comply with subsection (B). Any request for review pursuant to subsection (B) shall be made within the time specified by the Executive Director. If the landlord does not respond to the request or request review of his or her registration status within the specified time, the landlord may subsequently be held to be unregistered thereafter notwithstanding the fact that the landlord would have otherwise been deemed to have been properly registered under the law and regulations existing at the time the statement which omitted the requested information was originally filed. Any such determination of non-registration shall be prospective only.

(F) Nothing in the subsection (E), above, shall be construed to relieve any landlord of the duty to fully register all his or her covered units and to supply all requested information merely because the Board has not advised landlord of any information which may be omitted by the landlord from the initial, annual or any supplemental registration statements.

(G) Notice at Commencement of Tenancy (Berkeley Municipal Code section 13.76.080.D)

(1) The obligation of the landlord to timely provide the Notice at Commencement of Tenancy shall be subject to the provisions of subsection (H) of this regulation.

(2) In the property which is subject to the requirement to post the Notice at Commencement of Tenancy which contains both Fully Covered and Partially Covered units, a landlord may comply with the requirement to post by posting copies of the Notice at Commencement of Tenancy applicable to both Fully Covered and Partially Covered units.

~~(G)~~H) A landlord shall be found in substantial compliance with registration requirements of the Ordinance and Regulation when:

(1) The landlord has made a good faith effort to comply with the Ordinance and regulation concerning registration sufficient to reasonably carry out the intent and purpose of the Ordinance and Regulations; and

(2) The landlord has cured any defect in compliance in a timely manner after receiving notice of a deficiency from the Board.

2. Regulation 1000 [Base Rent Determination for Previously Exempted Units]

Measure BB also removes the blanket rent control and registration exemptions for many government-subsidized properties, including many Section 8 or Housing Choice Voucher tenancies. Regulation 1000 clarifies how the Board calculates the base rent for a rental unit which had previously been exempted from the Ordinance. The proposal updates Regulation 1000 for two scenarios unique to government-subsidized properties.

First, proposed Regulation 1000(B) states that the rent ceiling for any government-subsidized property which comes under the price-control provisions of the Ordinance will be the full or contract rent from the unit on December 20, 2024 (the effective date of the Ordinance amendments). A full or contract rent, reflecting an amount close to market rate, is a feature of many government-subsidy programs, where the tenant pays a portion of the contract rent based on the tenant's income and the subsidizing agency pays the owner the difference between the tenant's portion and the contract rent. Because the tenant's portion is calculated under the specific regulations of the subsidy program, the Board does not have the authority to change, cap, or control this amount. The Board's authority is limited to the contract rent, which is generally set forth in a lease agreement between the tenant and the owner of the subsidized property.

Second, proposed Regulation 1000(C) indicates that in tenancies that began prior to the application of a subsidy that exempted the unit from the Ordinance (and thus have a pre-existing base rent), the new base rent for the unit will also be the full or contract base rent on December 20, 2024. However, if the subsidy lapses but the tenant remains in the unit, the prior base rent would be re-instated.

These amendments to Regulation 1000 reflect the Board's current rule that a rent ceiling for a given unit cannot exist until the unit becomes subject to the Ordinance. (*See* Decision of the Hearing Examiner in Petitions L-4260/IRD-134, December 11, 2017, at pages 7-8 [interpreting *Givoni v. Santa Monica Rent Control* (1991) 234 Cal.App.3d 94]).

The proposed text of Regulation 1000 is below.

1000. Base Rent Determination for Previously Exempted Units

(A) If a unit has been exempted from coverage by virtue of any of the above exemptions set forth in Section 5 of the Ordinance (except the exemption for owner-occupied 3- and 4-unit building which formerly existed pursuant to Section 5.f.) and loses its exempt status the lawful base rent and lawful current rent ceiling shall be determined as follows:

(1) The lawful base rent shall be determined in accordance with Section 10.a. of the Ordinance.

(2) The lawful current ceiling shall be the lawful base rent, adjusted by the amount of the annual general adjustments approved by the Board to date provided that the landlord is in compliance with the provisions of the annual general adjustment orders and registers the unit as required by Section 8.i.j of the Ordinance.

(B) In the instance where a rental unit was exempted from Section 10 of the Ordinance prior to December 20, 2024 under an exemption arising from a government-subsidy or government ownership of the rental unit, the base rent shall be the full or contract rent of the unit at that time. This subsection shall apply to the tenancies and rental units set forth in Regulation 410(B).

(C) When the current tenancy in such a rental unit commenced prior to the application of a government subsidy, subsection (B) shall prevail over any previously existing base rent ceiling. In the event that the tenancy continues after the government subsidy lapses, terminates, or discontinues, the base rent from the commencement of the tenancy shall be re-instated, and the rent ceiling shall be determined as set forth in subsection (A).

3. Regulation 1012 [Separate Agreements]

Measure BB alters how landlords may charge tenants for utilities in rent-controlled units. Any lease commencing after February 6, 2024, may charge for utilities only as part of the base rent or if the utility is individually metered and placed in the tenant's name. Therefore, separate agreements for utilities will no longer be permitted, and Regulation 1012 has been updated to reflect this.

The proposed text of Regulation 1012 is below.

1012. Separate Agreements

(A) All housing services held out for use and included in the base rent ceiling or, for tenancies beginning on or after January 1, 1999, the most recent initial rent or that were granted in a decision on a rent adjustment petition are considered regulated housing services and shall continue to be provided to tenants in the manner in which they were previously provided. Other housing services are considered unregulated housing services and may be the subject of separate agreements when such agreements conform to conditions set out below.

(B) Separate agreements between owners and tenants are permissible when the agreement is in writing in a document separate from the rental agreement and the agreement meets all of the following criteria:

- (1) The agreement to pay a separate fee for unregulated housing services must not be a condition of tenancy;
- (2) The terms of the separate agreement must be commercially reasonable;
- (3) The tenant's termination or breach of the separate agreement may not be grounds for eviction.

(C) After February 6, 2024, a utility service may not be the subject of a separate agreement. For purposes of this section and Berkeley Municipal Code section 13.76.100.E, a utility service includes: electricity, water, sewer, gas, and waste management.

(D) Owners and tenants may, if they wish, convert unregulated housing services covered by separate agreements to regulated housing services by stipulation in an Individual

Rent Adjustment Petition filed with the Board, by appropriate reference to Regulations 1229 and 1269.

(E) Separate agreements may be terminated by either party upon thirty (30) days written notice. Notice of termination of an agreement for rental of furniture, however, may not be given less than thirty (30) days after the agreement was signed by the parties.

4. Regulation 1269 [Change in Space or Services]

Again, Measure BB alters how landlords may charge tenants for utilities in rent-controlled units. The new provision of the Ordinance allows landlord to petition to adjust the rent ceiling to include utilities if the lease agreement improperly charges for utilities after February 6, 2024. Proposed Regulation 1269(A)(3) sets forth the general procedure for this type of petition. A landlord would file a petition with the Board for additional services and provide evidence of the average monthly cost for utilities. Upon sufficient proof of the cost of utilities, the hearing examiner may adjust the rent ceiling of the unit to reflect this cost.

The proposed language of Regulation 1269 is below.

1269. Changes in Space or Services

(A) Increase in Space or Services. Rent ceilings may be adjusted upward when there is an increase to the usable space or the housing services beyond that which was provided to a unit on May 31, 1980 or when the base rent was first established.

1. Additional space. Where a landlord adds habitable living space to a unit, other than by merely reconfiguring existing residential rental space, the lawful rent ceiling for such unit shall be permanently increased by 1.042% of the cost of adding such additional space to the existing unit. The supporting documentation must substantiate the nature and cost of the claimed additional space and may include copies of invoices, signed contracts, material and labor receipts, self labor logs, proof of entitlement to skilled labor rate (if claimed), canceled checks or any other items of documentation accepted and used in the normal course of business. Reports which merely summarize or refer to undocumented expenditures are not, by themselves, adequate substantiation. Hearing Examiners shall weigh and evaluate the nature of the documentation submitted as substantiation, and may require additional proof. Evidence of compliance with applicable permit requirements and correction of any cited code violations may also be required.

For increases in space for which on-site construction commenced before April 17, 1995, the owner may elect, as an alternative to the rent adjustment set forth above, a permanent rent increase equal to \$1.00 per square foot of habitable living space added to the unit.

2. Additional services. Where a landlord adds non-habitable space or increases the

services provided to a unit, the lawful rent ceiling for such unit shall be increased by an amount representing the market value of the additional space or increased services.

If the additional services and proposed rent adjustment are agreed to in writing by the landlord and tenants, the Board shall approve the proposed rent increase unless it can be shown that the agreement clearly violates the Ordinance. Increases may be denied if a tenant objects and the added space or services do not clearly benefit a majority of the affected tenants. If the additional space or services are subsequently reduced or eliminated, the rent increase authorized herein shall be reduced or terminated. If a rent increase is granted under this subsection, no additional rent increase shall be granted under Regulation 1264 or 1267 for materials or labor involved in providing the space or service. Any increase for an additional bedroom shall result in an increase to the base occupancy level for an additional occupant.

The addition of furniture or furnishings will not be considered an increase in services eligible for a permanent rent increase, but may be the subject of a separate agreement under Regulation 1012.

3. Utilities charged to tenants separately in leases that commenced after February 5, 2024. Berkeley Municipal Code section 13.76.100.E prohibits a landlord from charging a tenant for any utility service separately from the base rent unless such utilities are individually-metered and required under to lease agreement to be in the tenant's name. If a lease entered into on or after February 6, 2024 charges a tenant for one or more utility services, a landlord may petition under this section to adjust the rent ceiling to include the cost of utilities. Upon sufficient proof of such cost, the Hearing Examiner shall adjust the rent ceiling by an amount equal to the average monthly cost to the unit in question of such utilities in the most recent calendar year. If the landlord is unable to supply the average monthly cost for the unit in question, the landlord may present evidence of a reasonable estimate for the cost of such utilities.

(B) Decrease in Space or Services; Substantial Deterioration; Failure to Provide Adequate Services; Failure to Comply with Codes, the Warranty of Habitability or the Rental Agreement.

1. Decreases in Space or Services. Rent ceilings shall be adjusted downward where a landlord causes a tenant to suffer a decrease in housing services or living space, from the services and space that were provided at the unit on May 31, 1980, or from any additional services or space provided at the beginning of the tenancy pursuant to the rental agreement. For tenancies beginning after January 1, 1999, rent ceilings shall be adjusted downward only where a landlord causes a tenant to suffer a decrease in housing services or living space from that which was provided at the beginning of the tenancy pursuant to the rental agreement. It shall be presumed that any space or service provided at the beginning of the tenancy was provided pursuant to the rental agreement. The amount of the rent decrease is calculated by multiplying the percentage of impairment of the tenant's use of and benefit from the unit (as a result of the reduction in living space or housing services) by the rent ceiling in effect at the time of the impairment, and for past decreases, multiplied by the period of time the impairment existed. In determining the amount of the downward rent adjustment by the percentage of impairment of use/benefit method, the hearing examiner may consider the reasonable replacement cost of the space or service in question. Any rent ceiling reductions pursuant to this subsection shall terminate on the

date of the first rent payment due after adequate proof has been submitted to the Board that the space or service has been restored.

2. Denial of Petitions for Unilateral Removal. The Board will not accept petitions from landlords who seek a rent ceiling decrease for the unilateral removal or reduction of space or services from a tenant's base level space or services. Petitions shall be accepted only when a tenant has expressly agreed in writing to the removal of such space or services. "Base level space or services" are the housing services or living space that were provided at the unit on May 31, 1980, and any additional services or space provided at the beginning of the tenancy pursuant to the rental agreement; except that, for tenancies beginning on or after January 1, 1999, "base level space or services" are the housing services or living space that were provided at the beginning of the tenancy pursuant to the rental agreement.

3. Substantial Deterioration, Inadequate Services. Rent ceilings shall be adjusted downward for any substantial deterioration in a rental unit and/or for any failure to provide adequate housing services occurring during the petitioner's tenancy. The amount of the rent decrease is calculated by multiplying the percentage of impairment of the tenant's use of and benefit from the unit (as a result of the deterioration or failure to provide adequate service) by the rent ceiling in effect at the time of the impairment. For purposes of this subsection, a substantial deterioration means a noticeable decline in the physical quality of the rental unit resulting from a failure to perform reasonable or timely maintenance and adequate housing services means all services necessary to operate and maintain a rental property in compliance with all applicable state and local laws and with the terms of the rental agreement.

4. Code Violations, Breach of the Warranty of Habitability. Rent ceilings shall be adjusted downward for any failure to substantially comply with applicable state rental housing laws, the warranty of habitability or local housing and safety codes. The amount of the rent decrease is calculated by multiplying the percentage of impairment of the tenants' use of and benefit from the unit (as a result of the violation, breach or failure to comply) by the rent ceiling in effect at the time of the impairment. Where a condition at the rental unit threatens the health or safety of the occupants but does not actually impair the use of the unit, the rent ceiling decrease shall be in an amount that reflects the reduction in value of the premises due to the unsafe or unhealthy condition. A substantial lack of any of the affirmative standard characteristics for tenantability set forth in Civil Code section 1941.1(a) shall be deemed a violation of the warranty of habitability and the rent ceiling shall be decreased by no less than 10% or, for a violation of subsections (2), (3) or (4) of Civil Code section 1941.1(a), no less than 20%, until the condition is corrected, notwithstanding seasonal variations in or an absence of impairment to a tenant's use of or benefit from the unit. The rent decrease authorized under this subsection for a violation of the warranty of habitability or for a code violation that poses a significant threat to the health or safety of tenants (e.g., dangerous window bars, missing smoke detector) shall be automatically doubled prospectively if proof of correction of the violation is not submitted to the Rent Board within 35 days of mailing of the hearing examiner's decision unless the landlord establishes that the violation cannot be corrected within that time due to circumstances beyond the landlord's control. For purposes of this subsection, a breach of

the warranty of habitability occurs when the rental premises are not in substantial compliance with applicable building and housing code standards, which materially affect health and safety. Minor housing code violations which do not interfere with bare living requirements do not constitute a breach of the warranty of habitability.

5. Rent ceiling reductions pursuant to subsections (3) and (4) of this regulation shall be effective from the date the landlord first had notice of the deteriorated condition, service inadequacy, or code or habitability violation in question and shall terminate on the date of the first rent payment due after adequate proof has been submitted to the Board that the condition for which the reduction was granted no longer exists. A tenant who files a petition pursuant to this regulation must be able to establish the basis for the reduction and when the landlord first received notice of the decreased service, deterioration, code or habitability violation. Notice may be actual or constructive. A landlord is deemed to have notice of any condition existing at the inception of a tenancy that would have been disclosed by a reasonable inspection of the premises. A copy of a housing code inspection report from the City of Berkeley department responsible for the residential rental inspection program should be submitted with the petition.

Name and Telephone Number of Contact Person

Matt Brown, General Counsel: (510) 981-4930



Rent Stabilization Board
Legal Department

DATE: December 19, 2024

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Honorable Members of the LIRA Committee
By: Matt Brown, General Counsel

SUBJECT: Recommendation to adopt the following new Regulations to incorporate Rent Ordinance amendments from Measure BB: 410 [Government-subsidized Rental Units], 411 [Property Management Company; definition], and 1209.5 [Parties in a Petition Subject to a Tenant-based Government Subsidy] – First Reading

Recommendation

That the full Board adopt the following new Regulations to incorporate Rent Ordinance amendments from Measure BB: 410 [Government-subsidized Rental Units], 411 [Property Management Company; definition], and 1209.5 [Parties in a Petition Subject to a Tenant-based Government Subsidy]. The LIRA Committee reviewed staff's proposed amendments at their December 12, 2024 meeting and unanimously recommended adoption of this proposal.

Background

On December 5, 2024, the Alameda County Registrar certified the count for the 2024 General Election. Measure BB, which incorporates a number of substantive changes to the Rent Ordinance, passed. Staff has prepared an initial draft of new regulations and updates to initial regulations that are necessary to implement the portions of Measure BB that become effective on December 20, 2024, 10 days following Council's action to confirm the result of the election at its meeting on December 10, 2024. This memo addresses the proposed new regulations; a separate memo introduces substantive changes to various existing regulations.

1. Regulation 410 [Government-subsidized Rental Units]

Measure BB removes any exemption for government-owned or government-subsidized properties from the Rent Stabilization Ordinance ("the Ordinance"). After the passage of Measure BB, government-owned or government-subsidized rental units are subject to all provisions of the Ordinance unless another source of law explicitly exempts such units. Newly enacted Berkeley Municipal Code section 13.76.050.B.3 provides that any government-owned or

government subsidized property which is exempt from price-control provisions of the Ordinance will be a Partially Covered unit (subject to the registration requirement and Just Cause for Eviction protections of the Ordinance). Such Partially Covered government-subsidized units will be eligible for the Board's mediation and counseling services in most cases.

Proposed Regulation 410 establishes which government-subsidy programs currently present in Berkeley exempt rental units subject to that subsidy from local price-control regulations. These units will be Partially Covered. Most of these exemptions are set forth in Title 24, Part 246 of the Code of Federal Regulations. Additionally, Proposed Regulation 410 clarifies that, when a rental unit is subject to multiple subsidy programs, if federal regulation exempts any subsidy program from price control regulations, the rental unit will be Partially Covered.

The text of proposed Regulation 410 is below.

410. Government-subsidized Rental Units

(A) Background and Purpose. Berkeley Municipal Code section 13.76.050.A provides that all provisions of the Rent Stabilization Ordinance apply to any residential rental unit that is rented or available for rent. It is the intent of the Board that all provisions of the Rent Stabilization Ordinance apply to any government-owned or government-subsidized rental unit to the fullest extent possible allowed under federal and state law. To the extent that federal and state law purport to exempt any rental unit from any provision of the Rent Stabilization Ordinance, it is the intent of the Board that such exemption be applied as narrowly as possible.

(B) Fully-Covered Units. Tenancies in rental units subject to the following government subsidies are subject to all provisions of the Rent Stabilization Ordinance, unless another independent grounds for full or partial exemption applies:

- (1) Housing Choice Voucher Program;
- (2) Veterans Affairs Supportive Housing Program;
- (3) Low-income Housing Tax Credits;
- (4) HOME Investment Partnership Act;
- (5) Shelter Plus Care Program;
- (6) City of Berkeley Housing Trust Fund; or
- (7) any subsidy not explicitly exempted from local price control by federal or state law.

Additionally, rental units owned by government agencies or entities shall be Fully-Covered Units, including entities organized under California Government Code section 6500 et. seq., unless an independent grounds for full or partial exemption applies.

(C) Partial Exemption by Federal Regulation. Title 24, Part 246 of the Code of Federal Regulations sets forth the determination of the federal Department of Housing and Urban Development that certain government-subsidized projects are exempt from any local ordinance that purports to regulate the rents of such projects. It is the intent of the Board that any rental unit in projects under the coverage of Title 24, Part 246 of the Federal Code of Regulations shall be Partially-covered units as defined in Berkeley Municipal Code section 13.76.040.J and Berkeley Municipal Code section 13.76.050.B.3.

Accordingly, tenancies in rental units subject to the following government subsidies are Partially Covered Units, unless another independent grounds for a full exemption applies:

- (1) Rent Supplement Program;
- (2) Section 8 Loan Management Set Aside converted from a prior Rent Supplement Contract; or
- (3) Project-based Section 8.

Separately, Title 24, Section 891.185 of the Code of Federal Regulations sets forth the determination of the federal Department of Housing and Urban Development that projects which the Department of Housing and Urban Development provides project assistance to under the Section 202 Program of Supportive Housing for the Elderly or the Section 811 Program of Supportive Housing for Persons with Disabilities are exempt from any local ordinance that purports to regulate the rents of such projects. It is the intent of the Board that any rental unit in projects which the Department of Housing and Urban Development provides project assistance to under the Section 202 Program of Supportive Housing for the Elderly or the Section 811 Program of Supportive Housing for Persons with Disabilities shall be Partially-covered units as defined in Berkeley Municipal Code section 13.76.040.J and Berkeley Municipal Code section 13.76.050.B.3.

It is the intent of the Board that no provision of the Rent Stabilization Ordinance shall apply in a manner that either improperly regulates the rents of rental units in such projects identified in this section or that in any way delays, prevents or interferes with the implementation of any increase in rental charges approved by the Department of Housing and Urban Development.

(D) Multiple Subsidies Applied to a Rental Unit. In the instance where a tenancy in a rental unit is subject to more than one government subsidy, the rental unit will be a Partially-Covered Unit if any subsidy applied to the unit is set forth in subsection (C).

2. Regulation 411[Property Management Company; definition]

Measure BB creates an enforceable right for tenants to form associations and confer with landlords on issues related to their rental units. Under the newly enacted Berkeley Municipal Code section 13.76.135, this right applies to all tenants in rental units on “1) parcels that contain ten or more rental units; and 2) parcels that contain between one and nine rental units, so long as the rental units are managed by a property management company.” Section 13.76.135 provides the Board the authority to define “property management company” for the purposes of tenants’

right to organize.

Proposed Regulation 411 defines a property management company as an entity performing any of various tasks related to the renting of residential properties on behalf of the owner of record. The tasks are defined broadly to preserve the hearing examiner's discretion if the question of whether a rental unit is managed by a property management company becomes subject to a Board petition

The text of proposed Regulation 411 is below.

411. Property Management Company; definition

For the purposes of Berkeley Municipal Code section 13.76.135, a property management company is any entity which provides any of the following services to a record owner of a residential rental unit in the City of Berkeley:

- (1) New tenant intake, including marketing, establishing and maintaining any waiting list, determination of applicant eligibility, applicant screening, and tenant selection;
 - (2) Lease execution, including explaining the lease and all attachments;
 - (3) Collection of rent and any charges in addition to rent;
 - (4) Lease enforcement, including executing terminations of tenancy;
 - (5) Responsibility for maintenance or repairs on a unit, including subcontracting to perform such maintenance or repairs;
 - (6) Communication with current tenants regarding concerns and requests arising from their tenancy; or
 - (7) Any activities necessary to maintain compliance with laws and ordinances regarding the rental of residential property units.
-

3. 1209.5 [Parties in a Petition Subject to a Tenant-based Government Subsidy]

Because, as discussed above, Measure BB imposes rent control on many government-subsidized units, these units will now have a rent ceiling. Tenants and landlords of those units will become eligible to petition to adjust such rent ceilings.

Under such subsidy programs, the tenant pays a portion of the full rent to the landlord and the agency administering the subsidy pays the remainder. The portion of rent that the tenant owes is generally based on the tenant's income and beyond the Board's authority to adjust. However, an order from the Board's hearing examiner adjusting the rent ceiling in a subsidized tenancy may

impact the amount of rent that the subsidizing agency will owe the landlord. Because the subsidizing agency's legal rights or obligations may be impacted by the Board's petition process, the Board must provide the subsidizing agency a chance to participate in the petition process.

Proposed Regulation 1209.5 clarifies that the subsidizing agency is a party in any petition brought regarding a unit subject to a tenant-based government subsidy. This regulation will require all parties to a petition to serve the subsidizing agency with any documents filed in support of or in opposition to the petition. It will also allow a representative of the subsidizing agency to participate in the hearing on the petition.

The text of proposed Regulation 1209.5 is below.

1209.5 Parties in a Petition Subject to a Tenant-based Government Subsidy.

In any tenancy subject a "tenant-based" government subsidy as defined in 24 CFR section 982.1(b), the government agency which administers the subsidy program shall also be a party to any petition pursuant to this chapter.

Name and Telephone Number of Contact Person

Matt Brown, General Counsel: (510) 981-4930



DATE: December 19, 2024

TO: Honorable Members of the Rent Stabilization Board

FROM: DéSeana Williams, Executive Director
By: Aimee Mueller, Associate Management Analyst/Board Secretary

SUBJECT: Proposed 2025 Rent Stabilization Board Regular Meeting Schedule

Recommendation:

That the Board adopt attached Resolution 24-24 establishing their Regular Meeting Schedule for the 2025 calendar year.

Background and Need for Board Action:

The Brown Act (Gov. Code §54954 et seq.) requires a legislative body, such as the Rent Stabilization Board (Board), to annually establish a schedule of its regular meetings, including the time and location of those meetings. The Board's longstanding policy was to hold its regular meetings on the first and third Mondays of each month in the City Council Chambers at Old City Hall. In 1996, the Board adopted Resolution 96-13 to formalize this practice. At its December 5, 2005 regular meeting, the Board adopted Resolution 05-27 revising Resolution 96-13 and re-establishing the schedule to meet monthly on the third Monday of each month.

In 2012, the Berkeley Unified School District relocated its administrative offices from the seismically-unsafe Old City Hall to the West Campus building at 1231 Addison Street. Old City Hall had remained essentially vacant ever since, unlocked and heated only for purposes of holding public meetings. In late 2018, this space was converted to a homeless shelter used during inclement weather.

Beginning December 4, 2018, the City Council relocated its meetings from Old City Hall to the new Berkeley Unified School District (BUSD) Board Room, located at 1231 Addison Street. In anticipation of the cessation of facilities services to Old City Hall, the City Council negotiated access to the BUSD Board Room for Zoning Adjustment Board (ZAB) Meetings on the second and fourth Thursdays of the month, and for Rent Board Meetings on the first and/or third Thursdays of the month. By the terms of the City Council's current contract with BUSD, no in-person meetings can take place on any other days of the week.

At the December 17, 2018 regular meeting, the Board voted to adopt Resolution 18-25 establishing the Regular Meeting Schedule and Location for the 2019 calendar year that relocated the Rent Board's regular meetings to the BUSD Board Room on the third Thursday of each month.

At its December 21, 2019 regular meeting, the Board voted to adopt Resolution 19-28 establishing a regular meeting schedule and location for regular Rent Board meetings in the 2020 calendar year which stated, “that all meetings shall begin at 7:00 p.m. unless otherwise noticed pursuant to the requirements of the Brown Act and that regular meetings scheduled for the third Thursday of each month shall only be operative during the 2020 calendar year unless the change is made permanent by subsequent future Board Resolution, or unless the Board chooses to adopt a similar annual schedule for another year by subsequent Resolution.”

On March 4, 2020, Governor Newsom issued Executive Order N-25-20 which, among other things, suspended the requirement that public meetings be held in-person and required legislative bodies to hold meetings via teleconference. Governor Newsom thereafter issued several more Executive Orders which further required teleconferencing of public meetings until the state legislature adopted a law in 2021 that allowed legislative bodies to make their own rules as to whether they met in person or allowed for teleconferencing during a declared state of emergency. Pursuant to the Governor’s Executive Orders and state law, the Board conducted all public meetings remotely during the declared state of emergency from March 2020 through February 2023.

Starting in March 2023, the Board has conducted all public meetings in a hybrid model with both in-person attendance and virtual participation in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies.

Proposed dates for the 2025 Regular Meeting Schedule:

Observed holidays and VTO days are listed on the attached 2025 City Calendar (Attachment 1.). The Board Secretary has reviewed these holidays as well as other major civic and cultural holidays in order to propose 2025 meetings dates for the Board’s consideration. **All meeting dates below fall on our designated third Thursday of the month.**

January 16	April 17	July 17	October 16
February 20	May 15	August 21	November 20
March 20	June 19	September 18	December 18

Financial Impact:

There are sufficient funds allocated in the Fiscal Year 2025 budget to cover the costs of conducting monthly hybrid Rent Board meetings in the BUSD Board Room.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

Attachments:

1. City of Berkeley 2025 Calendar (with observed holidays noted)

RESOLUTION 24-24

ESTABLISHING THE REGULAR MEETING SCHEDULE FOR THE BERKELEY RENT STABILIZATION BOARD FOR THE 2025 CALENDAR YEAR

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

WHEREAS, the Brown Act (Gov. Code Section 54954 et seq.) requires a legislative body, such as the Rent Stabilization Board (“Board”), to annually establish a schedule of its regular meetings, including the time and location of the meeting; and

WHEREAS, beginning in 2019, the Board relocated its meetings from Old City Hall to the new Berkeley Unified School District (“BUSD”) Board Room, located at 1231 Addison Street; and

WHEREAS, beginning in 2019, the Board changed its regular meeting day to the third Thursday of each month and wishes to continue this arrangement;

WHEREAS, pursuant to Government Code Section 54953(e) and City Council Resolution 70,030-N.S., the Board held its monthly meetings exclusively through teleconference and Zoom videoconference through the end of the state of emergency on February 28, 2023; and

WHEREAS, since March of 2023, the Board has conducted hybrid meetings in the BUSD Board Room with both in-person attendance and virtual participation in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies.

NOW, THEREFORE, BE IT RESOLVED that the Board will hold their regularly-scheduled meetings during the 2025 Calendar year on the following dates:

January 16	April 17	July 17	October 16
February 20	May 15	August 21	November 20
March 20	June 19	September 18	December 18

RESOLUTION 24-24

**ESTABLISHING THE REGULAR MEETING SCHEDULE FOR THE BERKELEY
RENT STABILIZATION BOARD FOR THE 2025 CALENDAR YEAR**

(Page 2)

BE IT FURTHER RESOLVED that all meetings shall begin at 7:00 p.m. unless otherwise noticed pursuant to the requirements of the Brown Act and that regular meetings scheduled for the third Thursday of each month at the BUSD Board Room shall only be operative during the 2025 calendar year unless the change is made permanent by subsequent future Board resolution, or unless the Board chooses to adopt a similar annual schedule for another year by subsequent resolution.

Dated: December 19, 2024

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

YES:

NO:

ABSTAIN:

ABSENT:

Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



2025 CITY CALENDAR

JANUARY						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

MARCH						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

APRIL						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MAY						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

JULY						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

AUGUST						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

SEPTEMBER						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

OCTOBER						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

DECEMBER						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

CITY OF BERKELEY RECOGNIZED HOLIDAYS / OBSERVANCES

- 1/1 New Year's Day
- 1/20 Martin Luther King Jr.'s Birthday
- 2/12 Lincoln's Birthday
- 2/17 Washington's Birthday
- 3/31 Cesar Chavez Day*
- 5/19 Malcolm X's Birthday

- 5/26 Memorial Day
- 6/19 Juneteenth - Obs 6/20
- 7/4 Independence Day
- 9/1 Labor Day
- 10/13 Indigenous Peoples' Day
- 11/11 Veterans Day

- 11/27-28 Thanksgiving Day/Day After
- 12/25 Christmas Day

- Pay Day
- Observed Holidays
- Voluntary Time Off (VTO) Days
- New Employee Orientation



Rent Stabilization Board

DATE: December 19, 2024

TO: Honorable Members of the Rent Stabilization Board

FROM: Lief Bursell, Senior Planner
Katrina Lapira, Associate Planner

SUBJECT: Status Update on Berkeley Demolition Ordinance Applications

Residential Dwelling Unit Demolition Application Update

Beginning in calendar year 2022, there have been 19 development applications that propose the demolition of existing multi-family residential buildings that include dwelling units that are either subject to rent control, or potentially subject to rent control when rented. These applications propose the removal of 132 residential units, 86 of which were occupied by tenants at the time that Rent Board staff reviewed the application.

This update includes five new Use Permit applications that were recently forwarded to the Rent Board by Planning Department staff. The first is for the demolition of eight rent-controlled dwelling units at 2030 Bancroft Way (the project address is **2036 Bancroft Way**). This project proposes 87 new dwelling units, but only four these would be set at a below-market rate (BMR). Rent Board staff will work with the project planner and the project applicants to make sure they are clear that the Board's position is that the project should replace the eight existing residential units with a minimum of eight BMR units to best mitigate the loss of more affordable, rent-controlled units.

The second project proposes the demolition of a residential building at **2138 Kittredge Street**. Rent Board records indicate this property contains four residential units, only one of which is currently tenant occupied. A second unit is claimed owner-occupied, and the other two are vacant with a status of "not available for rent". The application proposes constructing 66 new residential units, including five BMR units.

The third project would demolish seven existing dwelling units at **2360 Ellsworth Street**. All seven residential units are tenant occupied and are fully covered. The project proposes 65 dwelling units but would only include five BMR units. Rent Board staff will work with the project planner and the project applicants to make sure they are clear that the Board's position is that the project should replace the seven existing residential units with a minimum of seven BMR units to best mitigate the loss of more affordable, rent-controlled units.

The fourth project would demolish five dwelling units at **1589 University Avenue** – the project address is 1581 University. The units are all tenant occupied and are fully covered. The project proposes 158 dwelling units, with 23 BMR (14 Very-Low Income, 9 Moderate Income) units.

The fifth application would demolish 19 dwelling units at **2421-2427 Durant Avenue** – project address is 2425 Durant Avenue. This application was shared with the Board in a previous update when the SB 330 Pre-Application for the project was under review. The Use Permit application would demolish 19 dwelling units that are currently tenant occupied and are fully covered. This project now proposes 169 dwelling units, including 35 BMR units.

All the above Use Permit applications are being processed under the requirements of the previous Demolition Ordinance, since they were submitted SB330 preliminary applications prior to the date the recent Demolition Ordinance revisions went into effect.

Project Status (As of 9/12/24)	# Projects	# Existing Units	Tenant Occupied	# BMR Units	Net Gain/Loss
ZAB Approved	8	68	33	85	+17
App. Complete	5	26	22	36	+10
Under Review	4	29	24	59	+30
Pre-Application	2	9	7	14	+5
Total	19	132	86	194	+62

Overall, if all existing projects were approved and moved forward to construction, they would result in a net gain of 62 BMR units (beyond the one-for-one replacement of a BMR unit for each existing residential unit). Of the 19 development applications, 12 currently provide or propose at least one-to-one replacement of rent-controlled units with BMR units.

Attachments:

- 1) Residential Demolition Application Update Presentation Slides (Updated for 12-19-2024)
- 2) 12-19-2024 Residential Demolition Application Update

Name and Telephone Number of Contact Person:

Lief Bursell, Senior Planner (510) 981-7368



Residential Dwelling Demolition Application Update

Projects involving demolition of Rent-Controlled Dwellings

December 19, 2024



Demo Project Updates Dec. 19, 2024

2030 Bancroft Way (8 Units)

- Project proposes 87 new residential units
- Includes 4 BMR units
- All 8 units rented & under rent control
- Staff will inform applicant of Rent Board policy regarding BMR replacement units

2138 Kittredge St. (4 Units)

- Project proposes 66 new residential units
- Includes 5 BMR units
- One unit rented; one claimed owner-occupied
- 2 Vacant

Demo Project Updates Dec. 19, 2024, Continued

2360 Ellsworth St. (7 Units)

- Project proposes 65 new residential units
- Includes 7 BMR units
- All 7 units rented & under rent control

1589 University Ave. (5 Units)

- Project proposes 158 new residential units
- Includes 23 BMR units
- All 5 units rented & under rent control

2421-27 Durant Avenue (19 Units)

- Use Permit submitted on 11/15/24
- Total units increased from 117 to 169
- Affordable units increased from 18 to 35 BMR unit
- All units currently rented & under rent control

2022-2024 Development Applications Proposing Demolition of Residential Units

Project Status <i>(As of 12/12/24)</i>	# Projects	Existing Units	Tenant Occupied	# BMR Units	Net Gain/Loss
ZAB Approved	8	68	33	85	+17
App. Complete	5	26	22	36	+10
Under Review	4	29	24	59	+30
Pre-Application	2	9	7	14	+5
Total	19	132	86	194	+62



Questions

Application Date	Project Address	Application Type	Application Status	Project Description	# Existing Residential Units Proposed for Demolition	# Tenant Occupied Units	# Replacement Units	One to One Replacement with BMR?	Total BMR Units	Council District
6/14/2024	1581 University	Use Permit	Complete	Demo existing 5 units and build 158 new units with 23 BMR units (14 VLI and 9 MOD)	5	5	5 BMR	Yes	23	1
9/5/2024	2360 Ellsworth	Use Permit	Complete	Demo existing 7 units and build 65 new units with 5 BMR units	7	7	5 BMR	No	5	7
8/6/2024	2138 Kittredge	Use Permit	Under Review	Demo existing 4 units and build 66 new units with 5 BMR units	4	1	5 BMR	Yes	5	4
6/20/2024	2036 Bancroft Way (2030 Bancroft Way)	Use Permit	Complete	Demo 8 existing units and build 87 new units with 4 BMR	8	8	4 BMR	No	4	4
8/8/2024	2425 Durant Ave.	Use permit	Complete	Demo Existing 19 Units in 2 buildings to construct 169 dwelling unit building with 13 affordable housing units designated for VLI households, 9 LI, 13 for moderate-income households. All 19 existing dwelling units, when replaced, will be below-market-rate rentals.	19	19	19 BMR	Yes	35	7
8/7/2024	3035 Colby Ave.	Use Permit	Complete	Demo 2 existing units and build 2 new units	2	0	0 BMR	No	0	8
6/5/2024	2442 Haste St.	Use Permit	Under Review	Demo Existing 4plex - build 36 new units, 2 BMR, 1 replacement unit	4	4	3 BMR	No	3	7
8/4/2023	1330 Haskell St.	Use Permit	Approved by ZAB (2/22/2024)	Construct two detached units in place of existing duplex	2	0	0 BMR	No	0	2
6/22/2023	2733 San Pablo Ave	Use Permit	Under Review	Construct a new 8-story mixed-use building with 152 dwelling units	2	0	2 BMR	Yes	16	2
5/20/2023	1790 University Ave	Use Permit	Application Complete (12/6/2023)	Construct a five-story mixed-use building containing 17 dwelling units and ground floor commercial space	1	1	1 BMR	Yes	2	4
4/26/2023	2127-59 Dwight Way	Use Permit	Approved by ZAB (11/30/2023)	Construct a six-story multi-family building, with 58 new dwelling units	8	5	8 BMR	Yes	8	4
2/10/2023	2300-10 Ellsworth St.	Use Permit	Approved By ZAB	Construct a seven-story residential building with 69 units.	12	12	12 BMR	Yes	12	7
1/23/2023	2601 San Pablo Avenue (1110-12 Parker and 2609 San Pablo)	SB 330 Pre-App	SB 330 Preliminary Application Complete (12/5/2023)	Merge six parcels and construct an eight-story mixed-use residential development with 242 dwelling units	4	2	4 BMR	Yes	4	2
12/2/2022	3030 Telegraph (aka 2330-36 Webster)	Use Permit	Approved by ZAB on 6/08/2023	Construct 5-Story mixed-use building with 144 dwellings	4	0	4 BMR	Yes	8	8
11/14/2022	2538 Durant	Use Permit	Approved on consent by ZAB on 4/27/2023	Demolish 12 dwelling units & develop an eight-story residential building with 83 units	12	8	6 BMR	No	6	7
10/20/2022	2138 Center Street (aka 2128 Oxford)	Use Permit	Approved	Merge two lots to construct a 26 story mixed-used building with 456 dwellings	16	0	16 BMR	Yes	40	4
9/22/2022	2427-33 San Pablo Avenue	Use Permit	Approved by ZAB on 7/11/24	Construct a five-residential replacement apartment units and Group Living Accommodation (GLA) with 77 private rooms	8	8	8 BMR	Yes	8	2
5/10/2022	1827 & 1899 Oxford	SB 330 Pre-App	SB 330 Preliminary Application Under Review	Construct 118 new dwellings with 12 BMR	8	6	8 BMR	Yes	12	6
5/10/2022	1773 Oxford	Use Permit	Approved by ZAB on 1/12/2023	Demolish six units and develop a five-story residential building with 22 units	6	0	3 BMR	No	3	6



RENT STABILIZATION BOARD

LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Thursday, December 12, 2024 – 6:00 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, Suite 400, Berkeley

Teleconference location: 1418-A 67th Street, 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/87975053025?pwd=508JpAG7YWuafG2KaLbe6yZRJ8lxr.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: 879 7505 3025 and Passcode: 522350. 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 mbrown@berkeleyca.gov 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 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 at the posted location(s). 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.



Rent Stabilization Board

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

Thursday, December 12, 2024 – 6:00 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, Suite 400, Berkeley

Teleconference location: 1418-A 67th Street, 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 the agenda
4. Approval of the minutes of the October 10, 2024 meeting (See attached).
5. Public Comment
6. Discussion and possible action regarding the promulgation of new regulations to implement Measure BB (See attached).
7. Discussion and possible action regarding the ability of tenants to request bulky waste pick-up.
8. Discussion and possible action regarding future agenda items
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