

RENT STABILIZATION BOARD
Regular Meeting
Thursday, February 20, 2025 – 6:30 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/87123301507?pwd=UDg5s5XuNL5F06UWa919MazzVPBa5V.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: 871 2330 1507 and Passcode: 495852. 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 3:30 p.m. on the day of the meeting in order to be included.**

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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:

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RENT STABILIZATION BOARD

Regular Meeting

Thursday, February 20, 2025

6:30 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. **Approval of Agenda** – 1 min.*
3. **Closed Session**: Pursuant to California Government Code Section 54956.9(a), the Board will convene in closed session for an update on litigation:

ALAN WOFYSY & 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)

4. **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.*
5. **Public Comment** – 2 min.*
6. **Public Comment for Unions representing Rent Board staff** – 5 min.*
7. **CONSENT ITEMS** – 1 min.*
 - a. Approval of the January 16th 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

2435 Jefferson Ave
1730 Parker St
914 Delaware St
2727 Stuart St
775 Colusa Ave
1518 Harmon St
2632 Warring St #8
1788 Sonoma Ave
1205 Bancroft Way
1849 Arch St #B
2555 Sacramento St
716 Cragmont Ave
2626 Hillegass St #A
2910 California St

Discretionary Waivers

Waiver No. Property Address

W5140	2020 Berkeley Way
W5141	2828 College Ave
W5142	1685 San Lorenzo Ave
W5143	1025 Heinz Ave
W5144	1545 Dwight Way

8. Appeal – 7:30 p.m.**

***This appeal will not be heard before 7:30 p.m. but may be heard any time thereafter.*

Case No. T-6020 (Compliance Decision) / T-6086 (2410 Stuart St., Unit D)

Tenant Appellants (“Tenants”) filed an appeal of a hearing decision finding Landlord Respondent in compliance with the hearing decision in T-6020 and granting in part and denying in part T-6086, Tenants’ Petition for Individual Rent Adjustment (“petition”), seeking a rent ceiling reduction due to certain claimed substantial conditions of the rental unit located at 2410 Stuart Street, Unit D, Berkeley, California 94705 (“premises”).

On appeal, Tenants argue that the decision made by the Hearing Examiner was unfair, arbitrary, and violated their due process rights. They further assert that the decision lacked substantial evidence to support its conclusion. However, Tenants do not provide specific examples of misconduct by the Hearing Examiner, nor do they identify what alternative evidence would support a different outcome. Tenants fail to provide any legal

or factual basis to overturn the Hearing Examiner's decision, and the decision should be upheld.

9. **Appeal** – 8:00 p.m.***

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

Case No. T-6079 (2810 Derby Street, Unit A)

Appellant Tenants (“Tenants”) appeal the hearing decision granting in part and denying in part Tenants’ Petition for Individual Rent Adjustment (“petition”), seeking a rent ceiling reduction due to certain claimed habitability and code violations at the rental unit located at 2810 Derby Street, Unit A, Berkeley, CA (“premises”).

On appeal, Tenants dispute the hearing examiner’s denial of rent reductions for their claim regarding lead exposure. Tenants also dispute the amount of the rent ceiling reduction granted by the hearing examiner for the claims relating to onsite laundry services, defective windows, and mold growth. Tenants further claim Landlords’ testimony amounted to perjury and that the hearing examiner showed bias against Tenant and Tenants’ attorney representative. Tenants’ appeal simply repeats arguments and testimony previously submitted, and a review of the record shows that the decision is supported by substantial evidence. In addition, Tenants’ fail to prove bias or misconduct by the hearing examiner. Therefore, the decision of the hearing examiner should be affirmed.

10. **ACTION ITEMS**

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board’s vote on each action item listed below – 1 min. per speaker*

- a. Chair Update (Chair Alpert) – 5 min.*
- b. Recommendation to adopt Resolution 25-01 Affirming the Rent Stabilization Board’s Support for and Compliance with the City of Berkeley’s Sanctuary Policies (Chair Alpert & Commissioner Marrero) – 5 min.*
- c. Recommendation to adopt Resolution 25-02 authorizing the Executive Director to execute a contract amendment with Goldfarb & Lipman LLP in an amount not to exceed \$275,000 (General Counsel) – 5 min.*

11. **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. Copy of Measure BB bulletin and postcards mailed to Berkeley property owners and tenants (Executive Director) – 3 min.*
- b. Deadline to submit agenda items/topics for the March regular Rent Board meeting: **Monday, March 10th by 5:00 p.m.** (Board Secretary)

12. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Chair To Be Announced (TBA)) – 5 min.*
Next regularly-scheduled meeting: Tuesday, February 18th at 5:30 p.m.

February 18th agenda

- b. Climate Resilience & Habitability Committee (Chair TBA) – 5 min.*
Next regularly-scheduled meeting date: TBA
 - c. Eviction/Section 8/Foreclosure Committee (Chair TBA) – 5 min.*
Next regularly-scheduled meeting: TBA
 - d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Chair TBA) – 5 min.*
Next regularly-scheduled meeting: TBA
 - e. Outreach Committee (Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: Monday, March 10th at 6:30 p.m.
- February 10th agenda
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Co-Chair TBA) – 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.*

13. **Closed Session**: Pursuant to California Government Code Section 54957(b)(1), the Board will convene in closed session for a Public Employee contract discussion:

Title: General Counsel

14. Adjournment

COMMUNICATIONS DISCLAIMER:

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



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Minutes - *Unapproved*

Prior to Roll Call, General Counsel Matt Brown announced that Commissioner Marrero would be participating remotely under the Just Cause provision of the Brown Act.

1. **Roll call** – Chair Alpert called the meeting to order at 6:43 p.m.
Aimee Mueller called roll.
Commissioner present: Elgstrand, Johnson, Kelley, Marrero (via Zoom), Martinac, Twu, Walker, Alpert
Commissioners absent: Mizell
Staff present: Brown, Cole, Eberhart, Ehlinger, Kim, Lapira, Oliver, Mueller, Williams.

2. **Approval of Agenda**

M/S/C (Kelley/Twu) APPROVE THE AGENDA WITH THE FOLLOWING CHANGE: MOVE CONSENT ITEM 10.c. TO ACTION. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell. Carried: 8-0-0-1.

3. **CLOSED SESSION**: Pursuant to California Government Code Section 54956.9(a), the Board convened in closed session for an update on litigation:

ALAN WOFYSY & 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)

Upon returning from closed session, Chair Alpert announced that the Board took no reportable action.

4. **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 played aloud.

5. **Introduction of new Rent Board Staff:** Katrina Lapira and Desiree Oliver – New Associate Planner Katrina Lapira and Executive Administrative Staff Assistant Desiree Oliver introduced themselves to the Board.
 6. **Public Comment** – There were no speakers.
 7. **Public Comment for Unions representing Rent Board staff** – There were no speakers.
 8. **Special Presentation:** *Finance 365*
Presenter: Shamika Cole, Rent Board Finance Director
- Rent Board Finance Director Shamika Cole presented and took comments from the Board.
9. **Special Presentation:** *Amendments to the Rent Stabilization Ordinance in Measure BB*
Presenters: Rent Board Legal Unit

General Counsel Matt Brown presented and took comments from the Board.

10. **CONSENT ITEMS**

Consent item 10.c. was moved to action by a prior vote of the Board.

- a. Approval of the December 19th regular meeting minutes
- 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 Second Reading (General Counsel)
- 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 Second Reading (General Counsel) – MOVED TO ACTION BY A PRIOR VOTE OF THE BOARD.
- 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] – *Second Reading* (General Counsel)

- e. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

5 The Crescent
150 Panoramic Way
840 Delaware St
1146 Cragmont Ave
2330 Grant St
1742 Spruce St
2309 Acton St
3033 Harper St
2016 9th St
1806 Bonita Ave
1376 Virginia St
1044 Euclid Ave
21 Bonnie Ln

Discretionary Waivers

Waiver No. Property Address

W5137	1628 Tyler St
W5138	1924 Blake St
W5139	1623 Grant St

M/S/C (Johnson/Twu) MOVE ALL CONSENT ITEMS AS WRITTEN, EXCEPT FOR ITEM 10.c., WHICH WAS MOVED TO ACTION BY A PRIOR VOTE OF THE BOARD. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell. Carried: 8-0-0-1.

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.

Consent item 10.c. was moved to action by a prior vote of the Board.

Item 10.c.: M/S/C (Kelley/Elgstrand) ADOPT ON SECOND READING ALL REGULATIONS, INCLUDING THE CHANGES TO REGULATION 410

DISTRIBUTED AT THE MEETING. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell. Carried: 8-0-0-1.

- a. Chair Update (Chair Alpert) – No update.
- b. Discussion and possible action to amend Resolution 24-24 and the elected Rent Board’s Regular Meeting Schedule for 2025 (Executive Director)

M/S/C (Johnson/Twu) AMEND RESOLUTION 24-24 TO REFLECT THAT THE DATE OF THE BOARD’S REGULAR MEETING IN JUNE 2025 HAS BEEN CHANGED TO JUNE 16th. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell. Carried: 8-0-0-1.

Commissioners stated their availability as follows:

Kelley: Not available in June

Johnson: Not available in February

- c. Recommendation to adopt proposed Committee Assignments for 2025 (Chair Alpert)

M/S/C (Alpert/Kelley) ADOPT THE PROPOSED COMMITTEE ASSIGNMENTS WITH THE FOLLOWING CHANGES: ON THE OUTREACH COMMITTEE, SUBSTITUTE COMMISSIONER MARTINAC FOR COMMISSIONER ELGSTRAND; COMMISSIONER MARRERO WILL SERVE ON THE CLIMATE RESILIENCE & HABITABILITY COMMITTEE. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell. Carried: 8-0-0-1.

12. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

**ALL ITEMS BELOW WERE MENTIONED OR BRIEFLY DISCUSSED.
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.**

- a. Commissioner attendance records for Board and Committee meetings updated through December 2024 (Board Secretary)
- b. Deadline to submit agenda items/topics for the February regular Rent Board meeting: **Friday, February 7th 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)

- b. Climate Resilience Committee (Commissioner Martinac, Chair)
Next regularly-scheduled meeting date: TBA
- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)
Next regularly-scheduled meeting: TBA
- 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: TBA
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Commissioner Marrero, Co-Chair)
Next meeting date: TBA
- g. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board (Chair
and Co-Chair TBA)
Next regularly-scheduled meeting: TBA
- h. Updates and Announcements – Commissioner Marrero encouraged attendance at
a webinar (January 23rd at 10:00 a.m.) by Local Progress and Policy Link about
solutions to the housing crisis.
- i. Discussion of items for possible placement on future agenda

14. Adjournment

M/S/C (Kelley/Walker) ADJOURN THE MEETING. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell. Carried: 8-0-0-1. The meeting adjourned at 8:52 p.m.

Public



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: February 20, 2025

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

February 20, 2025

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Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	2435 Jefferson Ave	Minh & Huynh Thi Nguyen	\$12,140.00	\$9,712.00	\$2,428.00
	1730 Parker St	Kijahre Fikiri	\$924.00	\$739.20	\$184.80
	914 Delaware St	Triple R Properties Llc	\$688.00	\$688.00	\$0.00
	2727 Stuart St	Iliana Montauk	\$2,064.00	\$1,651.20	\$412.80
	775 Colusa Ave	Semha Alwaya	\$424.00	\$424.00	\$0.00
	1518 Harmon St	Jose & Graciela Perez	\$3,440.00	\$3,440.00	\$0.00
	2632 Warring St #8	Anil Agrawal	\$424.00	\$424.00	\$0.00
	1788 Sonoma Ave	Marianne Prior	\$360.00	\$360.00	\$0.00
	1205 Bancroft Way	Richard Dodd & Flora Rafii	\$424.00	\$424.00	\$0.00
	1849 Arch St #B	Archfellow Llc	\$424.00	\$424.00	\$0.00
	2555 Sacramento St	Moitreyee Upadhyaya	\$212.00	\$212.00	\$0.00
	716 Cragmont Ave	Ethan Cohencole	\$424.00	\$424.00	\$0.00
	2626 Hillegass St #A	Shahla Vatannia	\$678.00	\$678.00	\$0.00
	2910 California St	Joyce Bryant	\$820.00	\$656.00	\$164.00
TOTAL			\$23,446.00	\$20,256.40	\$3,189.60

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Waiver Recommendations

February 20, 2025

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Financial Impact: Ministerial Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **\$20,256.40**.

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
W5140	2020 Berkeley Way	Bridge Berkeley Way Lp	\$97,866.00	\$48,933.00	\$48,933.00
W5141	2828 College Ave	Sukhdeep & Reva Kapoor	\$12,384.00	\$6,192.00	\$6,192.00
W5142	1685 San Lorenzo Ave	Rena Harari	\$212.00	\$212.00	\$0.00
W5143	1025 Heinz Ave	Maurice & Ruth Levitch	\$870.00	\$870.00	\$0.00
W5144	1545 Dwight Way	Jennifer/Moser Marvin Siegel	\$11,008.00	\$5,504.00	\$5,504.00
TOTAL			\$122,340.00	\$61,711.00	\$60,629.00

Financial Impact: Discretionary Waivers

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Waiver Recommendations

February 20, 2025

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Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **\$61,711.00**.

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

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February Waivers

Ministerial

Address	Details
2435 Jefferson Ave	This property consists of 10 rented units. The owner has owned this property since 2021. The owner claims they never received the invoice for the registration fee. The owner states that the invoice was sent to an incorrect 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.
1730 Parker St	This property consists of three units with one rented and two exempt. The owner has owned this property since 2020. The owner stated that they were unemployed for two years prior to receiving a notice to pay registration fees. This notice, they claimed, was addressed to someone else. The owner further asserted that they lacked the financial means to pay the fees themselves. 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.
914 Delaware St	This property consists of eleven units with ten rented and one exempt. The owner has owned this property since 2005. The owner stated they were unaware that one of their tenants, receiving a subsidy from 'Building Futures,' did not meet the criteria for exempt status. The owner does not have a record 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.
2727 Stuart St	This property consists of three rented units. The owner has owned this property since 2018. The owner stated while reconciling their end-of-year accounts, they discovered that they had not received invoices from the Rent Board for the past two years. Upon contacting the Rent Board, they learned that an issue with their online account had prevented them from logging in and accessing their property information, including invoices. 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.
775 Colusa Ave	This property is a rented single-family home. The owner has owned this property since 1992. In September 2024, the owner received a Rent Board notice from their tenant regarding outstanding registration fees and penalties. The owner subsequently paid the registration fee and updated their mailing address to receive all future communications at their home address. 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.
1518 Harmon St	This property consists of five rented units. The owner has owned this property since 2015. In June 2024, the owner visited the Rent Board and inquired about registration fees with staff. The owner claims to have been assured that all necessary fees were paid at that time. However, in January 2025, upon returning to the Rent Board office, the owner was informed of an outstanding balance on their account. The owner rented a unit mid-year, which they believe may have contributed to a misunderstanding regarding their registration obligations. The owner has since paid the outstanding registration 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.

Public

2632 Warring St #8	This property is a rented condo. The owner has owned this property since 2018. The owner stated they did not receive their invoice on time, preventing timely payment and incurring a penalty. Due to an issue with their billing notification, they were unaware of the due date and did not receive the bill until after the penalty was assessed. 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.
1788 Sonoma Ave	This property is a rented single-family home. The owner has owned this property since 2008. The property manager, new to their role and acting as Power of Attorney (POA) for the estate, contacted the Rent Board before mailing a check to confirm the accuracy of the information. They mailed the check as instructed. However, the property manager was surprised to receive a delinquency notice from the Rent Board in January 2025, indicating the check had not been received. They subsequently contacted the Rent Board via email and phone to resolve the issue. 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.
1205 Bancroft Way	This property is a rented single-family home. The owner has owned this property since 2018. The owner stated that invoices were being sent to a co-owner who does not manage the property. The owner also stated that they did not receive a notice regarding registration fees from the Rent Board. The owner has since updated their contact information with 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.
1849 Arch St #B	This property is a rented condo. The owner has owned this property since 2017. The owner stated they purchased the property while their son was studying engineering at Berkeley. Now retired, they are currently renting the property. On January 13th, 2025, they received an overdue bill of \$636, comprising a \$212 fee and a \$424 penalty. They are unsure how they missed the initial \$212 bill and the subsequent notice with the 100% penalty. This likely occurred during a period in 2024 when their husband temporarily handled all of their paperwork. 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.
2555 Sacramento St	This property is a rented single-family home. The owner has owned this property since 2020. The owner stated that they mailed a check for the registration fee in 2024, which was returned. Subsequently, the owner paid the fee in person. The owner claims that the registration manager informed them that no penalties were owed. They do not recall being instructed to complete a waiver form for any potential 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.

Public

716 Cragmont Ave	This property is a rented single-family home. The owner has owned this property since 2012. The owner stated they did not receive the initial communication about the required fee. They explained that they traveled extensively over the past 6-8 months and had mail forwarding in place during a portion of this time. Due to these circumstances, they are unsure of the initial notice's whereabouts. However, they acknowledge not receiving it. The owner has since paid the full outstanding balance, including any applicable 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.
2626 Hillegass St #A	This property is a rented condo. The owner has owned this property since 2022. The owner stated they were unaware of the Rent Board's registration requirements at the time of property purchase, having received no information from the board regarding this obligation. 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.
2910 California St	This property consists of three units with two rented and one exempt. The owner has owned this property since 2013. The owner stated they were unaware that the registration bill remained unpaid. They received a past-due notice in January 2025. 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.

Discretionary

Address	Details
2020 Berkeley Way	Bridge Housing Corporation, developer and manager of the property at 2020 Berkeley Way, respectfully requests a reassessment of the penalties imposed by the Rent Board. Despite diligent efforts to register the property, including multiple inquiries and submission of required forms, significant delays occurred due to the Rent Board's system issues. The property was not officially registered until April 2024, and Bridge Housing Corporation received no prior bills or notifications. Given these circumstances, they request a waiver of all penalties. Records indicate
2828 College Ave	The property manager acknowledges unintentionally omitting paying the registration fee during the online registration process. While the registration was completed, the payment was not submitted. They sincerely apologize for this oversight. The manager claims this property represents an isolated incident, as timely payments were made for all 18 other properties under their management. This account also demonstrates a consistent history of on-time payments. Given their management of 18 other properties, it is the managers' responsibility to maintain accurate records and ensure timely payments. Staff therefore recommends waiving 50% of the penalties.
1685 San Lorenzo Ave	The elderly property owner, who is disabled and hard of hearing, received an overdue registration invoice for 2024/2025. Her caretaker discovered the invoice. The owner explained that her husband, who was primarily responsible for registration, passed away in 2022. She also mentioned difficulties in getting timely responses from her property manager regarding registration matters. Given the property owner's limitations and their history of on-time payments, staff recommends waiving 100% of the penalties.

Public

1025 Heinz Ave	The property owner stated that their father resided in the upper unit until his passing in February 2024. As their father's primary caregiver for the past several years, his death has been a significant loss and has unfortunately impacted their ability to fulfill their responsibilities. Due to the property owner's hardship, staff recommends waiving all penalties.
1545 Dwight Way	Kasa Properties manages approximately 18 properties in Berkeley. While they consistently made timely registration payments for these properties, a miscommunication with the property owner regarding the responsibility for the registration fee led to an unintentional missed payment. Kasa Properties became aware of the delinquency only after receiving a past-due notice. The property owner/manager is responsible for understanding the Rent Ordinance's registration requirements. Since they paid registration fees for other properties they manage within Berkeley, it suggests they were aware of the payment obligations. Therefore, staff recommends a 50% penalty waiver.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5140	Property address: 2020 BERKELEY WAY, BERKELEY, CA 94704	Transferred: 07/07/2020
Exempt units (as of February 2021): Unit # 614 - MGTU -		
Owner(s): Bridge Berkeley Way LP Bridge Berkeley Way LP	Waiver filed by: PROPERTY OWNER	# of Units: 88
Other Berkeley rental property owned: None		
Late payment/penalty history: 2022/2023, 2023/2024 and 2024/2025 registration year		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2024-25	87	\$18,444.00	01/23/2025	\$36,888.00	\$0.00	\$0.00
FY2023-24	87	\$15,359.00	01/23/2025	\$30,718.00	\$0.00	\$0.00
FY2022-23	87	\$15,130.00	01/23/2025	\$30,260.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$97,866.00	\$0.00	\$97,866.00

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	87	\$18,444.00	01/23/2025	\$36,888.00	\$0.00	\$36,888.00
FY2023-24	87	\$15,359.00	01/23/2025	\$30,718.00	\$0.00	\$30,718.00
FY2022-23	87	\$15,130.00	01/23/2025	\$30,260.00	\$0.00	\$30,260.00
Total				\$97,866.00	\$0.00	\$97,866.00

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

Good cause claimed by owner: Bridge Housing Corporation, developer and manager of the property at 2020 Berkeley Way, respectfully requests a reassessment of the penalties imposed by the Rent Board.

Despite diligent efforts to register the property, including multiple inquiries and submission of required forms, significant delays occurred due to the Rent Board's system issues. The property was not officially registered until April 2024, and Bridge Housing Corporation received no prior bills or notifications. Given these circumstances, they request a waiver of all penalties.

Recommendation: Staff recommends waiving 50% of the penalties.

Staff Analysis: Records indicate that the property commenced unit rentals in 2022. The property manager did not contact the Rent Board until 2023. Had they contacted us earlier, the assessed penalties could have been avoided. Therefore, staff recommends a 50% waiver of the penalties.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5141	Property address: 2828 COLLEGE AVE BERKELEY CA 94705	Transferred: 05/07/2010
Exempt units (as of February 2021): None		
Owner(s): SUKHDEEP & REVA KAPOOR	Waiver filed by: PROPERTY MANAGER	# of Units: 18
Other Berkeley rental property owned: 2227 DERBY ST BERKELEY CA 94705, 2223 PARKER ST BERKELEY CA 94704, 2309 BLAKE ST BERKELEY CA 94704, 2315 PARKER ST BERKELEY CA 94704, 2330 BLAKE ST BERKELEY CA 94704, 1947 OREGON ST BERKELEY CA 94703, 2231 WARD ST BERKELEY CA 94705, 2133 GRANT ST BERKELEY CA 94703, 1332 SHATTUCK AVE BERKELEY CA 94709, 2709 DWIGHT WAY BERKELEY CA 94704, 2230 PRINCE ST BERKELEY CA 94705, 2240 BLAKE ST BERKELEY CA 94704, 2255 HEARST AVE BERKELEY CA 94709, 2091 CALIFORNIA ST BERKELEY CA 94703, 1835 HARMON ST BERKELEY CA 94703, 1545 DWIGHT WAY BERKELEY CA 94703, 1717 UNIVERSITY AVE, BERKELEY, CA 94703		
Late payment/penalty history: 2024/2025 registration year		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2024-25	ALL	\$6,192.00	01/13/2025	\$12,384.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$12,384.00	\$0.00	\$12,384.00

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	18	\$6,192.00	01/13/2025	\$12,384.00	\$0.00	\$12,384.00
Total				\$12,384.00	\$0.00	\$12,384.00

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

Good cause claimed by owner: The property manager acknowledges unintentionally omitting paying the registration fee during the online registration process. While the registration was completed, the payment was not submitted. They sincerely apologize for this oversight. The manager claims this property represents an isolated incident, as timely payments were made for all 18 other properties under their management. This account also demonstrates a consistent history of on-time payments.

Recommendation: Staff recommends waiving 50% of the penalties

Staff Analysis: Given their management of 18 other properties, it is the managers' responsibility to maintain accurate records and ensure timely payments. Staff therefore recommends waiving 50% of the penalties.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5142	Property address: 1685 SAN LORENZO AVE BERKELEY CA 94707	Transferred: 03/27/2023
Exempt units (as of February 2021): None		
Owner(s): RENA HARARI	Waiver filed by: Registration Manager	# of Units: 1
Other Berkeley rental property owned: 2434 8TH ST BERKELEY CA 94710, 2430 8TH ST BERKELEY CA 94710, 3216 BAKER ST BERKELEY CA 94702, 2523 RIDGE RD BERKELEY CA 94709, 1685 SAN LORENZO AVE BERKELEY CA 94707, 2912 CLAREMONT AVE BERKELEY CA 94705		
Late payment/penalty history: 2024/2025 Registration Fee		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2024-25	ALL	\$212.00	12/09/2024	\$212.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$212.00	\$0.00	\$212.00

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	12/09/2024	\$212.00	\$0.00	\$212.00
Total				\$212.00	\$0.00	\$212.00

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

Good cause claimed by owner: The elderly property owner, who is disabled and hard of hearing, received an overdue registration invoice for 2024/2025. Her caretaker discovered the invoice. The owner explained that her husband, who was primarily responsible for registration, passed away in 2022. She also mentioned difficulties in getting timely responses from her property manager regarding registration matters.

Recommendation: Staff recommends waiving 100% of the penalties.

Staff Analysis: Given the property owner's limitations and their history of on-time payments, staff recommends waiving 100% of the penalties.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5143	Property address: 1025 HEINZ AVE BERKELEY CA 94710	Transferred: 10/17/1985
Exempt units (as of February 2021): Unit # UPPER - FREE -		
Owner (s): MAURICE & RUTH LEVITCH	Waiver filed by: PROPERTY OWNER	# of Units: 2
Other Berkeley rental property owned: None		
Late payment/penalty history: 2023/2024 registration year		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2023-24	ALL	\$290.00	09/19/2024	\$870.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$870.00	\$0.00	\$870.00

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
FY2023-24	2	\$290.00	09/19/2024	\$870.00	\$0.00	\$870.00
Total				\$870.00	\$0.00	\$870.00

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

Good cause claimed by owner: The property owner stated that their father resided in the upper unit until his passing in February 2024. As their father's primary caregiver for the past several years, his death has been a significant loss and has unfortunately impacted their ability to fulfill their responsibilities.

Recommendation: Staff recommends waiving 100% of the penalties.

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

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5144	Property address: 1545 DWIGHT WAY BERKELEY CA 94703	Transferred: None
Exempt units (as of February 2021): None		
Owner(s): JENNIFER/MOSER MARVIN SIEGEL	Waiver filed by: Property Manager	# of Units: 16
Other Berkeley rental property owned: 2227 DERBY ST BERKELEY CA 94705, 2223 PARKER ST BERKELEY CA 94704, 2309 BLAKE ST BERKELEY CA 94704, 2315 PARKER ST BERKELEY CA 94704, 2330 BLAKE ST BERKELEY CA 94704, 1947 OREGON ST BERKELEY CA 94703, 2231 WARD ST BERKELEY CA 94705, 2133 GRANT ST BERKELEY CA 94703, 1332 SHATTUCK AVE BERKELEY CA 94709, 2828 COLLEGE AVE BERKELEY CA 94705, 2709 DWIGHT WAY BERKELEY CA 94704, 2230 PRINCE ST BERKELEY CA 94705, 2240 BLAKE ST BERKELEY CA 94704, 2255 HEARST AVE BERKELEY CA 94709, 2091 CALIFORNIA ST BERKELEY CA 94703, 1835 HARMON ST BERKELEY CA 94703, 1717 UNIVERSITY AVE, BERKELEY, CA 94703		
Late payment/penalty history: 2024/2025 Registration Year		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2024-25	ALL	\$5,504.00	01/17/2025	\$11,008.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$11,008.00	\$0.00	\$11,008.00

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	16	\$5,504.00	01/17/2025	\$11,008.00	\$0.00	\$11,008.00
Total				\$11,008.00	\$0.00	\$11,008.00

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

Good cause claimed by owner: Kasa Properties manages approximately 18 properties in Berkeley. While they consistently made timely registration payments for these properties, a miscommunication with the property owner regarding the responsibility for the registration fee led to an unintentional missed payment. Kasa Properties became aware of the delinquency only after receiving a past-due notice.

Recommendation: Staff recommends waiving 50% of the penalties.

Staff Analysis: The property owner/manager is responsible for understanding the Rent Ordinance's registration requirements. Since they paid registration fees for other properties they manage within Berkeley, it suggests they were aware of the payment obligations. Therefore, staff recommends a 50% penalty waiver.



Rent Stabilization Board

DATE: February 20th, 2025

TO: Honorable Members of the Rent Stabilization Board

FROM: Chair Soli Alpert and Commissioner Marrero

SUBJECT: Affirming the Rent Stabilization Board's Support for and Compliance with the City of Berkeley's Sanctuary Policies

Recommendation:

The Berkeley Rent Stabilization Board:

- 1) Adopt the attached resolution affirming the Board's support for and compliance with the City of Berkeley's Sanctuary City policies and
- 2) Direct the Executive Director to ensure that all Rent Board staff are informed of the Sanctuary City policy and
- 3) Direct the Executive Director to communicate to tenants and landlords in Berkeley regarding the rights of non-citizen tenants under local and state law.

Background:

On January 21st, the Berkeley City Council voted to adopt Resolution NO. 71,658-N.S. "REAFFIRMING BERKELEY AS A SANCTUARY CITY." This resolution was put forward in response to the Trump administration's threats of mass deportations and plans to rescind the long-standing federal policy restricting ICE arrests in sensitive areas such as schools, after-school programs, hospitals, community health centers, and places of worship. Those threats and plans have since been implemented. Additionally, the Trump administration has illegally and unconstitutionally narrowed Birthright Citizenship as guaranteed by the 14th Amendment to the US Constitution. As a connected but independent organization within the City of Berkeley, it is incumbent on the Rent Board to affirm the Board's support for this policy and that this policy applies to the Board as an agency.

Additionally, state law, including the Immigrant Tenant Protection Act of 2017, provides specific protections for non-citizen tenants from being harassed on the basis of their immigration status. As fear and misinformation circulate regarding new federal policies and the rights of immigrants in the Berkeley community, it is vital for tenants and landlords to be informed about their rights under the law.

Financial Impact:

Expenses associated with possible mailings to tenants and landlords. Costs may be reduced through a partnership with the City and/or School District on joint mailings.

Name and Email Address of Contact Person:

Chair Soli Alpert, RSBAlpert@berkeleyca.gov

RESOLUTION 25-01

REAFFIRMING BERKELEY AS A SANCTUARY CITY

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

WHEREAS, the residents of Berkeley have a long history and deep commitment to welcoming immigrants, refugees, and those in exile; and

WHEREAS, the Berkeley community believes in protecting all of our residents and letting them know they are safe, regardless of their immigration status; and

WHEREAS, the City of Berkeley was the first city in the nation to declare itself a City of Refuge in 1971 (Resolution 44,784-N.S.) and the first city to support the “New Border Vision” in 2020, to encourage Congress to expand public safety, protect human rights, and welcome people to our communities; and

WHEREAS, the City of Berkeley reaffirmed its City of Refuge status in 1986 (Resolution No. 52,596-N.S.), 2007 (Resolution No. 63,711-N.S.), 2015 (Resolution No. 67,325-N.S.), 2016 (Resolution No. 67,598-N.S. & No. 67,763-N.S.) and 2017 (Resolution No. 68,131-N.S.); and

WHEREAS, the City of Berkeley once again reaffirmed its Sanctuary City status on January 21, 2025, adopting Resolution NO. 71,658-N.S. “REAFFIRMING BERKELEY AS A SANCTUARY CITY”; and

WHEREAS, the Trump administration has begun a campaign of mass deportation and has rescinded the longstanding federal policy restricting immigration enforcement activity at schools, after-school programs, hospitals, community health centers, and places of worship; and

WHEREAS, non-citizen tenants are vulnerable to abuse and manipulation by their landlords on the basis of their immigration status.

NOW, THEREFORE, BE IT RESOLVED, that the Berkeley Rent Stabilization Board affirms its support for the Sanctuary City policies adopted by the City of Berkeley in Resolution NO. 71,658-N.S and prior resolutions, and affirms that said policies apply to the Berkeley Rent Stabilization Board and its operations and staff; and

BE IT FURTHER RESOLVED, that the Berkeley Rent Stabilizations board expresses its desire for cooperation with the City of Berkeley and the Berkeley Unified School District in the effort to ensure that all immigrants in the Berkeley community are made safe from this renewed federal assault.

RESOLUTION 25-01

REAFFIRMING BERKELEY AS A SANCTUARY CITY

(Page 2)

Dated: February 20, 2025

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

YES:

NO:

ABSTAIN:

ABSENT:

Soli Alpert, Chairperson
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director
Rent Stabilization Board

RESOLUTION 25-02

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH GOLDFARB & LIPMAN, LLP IN AN AMOUNT NOT TO EXCEED \$325,000

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

WHEREAS, Measure MM, which was placed on the general election ballot by the Berkeley City Council on July 30, 2020, and subsequently passed by the voters on November 3, 2020, requires the Board to register certain partially covered rental units, including: rented single-family homes, condominiums, and newly-constructed units; and

WHEREAS, on December 17, 2020, by Resolution 20-17, the Board approved the initial implementation of registration for partially exempt units due to the amendments to the Rent Stabilization Ordinance mandated by Measure MM; and

WHEREAS, on October 12, 2023, Alan Wofsy & Associates, a California corporation (dba Hearst Commons), on behalf of itself and all other similarly situated, filed a Class Action Complaint against the Board challenging the constitutionality of Measure MM; and

WHEREAS, class litigation lawsuits are particularly complex and time-consuming to defend; and

WHEREAS, the Board’s legal unit recommended the hiring of outside counsel to assist the Board to defend *Alan Wofsy & Associates, on behalf of itself and all others similarly situated, v. Berkeley Rent Stabilization Board*, a class action, Alameda County Superior Court Case No. 23CV043503; and

WHEREAS, the Board’s legal unit has worked successfully with the lawyers at Goldfarb & Lipman, LLP in past litigation; and

RESOLUTION 25-02

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH GOLDFARB & LIPMAN, LLP IN AN AMOUNT NOT TO EXCEED \$325,000 (Page 2)

WHEREAS, Goldfarb & Lipman, LLP have particular expertise in litigating matters related to private claims against government agencies; and

WHEREAS, the Board adopted Resolution 24-16 on June 20, 2024, which resolution authorized the Board to pay \$75,000 to Goldfarb & Lipman, LLP to litigate this case; and

WHEREAS, Plaintiff has litigated this case with far more discovery and time-consuming procedural matters than previously anticipated; and

WHEREAS, the Board will need to authorize further spending authority to retain Goldfarb & Lipman, LLP as outside counsel on this case;

NOW, THEREFORE, BE IT RESOLVED, that the City of Berkeley Rent Stabilization Board hereby authorizes the Executive Director to execute a contract amendment with Goldfarb & Lipman, LLP to pay for work performed in the matter of *Alan Wofsy & Associates, on behalf of itself and all others similarly situated, v. Berkeley Rent Stabilization Board*, a class action, Alameda County Superior Court Case No. 23CV043503 in an amount not to exceed \$325,000; and

BE IT FURTHER RESOLVED that the Board will reconsider these matters should more funds be necessary to provide further assistance with matters related to this litigation.

RESOLUTION 25-02

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH GOLDFARB & LIPMAN, LLP IN AN AMOUNT NOT TO EXCEED \$325,000 (Page 3)

Dated: February 20, 2025

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

YES:

NO:

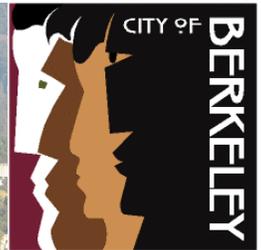
ABSTAIN:

ABSENT:

Soli Alpert, Chairperson
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director
Rent Stabilization Board

Measure BB



City of Berkeley Rent Stabilization Board Newsletter

Vol. 1

Measure BB was passed by Berkeley voters in the November 2024 election. Read this to learn how it affects tenant and landlord rights and responsibilities.



NEW Notice Requirements

Eviction Notices must contain certain information directing tenants to the Berkeley Rent Stabilization Board, and copies must now be sent to the Berkeley Rent Stabilization Board within **3 business days** of serving the tenant either an eviction notice or lawsuit.

Landlords must provide tenants with a Notice of Tenants Rights at the start of the tenancy and post the notice in an indoor common area if available.

Highlights of Changes to the Berkeley Rent Ordinance

- ◇ Government-owned or subsidized rental units become either fully or partially covered by the ordinance. ([See the Rent Stabilization Board's QR code for more information.](#))
- ◇ Tenants have an enforceable right to organize.
- ◇ Rental units where the tenant shares a kitchen or bath facilities with the landlord are only exempt if the landlord resided in the unit prior to the start of the tenancy.
- ◇ For all new tenancies, tenants are only responsible for paying utility charges if it is included as a part of the contract rent or if it is separately metered in their name.

Changes to the Just Cause for Eviction Requirements

- ◆ Eviction for nonpayment of rent is not allowed if the debt is less than one month of the Fair Market Rent for a unit of an equivalent size. ([See the Rent Stabilization Board's QR code for more information.](#))
- ◆ A tenant can no longer be evicted for refusing to sign a new fixed-term lease agreement.
- ◆ For any notice to terminate an agreement for a lease breach, a landlord must clearly specify the alleged breach, and may not evict a tenant unless the breach causes the landlord actual harm.

For Additional Information and Updates

Please visit our Measure BB page on our website:



[HTTPS://BIT.LY/MEASUREBB](https://bit.ly/measurebb)

Traducción disponible ¡Llámanos!

提供翻譯。 致電我們!

الترجمة متاحة. اتصل بنا!

Có sẵn bản dịch Hãy gọi cho chúng tôi!



OTHER IMPORTANT NEW STATE HOUSING INITIATIVES AT A GLANCE

AB 2347

Extension of Unlawful Detainer

Response Period: Effective January 1, 2025. Extends a tenant's time to file an Answer to an eviction lawsuit from 5 to 10 court days. It also changes the timeline for the court to hear various motions in an eviction lawsuit.

AB 2747

Effective January 1, 2025. Many landlords must provide tenants with the option to report on-time rent payments to credit bureaus.

AB 2493

Application fees: Effective January 1, 2025. Amends CA Civil Code 1950.6 in various ways, including but not limited to:

- Landlords can no longer charge an applicant a screening fee if there is no available rental unit.
- Prohibits charging a prospective tenant a screening fee unless the landlord either: a) returns the screening fee to any applicant not selected, or b) has a screening fee policy where they review applications in the order received, the 1st qualified applicant gets the unit, and do not charge screening fees to any applicant whom the landlord does not consider.

AB 2801

Security Deposits: Amends CA Civil Code 1950.5 in several ways, including but not limited to:

- Effective January 1, 2025, landlords must provide proof necessary repairs were completed.
- For tenancies that begin on or after July 1, 2025, a landlord must photograph the unit immediately before or at the start of the tenancy.

For more information on state law, please visit leginfo.legislature.ca.gov



2000 Center Street Suite 400
Berkeley, CA 94704
Phone: 510-981-RENT (7368)
Website: rentboard.berkeleyca.gov

Rent Stabilization Board Newsletter

MEASURE BB UPDATES

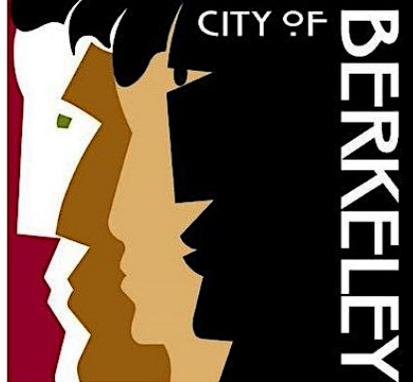
Understanding AGAs and Rent Increases

While Measure BB lowered the cap on the Annual General Adjustment (AGA) from 7% to 5%, the ordinance amendments do not affect the landlord's right to adjust the rent to incorporate unused ("banked") AGAs. Landlords may still raise the rent to the lawful rent ceiling with proper notice even if that total rent increase exceeds 5%.



NEW
NOTICE
REQUIREMENTS

Eviction notices must now include information directing tenants to the Berkeley Rent Stabilization Board and must be filed with our office within 3 days. Landlords are also required to give tenants a Notice of Tenant Rights at the start of all new tenancies. For more information, please visit our website.



LANDLORDS:
FIND OUT HOW
MEASURE BB MAY
AFFECT YOU!

Visit our Rent Registry, the property portal for landlords & owners at:

rentregistry.cityofberkeley.info



@berkeleyrentboard

TAKE ACTION!

Connect With Us

Contact the Rent Stabilization Board with your questions:

Phone: (510) 981-RENT

Email: rent@berkeleyca.gov

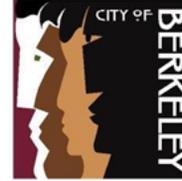
Request an Appointment:
tinyurl.com/rsbappointment

Want More Information?

Resources available on our website!

Web: rentboard.berkeleyca.gov

Scan QR code:



Rent Stabilization Board
2000 Center St., Suite 400
Berkeley, CA 94704

February 2025

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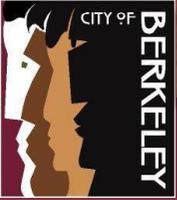
Traducción disponible ¡Llámanos!

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FOLLOW US ON FACEBOOK FOR UPDATES



MEASURE BB SPOTLIGHT FOR TENANTS

Understanding changes to the Berkeley Rent Ordinance

**Affects tenants in
Fully and Partially
Covered Units**

In Berkeley, tenants in units covered by the Rent Ordinance cannot be evicted without “just cause” (previously called “good cause”).

Measure BB has changed some just causes, which apply to most rental units in Berkeley including many nonprofit and government-subsidized units. Some examples of these changes include:

- Eviction for nonpayment of rent is not allowed if the debt is less than one month’s Fair Market Rent for a unit of an equivalent size.
- A landlord may no longer evict a tenant for failure to sign a new fixed-term lease.

Visit the Berkeley Rent Stabilization Board’s webpage for additional information at rentboard.berkeleyca.gov.

We Are Here to Help!

Connect With Us

Contact the Rent Stabilization Board with your questions:

Phone: (510) 981-7368 (RENT)

Email: rent@berkeleyca.gov

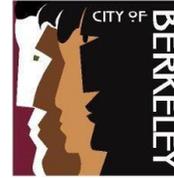
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Rent Stabilization Board

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

Tuesday, February 18, 2025 – 5:30 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, Ste. 400- 4th floor, Berkeley

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

For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/83870121566?pwd=5qvw6oIrJ5vXtl9EJykUbmMwiHsL68.1>. If you do not wish your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself as anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 838 7012 1566 and Passcode: 995676. 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 DeWilliams@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR BUDGET & PERSONNEL COMMITTEE." Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 9:30 a.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

BUDGET & PERSONNEL COMMITTEE MEETING

Tuesday, February 18, 2025 – 5:30 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, 4th floor, Berkeley

AGENDA

1. Roll Call
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-Chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of agenda
4. Election of Committee Chair
5. Public Comment
6. Approval of October 3, 2024 and November 12, 2024, meeting minutes (attached to agenda)
7. Discussion and Possible Action on the Rent Board Staffing Model Modification (Report attached)
8. Discussion and Possible Action regarding FY24/25 Mid-Year Budget Update (Report attached)
9. Discussion and Possible Action on the Process to Adopt the Fiscal Year 2025/26 Registration Fee for Fully Covered and Measure MM units (staff presentation)
10. Discussion and Possible Action regarding the End of the Pass-through program funding (Presentation)
11. Future agenda items
12. Discussion and possible action to set the next meeting
13. Adjournment

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

COMMITTEE: Soli Alpert, Andy Kelley, Nathan Mizell, Dominique Walker



RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Monday, February 10, 2025 – 6:30 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, 4th floor, 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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To submit an email comment for the Committee's consideration and inclusion in the public record, email corozco@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR OUTREACH COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:30 p.m. on the day of the Committee meeting in order to be included.**

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

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting 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.



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RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Monday, February 10, 2025 – 6:30 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, 4th floor, Berkeley, CA

AGENDA

1. Roll call (1 min.)
2. Election of Committee Chair (3 min.)
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.*
4. Approval of the Agenda (2 min.)
5. Review and approval of November 18, 2024 Meeting Minutes (2 min.)
6. Public Comment (5 min.)
7. Measure BB Outreach Update (15 min.)
8. Language Accessibility Guide (5 min.)
9. Tenant Survey Data Metrics (10 min.)
10. Outreach Committee Regular meeting date and time – Set 2025 Calendar Dates (5 min.)
11. Future Agenda Items (5 min.)
12. Adjournment (2 min.)

STAFF CONTACT: Carla Orozco, Community Development Project Coordinator (510) 981-4934

COMMITTEE: Andy Kelley, Ida Martinac, Vanessa Marrero, Alfred Twu