Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, January 16, 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/82670190040?pwd=HSb6sizSBP3v3psGZbSVHCEt00spvE.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: 826 7019 0040 and Passcode: 633275. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

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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.

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RENT STABILIZATION BOARD
Regular Meeting
Thursday, January 16, 2025
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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 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)

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. **Introduction of new Rent Board Staff:** Katrina Lapira and Desirée Oliver – 5 min.*

6. **Public Comment** – 2 min.*

7. **Public Comment for Unions representing Rent Board staff** – 5 min.*

8. **Special Presentation**: *Finance 365* – 15 min.*
   Presenter: Shamika Cole, Rent Board Finance Director

9. **Special Presentation**: *Amendments to the Rent Stabilization Ordinance in Measure BB* – 20 min.*
   Presenters: Rent Board Legal Unit

10. **CONSENT ITEMS** – 1 min.*

    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)

    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

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 – 1 min. per speaker*

a. Chair Update (Chair Alpert) – 5 min.*

b. Discussion and possible action to amend Resolution 24-24 and the elected Rent Board's Regular Meeting Schedule for 2025 (Executive Director) – 10 min.*

c. Recommendation to adopt proposed Committee Assignments for 2025 (Chair Alpert) – 10 min.*

12. 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. Commissioner attendance records for Board and Committee meetings updated through December 2024 (Board Secretary) – 1 min.*

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) – 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

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.*

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.

Internal

Distributed at the Meeting
Item 8.

FINANCE UNIT

EST. APRIL 2023

RENT STABILIZATION BOARD

BACKGROUND

Budget development, payroll, procurement, contracting, and financial reconciliation actions were managed across various units.

✓ **Operational Inefficiencies**	✓ **Strategic Limitations**
✓ **Compliance Risks**	✓ **Effective Check and Balances**
✓ **Staff Strain**	✓ **Building and maintaining relationships**
✓ **Antiquated Financial Processes**	✓ **Lack of clear policies and procedures**

INITIAL KEY CHALLENGES:

- Unrecorded Deposits
- System Data Inconsistencies
- Payroll Errors
- Delayed Vendor Payments
- Lack of Documented Procedures

IMPLEMENTATION PLAN:

- CURRENT RESOURCES
- IDENTIFY GAPS
- CREATE A PHASED WORK PLAN
- STAFFING

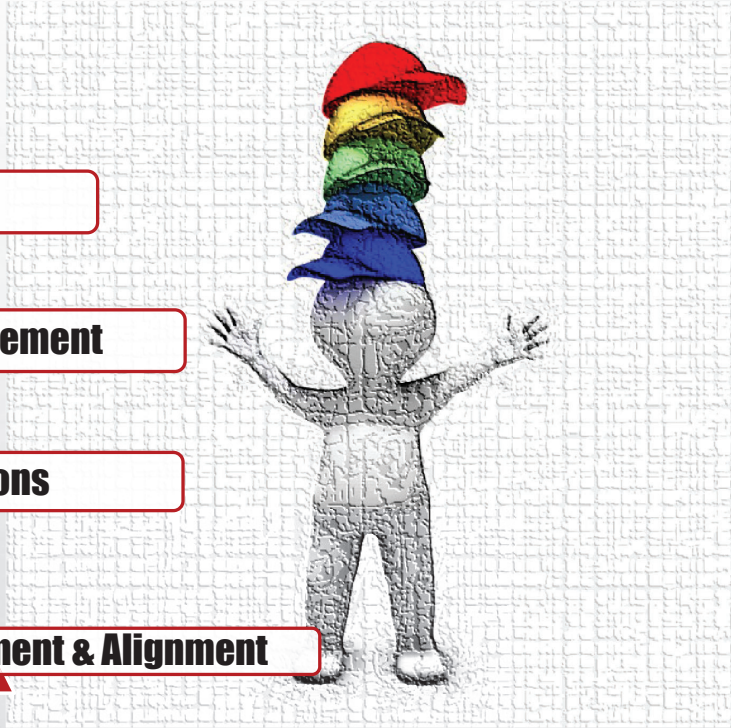
STAFFING STRUCTURE:

- **FINANCE DIRECTOR**: Oversee the Rent Board's fiscal operations, including agency compliance with financial regulations and practices, and provide strategic financial leadership to the Executive Director and the Elected Board.
- **ASSISTANT MANAGEMENT ANALYST:** Support financial analysis, budgeting, and reporting, and lead on contracting activities. Assist with financial data collection and process improvements as well as overall team support with financial activities.
- **ACCOUNTING OFFICE SPECIALIST III:** Manage day-to-day accounting and payroll functions, process financial transactions, maintain accurate financial records as well as overall team support with financial activities.

CENTRALIZATION:

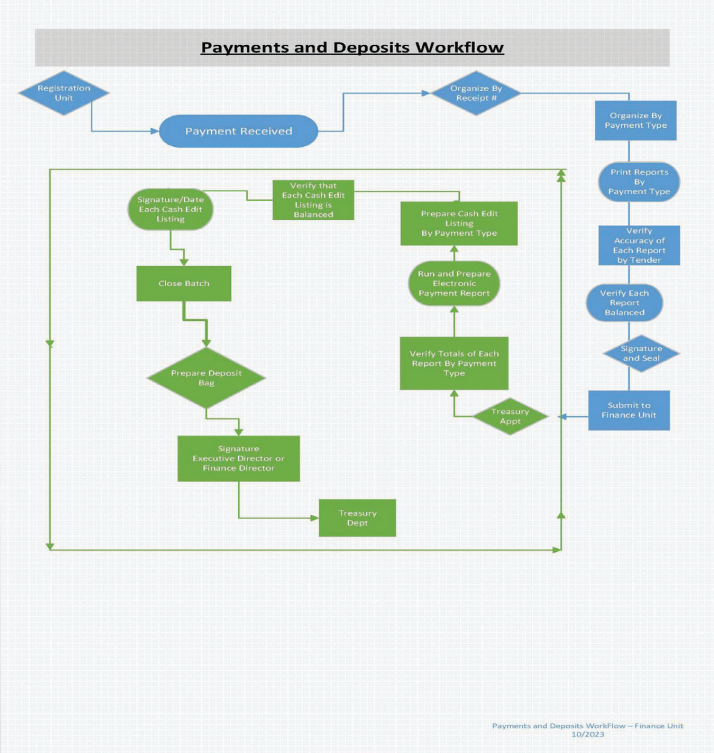
EST: APRIL 2023

- Budgeting
- Contracting
- Procurement
- Payroll
- Fiscal Operations
- Compliance
- Policy Development & Alignment



ENHANCED SYSTEMS:

- DEPOSITS WORKFLOW
- SMALL CLAIMS FILINGS
- REFUND POLICY
- TIMECARDS TO PAPERLESS



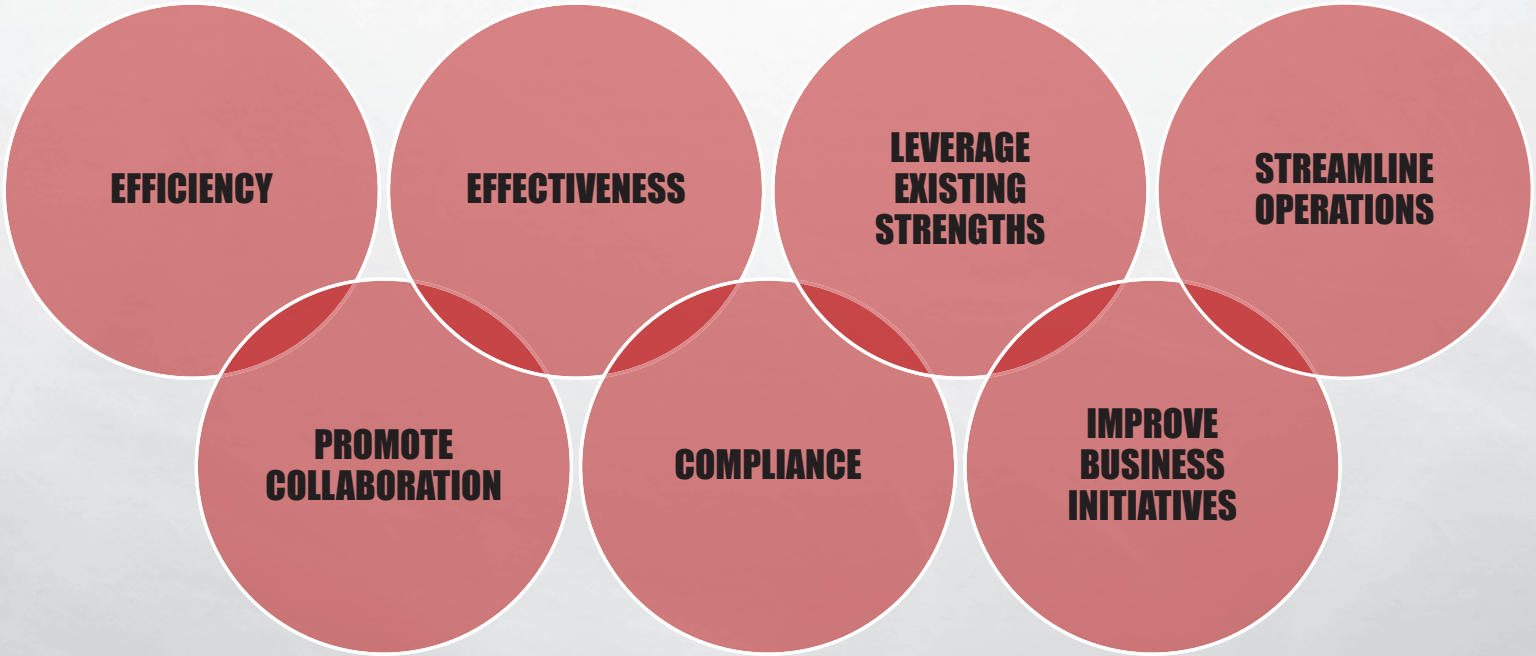
NEWLY DEVELOPED SYSTEMS:

- ESTABLISHED A RETURNED PAYMENT PROCESS
- ESTABLISHED A LEAVE OF ABSENCE POLICY
- PAYMENT PROCESSING
- FISCAL TRACKING
- REDUCED PAYROLL ERRORS

FUTURE FOCUS AREAS:

- CONTRACTS POLICY AND PROCEDURE
- PROCUREMENT POLICY AND PROCEDURE
- BUDGET REPORTING AND REFINEMENTS
- RECOMMENDATIONS TO BOARD REGARDING BANK FEE ALLOCATIONS
- SYSTEM INTEGRATION AND REFINEMENTS

STRATEGIC PATH FORWARD:



Internal

QUESTIONS

??????????????????

Distributed at the Meeting
Item 9.

Rent Stabilization Board

Amendments to the Rent Stabilization Ordinance in Measure BB

Regular Meeting of the Berkeley Rent Stabilization Board
January 16, 2025

Measure BB Overview

- Non-operational changes
- Changes to types of units covered
- New Registration requirements
- Changes to Good Causes for Eviction
- Creates a "Right to Organize"

Non-operational changes

- Updated findings section
- Modernized language; standardized capitalization
- Non-substantive headings
- Allows rent controls on Replacement Units under SB 330
- Lowers maximum AGA from 7% to 5%
- Eliminates authority to request Council remove Rent Control
- Annual increases to OMI payment now mandatory

Changes to types of units covered by Ordinance

Ordinance applies to all residential units rented or available to rent (unless exempt)

Partially-covered units are subject to the registration, security deposit and just cause for eviction

Measure BB

Some fully-exempt units now covered	**Some partially covered units now fully-covered.**

Government-Subsidized & Government-owned Units

Prior Exemptions

- Section 8 (Partial exemption)
- Government-Owned (Full exemption)
- Non-profit exemption: “Full” exemption for rental units owned by a non-profit and subject to another subsidy

Measure BB change: full coverage for government-owned or –subsidized units (as allowed by state and federal law)

Petitions for Government-Subsidized Units

- Fully covered government-subsidized units can access the same petitions as non-subsidized tenancies.
- Subsidized units can access petitions to determine the exemption status of a rental unit.
- Mediation is available.
- Petition decisions unlikely to affect what a tenant pays.

New Registration Requirements

- Landlords required to re-register unit within 15 days of new tenancy
- The Board has the authority to issue fines for failure to re-register a tenancy (or file a VR)
- Activating fine authority requires separate Board regulation on process
- At the beginning of a tenancy, landlord must provide tenants notice on rights under ordinance or of any exemption claims

Notice of Tenant Rights

Separate notices: for **Fully Covered** and **Partially Covered** Units.

If the property has an interior common space, the landlord must post the notice or notices in that space.

In properties with both Fully Covered & Partially Covered units: **landlord must post both notices**

Utility Charges in Fully-Covered Units

Permitted only if:

Included in base rent	OR	Individually-metered and the utility service is in tenant's name.

If a lease entered into on or after February 6, 2024 charges utilities in violation of this section, the landlord may petition to include the utilities in the base rent.

Changes to Cause for Eviction

- Must owe at least one month's Fair Market Rent (based on unit size) to be evicted for nonpayment
- Refusal to sign a new fixed-term lease no longer a grounds for eviction
- Breach of lease must cause actual harm to be grounds for eviction

New Requirements for Eviction Notices

Must be filed with the Board within 3 days of service on the tenant (no longer 10 days).

Must contain a statement that assistance regarding the notice is available at the Rent Board.

Tenant Right to Organize

Limited to:

- Properties with 10 or more units; or
- Managed by a property management company.

Creates the right to form a Tenant Association

- Includes right to contact & provide info on organizing to other residents.
- Requires 50% of tenants to sign a petition
- Entitled to quarterly meeting with landlord

Remedies for violations include:

- Potential rent reduction in fully covered units
- Private right of action in partially covered units

Rent Stabilization Board

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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

Minutes - *Unapproved*

1. **Roll call** – Commissioner Alpert called the meeting to order at 7:07 p.m.
   Aimee Mueller called roll.
   Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker
   Commissioners absent: None
   Staff present: Brown, Bursell, Ehlinger, Kim, Mueller, Williams

2. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (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.

3. **SPECIAL ORDER OF BUSINESS**

   a. Oath of Office of Commissioners-elect:
      City Clerk Mark Numainville administered the Oath of Office to Commissioners-elect Twu, Johnson, Kelley, and Walker.

   b. Introduction of and comments from Commissioners-elect

4. **SPECIAL ORDER OF BUSINESS**

   a. Election of Rent Board Chair:
      The General Counsel conducted the election for the Board's Chair.

Commissioner Johnson nominated Commissioner Alpert and he accepted. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

Commissioner Alpert was elected Board Chair.

b. Election of Rent Board Vice-Chair:
Chair Alpert conducted the election for the Board's Vice-Chair.

Commissioner Kelley nominated Commissioner Walker and she accepted. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

Commissioner Walker was elected Board Vice-Chair.

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

5. <u>Approval of Agenda</u>

M/S/C (Kelley/Walker) APPROVE THE AGENDA AS WRITTEN. Voice vote. Carried: 9-0-0-0.

6. <u>Public Comment</u> – None.

7. <u>CONSENT ITEMS</u>

a. <u>Approval of the November 21st regular meeting minutes</u>

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

Ministerial Waivers
<u>Property Address</u>

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

M/S/C (Kelley/Marrero) APPROVE ALL CONSENT ITEMS AS WRITTEN. Voice vote. Carried: 9-0-0-0.

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 – None.

a. Recommendation to adopt Resolution 24-23 approving the new employment agreement with Executive Director DéSeana Williams (Commissioner Alpert)

Prior to the vote, the following statement was read aloud: A motion has been made and seconded regarding the appointment and approval of an employment agreement for Executive Director to the Berkeley Rent Stabilization Board. Pursuant to Government Code 54953(c)(3), a summary of the compensation must be orally reported prior to taking final action. Pursuant to the employment agreement, the Executive Director is to receive an annual salary of $298,760 and employee benefits consistent with the City of Berkeley's unrepresented employee manual for employees in Unit Z1. The term of the employment agreement is for five years. A copy of the employment agreement has been included in the agenda packet.

M/S/C (Walker/Kelley) ADOPT RESOLUTION 24-23 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

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)

M/S/C (Twu/Mizell) APPROVE THE ITEM AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

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)

M/S/C (Kelley/Walker) APPROVE THE ITEM AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

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)

M/S/C (Marrero/Elgstrand) REPEAL REGULATION 807. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

e. Recommendation to adopt Resolution 24-24 establishing the elected Rent Board's Regular Meeting Schedule for 2025 (Executive Director)

M/S/C (Elgstrand/Johnson) ADOPT RESOLUTION 24-24 AS WRITTEN. Voice vote. Carried: 9-0-0-0.

Commissioners stated their availability for 2025 Rent Board Meetings for the record as follows:

Commissioner Johnson: Unavailable in July.
Commissioner Marrero: Unavailable in January; remote in June.
Commissioner Kelley: Unavailable in December.
Commissioner Mizell: Unavailable in January and July.
Commissioner Martinac: Unavailable in April.
Commisioner Walker: Unavailable in March and June.

f. Demolition Ordinance and Demolition projects status update (Senior Planner Lief Bursell) – Lief Bursell presented and took questions from the Board.

9. 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. 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)
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

December 12th agenda

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 announced that (1) the U.S. Department of Justice, Civil Rights Office and the U.S. Department of Education, Office of Civil Rights have created guidance around discrimination based on national origin and immigration status; (2) Attorney General Bonta has also issued guidance related to immigrant communities; and (3) FEMA is having a webinar on January 29. Executive Director Williams announced PIU Manager Nate Dahl's departure from the Rent Board.

i. Discussion of items for possible placement on future agenda

11. Adjournment

M/S/C (Kelley/Twu) ADJOURN THE MEETING. Voice vote. Carried: 9-0-0-0. The meeting adjourned at 7:58 p.m.

Rent Stabilization Board
Legal Department

DATE: January 16, 2025

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]– Second Reading

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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 full Board unanimously approved these changes at its meeting on December 19, 2024.

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.

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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. ~~13.76.050I~~ 13.76.050.B.1 and B.M.C. ~~13.76.050O~~ 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 been 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.

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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).

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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.

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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

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Rent Stabilization Board
Legal Department

DATE: January 16, 2025

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] – Second Reading

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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 full Board unanimously approved these changes at its meeting on December 19, 2024.

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.

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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).

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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.

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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.

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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

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~~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~~

~~(A) Purpose. Under the Ordinance (BMC 13.76.050.D) units are exempt from rent registration and related rent ceiling requirements when they are occupied by tenants who receive monthly rent subsidies through the Section 8, Shelter Plus Care or equivalent federally funded program, but only so long as the rent demanded does not exceed the payment standard. The exemption is intended to encourage landlords to rent to tenants receiving such assistance, and the purpose of the limitation on the exemption is to provide tenants in these programs with protections equivalent to those of unsubsidized tenants so that their rents cannot be raised above the payment standard unless the increase conforms with the Annual General Adjustments allowed under the ordinance.~~

~~These regulations clarify when a unit qualifies for and no longer qualifies for the exemption. They specify that a unit no longer qualifies for exemption when the landlord raises the rent above the payment standard. They further specify that the exemption continues to apply if the landlord has not raised the rent to bring it over the payment standard but instead the BHA has lowered the payment standard below a rent that originally qualified the unit for exemption.~~

~~(B) Applicable Payment Standard: Definition. The applicable payment standard is the maximum rental assistance that the Housing Authority can provide to a household based on the number of bedrooms that the tenant household qualifies for.~~

~~a. If an owner accepts an initial rent based on the payment standard for fewer bedrooms than the rented unit contains, the applicable payment standard shall continue to be based on the same number of bedrooms unless the Housing Authority qualifies the tenant to receive subsidy based on a larger number of bedrooms.~~

~~b. If the Housing Authority approves an initial rent above the payment standard, that initial rent shall be considered the applicable payment standard for that unit until it is equaled or exceeded by the payment standard set by the Housing Authority.~~

~~(C) Units Qualifying for Exemption. As long as the rent is no higher than the payment standard the unit qualifies for exemption from Section 13.76.080 Rent Registration, 13.76.100 Establishment of Base Rent Ceiling and Posting, Section 13.76.110 Annual General Adjustment of Rent Ceilings and Section 13.76.120 Individual Adjustment of Rent Ceilings. The unit will no longer qualify for these exemptions if the rent is increased to a level above the payment standard.~~

~~If, however, the payment standard is lowered so that a previously agreed upon rent that was originally within the payment standard is now above the payment standard, the unit will continue to qualify for exemption from Section 13.76.080 Rent Registration, 13.76.100 Establishment of~~

~~Base Rent Ceiling and Posting, Section 13.76.110 Annual General Adjustment of Rent Ceilings and Section 13.76.120 Individual Adjustment of Rent Ceilings.~~

~~[Adopted: 07/19/13]~~

Public

Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: January 16, 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.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	5 The Crescent	Jane Morgan	$868.00	$694.40	$173.60
	150 Panoramic Way	150 Panoramic Way LLC	$1,720.00	$1,376.00	$344.00
	840 Delaware St.	Salil Jain	$1,080.00	$1,080.00	$0.00
	1146 Cragmont Ave	Katarina Lanner-cusin	$1,424.00	$1,424.00	$0.00
	2330 Grant St	Sarah Crabtree	$319.00	$319.00	$0.00
	1742 Spruce St	1742 Spruce Street Llc	$3,440.00	$3,440.00	$0.00
	2309 Acton St	Louis Xie	$1,720.00	$1,720.00	$0.00
	3033 Harper St	Kent Uchiyama	$688.00	$688.00	$0.00
	2016 9th St	Juana Alicia Araiza	$688.00	$550.40	$137.60
	1806 Bonita Ave	Man Kwong	$1,032.00	$1,032.00	$0.00
	1376 Virginia St	Karl Goldstein	$344.00	$344.00	$0.00
	1044 Euclid Ave	Leslie Lippard	$640.00	$512.00	$128.00
	21 Bonnie Ln	Ela Beres	$2,324.00	$1,859.20	$464.80
TOTAL			**$16,287.00**	**$15,039.00**	**$1,248.00**

Financial Impact: Ministerial Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **$15,039.00.**

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
W5137	1628 Tyler St	Macarthur Apartments Llc	$11,232.00	$5,616.00	$5,616.00
W5138	1924 Blake St	Avtar Singh	$3,696.00	$3,696.00	$0.00
W5139	1623 Grant St	Mengke Ding	$1,000.00	$1,000.00	$0.00
TOTAL			**$15,928.00**	**$10,312.00**	**$5,616.00**

Financial Impact: Discretionary Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **$10,312.00**.

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

January Waivers

Ministerial

Address	Details
5 The Crescent	This property is a single-family home covered by Measure MM. The owner has owned it since 2012. The owner explained that after their stepfather passed away in 2014, they intended to rent the property temporarily while they returned to Berkeley. They did not foresee this becoming a long-term arrangement. They also stated they were unaware of the requirement to register the property with the Rent Board. 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.
150 Panoramic Way	This property consists of five rented units. The owner has owned this property since 2024. The property manager stated that In mid-October, they noticed the outstanding balances on their account. At the time of their waiver application, their finance department had already processed the payment for the full outstanding balance. This resulted in an overpayment. They requested a refund check to be issued so they could send a new corrected payment. However, the refund check was not received until November. This caused their account to reflect double the original amount. 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.
840 Delaware St.	This property consists of three units with two rented and one exempt. The owner has owned it since 2021. The owner stated when they bought the property in 2021, the previous owner had just built units A and B. This was not reflected in the Rent Board's records. The owner reached out to the Rent Board and was able to correct the records to reflect the proper number of units on the property. Once this was corrected, the owner was charged past fees and 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.
1146 Cragmont Ave	This property consists of two units with one exempt and the other rented. The owner has owned it since 1990. The owner stated they have always been diligent in paying all required fees and believe a recent communication from the Rent Stabilization Program may have been missed due to unforeseen circumstances, such as their husband's serious illness culminating in a heart transplant in 2021 and their demanding role in healthcare throughout the COVID-19 pandemic. 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.
2330 Grant St	This property consists of four units with three rented and one exempt. The owner has owned it since 2019. The owner states that two of the units on the property were owner-occupied when registration was initially due. On August 1, 2024, one of the owner occupied units was rented. The owner claims they never received an invoice from the Rent Board. The owner also claims that he was informed that invoices will not be sent for units registered online. 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.

1742 Spruce St	This property consists of ten rented units. The owner has owned it since 2018. The property manager stated that In mid-October, they noticed the outstanding balances on their account. At the time of their waiver application, their finance department had already processed the payment for the full outstanding balance. This resulted in an overpayment. They requested a refund check to be issued so they could send a new corrected payment. However, the refund check was not received until November. This caused their account to reflect double the original amount. 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.
2309 Acton St	This property consists of five rented units. The owner has owned it since 2017. The owner stated that they came to the Rent Board office on June 28, 2024, to pay their registration fees for multiple properties they own. They later realized they did not pay the fee for the property located at 2309 Acton Street. 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.
3033 Harper St	This property consists of two rented units. The owner has owned it since 2020. The owner stated they received a notice in September 2024 that their registration fee was past due. The owner claims they never received an initial invoice. The owner believes the initial invoice may have been sent to their old 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.
2016 9th St	This property consists of three units, two rented and one exempt. The owner has owned it since 2015. The owner stated they did not receive a notice from the Rent Board regarding the registration fee being due until September 19, 2024. The owner was out of the country for their daughter's graduation. They believe the initial notice was lost in the mail. 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.
1806 Bonita Ave	This property consists of five units with three rented and two exempt. The owner has owned this property since 2003. The owner's daughter submitted a waiver request on behalf of her parents. She explained that they do not speak, read, or understand English and were unaware of the letter's contents until they showed it to her. 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.
1376 Virginia St	This property consists of two units with one exempt and the other rented. The owner has owned it since 2005. The owner reported difficulties registering their unit online. Despite contacting the Rent Board, they received no response. When a penalty appeared on their account, the owner visited the Rent Board office to address the issue but was unsuccessful. Subsequent attempts from the owner to reach various Rent Board staff also proved unsuccessful. However, Rent Board staff was able to get back to the owner after the deadline. 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.

1044 Euclid Ave	This property is a rented single-family home covered by Measure MM. The owner has owned it since 2018. The owner stated they moved to Boston in July 2020 and rented out their family home in Berkeley in January 2023. However, they recently learned that Measure MM requires registration of partially covered properties. They received a letter from the Rent Board in August 2024 notifying them of the registration obligation. Upon attempting to pay the required fees, they encountered inaccuracies on the Rent Board's portal. They corrected the information and paid the fees. While they understand that a penalty is warranted for their unintentional oversight, they believe the penalty is excessive. 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.
21 Bonnie Ln	This property is a rented single-family home covered by Measure MM. The owner has owned it since 2020. The owners stated they moved out of the country in 2023 and were unaware of the requirement to update their tenancy status. They reported receiving no notices regarding this after their initial registration. The owners fully acknowledge their responsibility to stay informed of their obligations. 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
1628 Tyler St	The management company reported they were not receiving the invoices for timely payments. They have confirmed they are now on file and recognized as the property manager. Property owners and managers are responsible for ensuring their information is current with the Rent Board. Earlier contact with the Rent Board could have prevented these penalties. Staff recommends waiving 50% of the penalties
1924 Blake St	The owner claims they did not receive an invoice at their current address. They moved in 2021, and their new mailing address was not updated with the Rent Board. The owner states they received an email from the Rent Board in November, but also mentions experiencing a difficult period due to family illness. Given the owner's current hardship due to a family illness, staff recommends a full waiver of penalties. Staff recommends waiving 100% of the penalties.
1623 Grant St	The owner states that the fees and penalties were accumulated under the previous ownership and were not disclosed to them upon acquiring the property. Given the previous owner's failure to pay registration fees and inform the current owner of this outstanding obligation at the time of property acquisition, staff recommends a full waiver of penalties. Staff recommends waiving 100% of the penalties.

City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5137	**Property address:** 1628 TYLER ST BERKELEY CA 94703	**Transfered:** 06/14/2019
Exempt units (as of February 2021): Unit # A - SEC8-V -		
Owner(s): MACARTHUR APARTMENTS LLC	**Waiver filed by:** Property Manager	**# of Units:** 13
Other Berkeley rental property owned: None		
Late payment/penalty history: 2023/2024 registration year 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	12	$4,128.00	09/20/2024	$4,128.00	$0.00	$0.00
FY2023-24	ALL	$2,392.00	01/06/2025	$7,104.00	$0.00	$0.00
Totals (penalties previously assessed)				$11,232.00	$0.00	$11,232.00

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	12	$4,128.00	09/20/2024	$4,128.00	$0.00	$4,128.00
FY2023-24	13	$2,392.00	01/06/2025	$7,104.00	$0.00	$7,104.00
			Total	$11,232.00	$0.00	$11,232.00

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 management company reported they were not receiving the invoices for timely payments. They have confirmed they are now on file and recognized as the property manager.

Recommendation: Staff recommends waiving 50% of the penalties

2000 Center St., Suite 400, Berkeley, CA 94704
TEL: (510) 981-7368 (981-RENT), TDD: (510) 981-6903, FAX: (510) 809-3921
E-MAIL: rent@berkeleyca.gov, INTERNET: rentboard.berkeleyca.gov

Staff Analysis: Property owners and managers are responsible for ensuring their information is current with the Rent Board. Earlier contact with the Rent Board could have prevented these penalties.

City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5138	**Property address:** 1924 BLAKE ST BERKELEY CA 94704	**Transfered:** 12/04/2015
Exempt units (as of February 2021): None		
Owner(s): AVTAR SINGH	**Waiver filed by:** PROPERTY OWNER	**# of Units:** 4
Other Berkeley rental property owned: None		
Late payment/penalty history: 2023/2024 registration year 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	ALL	$1,376.00	11/14/2024	$1,376.00	$0.00	$0.00
FY2023-24	ALL	$1,160.00	11/14/2024	$2,320.00	$0.00	$0.00
Totals (penalties previously assessed)				$3,696.00	$0.00	$3,696.00

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	4	$1,376.00	11/14/2024	$1,376.00	$0.00	$1,376.00
FY2023-24	4	$1,160.00	11/14/2024	$2,320.00	$0.00	$2,320.00
Total				$3,696.00	$0.00	$3,696.00

Grounds under Regulation 884(B): None

Good cause claimed by owner: The owner claims they did not receive an invoice at their current address. They moved in 2021, and their new mailing address was not updated with the Rent Board. The owner states they received an email from the Rent Board in November, but also mentions experiencing a difficult period due to family illness.

Recommendation: Staff recommends waiving 100% of the penalties.

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Staff Analysis: Given the owner's current hardship due to a family illness, staff recommends a full waiver of penalties.

City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5139	**Property address:** 1623 GRANT ST BERKELEY CA 94703	**Transfered:** 09/13/2023
Exempt units (as of February 2021): Unit # A - NAR -		
Owner(s): MENGKE DING	**Waiver filed by:** PROPERTY OWNER	**# of Units:** 4
Other Berkeley rental property owned: None		
Late payment/penalty history: 2023/2024 registration fee		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2023-24	ALL	$500.00	07/01/2024	$1,000.00	$0.00	$0.00
			Totals (penalties previously assessed)	$1,000.00	$0.00	$1,000.00

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	4	$500.00	07/01/2024	$1,000.00	$0.00	$1,000.00
			Total	$1,000.00	$0.00	$1,000.00

Grounds under Regulation 884(B): None

Good cause claimed by owner: The owner states that the fees and penalties were accumulated under the previous ownership and were not disclosed to them upon acquiring the property. Staff recommends waiving 100% of the penalties.

Recommendation: Staff recommends waiving 100% of the penalties

Staff Analysis: Given the previous owner's failure to pay registration fees and inform the current owner of this outstanding obligation at the time of property acquisition, staff recommends a full waiver of penalties.

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Rent Stabilization Board

DATE: January 16, 2025

TO: Honorable Members of the Rent Stabilization Board

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

SUBJECT: Adopted 2025 Rent Stabilization Board Regular Meeting Schedule

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Background and Possible Need for Board Action:

On December 19, 2024, the Board adopted its 2025 Regular Board Meeting Schedule attached. However, it was subsequently noted that the 2025 regular meeting date of June 19th falls on the Juneteenth Independence Day holiday. Though the City observes this holiday on the following day (Friday, June 20th), we wanted to make the Board aware of this issue.

After consulting with the Berkeley Unified School District Board Room (BUSD) scheduler, we can provide BUSD Board Room availability for the following dates that might be considered should the Board wish to reschedule the June 19th meeting:

Thursday, June 12th – *Reserved for Zoning Adjustments Board (ZAB)*
Monday, June 16th – **Available**
Tuesday, June 17th – *Reserved for City Council*
Wednesday, June 18th – *Reserved for BUSD Board meeting*
Monday, June 23rd – **Available**
Tuesday, June 24th – *Reserved for City Council*
Wednesday, June 25th – *Reserved for BUSD*
Thursday, June 26th – *Reserved for ZAB*

Financial Impact of Potential Meeting Date Change:

None.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

Attachments:

1. 2025 Regular Board Meeting Schedule (adopted 12-19-2024)

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: Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker, Alpert
NO:
ABSTAIN:
ABSENT:

_____
Chair Soli Alpert
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director

Rent Stabilization Board Regular Meeting Schedule

Monthly meetings of the elected Rent Stabilization Board (Board) will be held as indicated below *unless otherwise specified on our website*. The Board may also schedule special meetings or amend this regular meeting schedule as needed throughout the year.

DAY: **Third Thursday** of each month (except holidays)

TIME: **7:00 p.m.**

LOCATION: **Berkeley Unified School District Board Room**
1231 Addison Street, Berkeley, CA

and*

Via Zoom videoconference and teleconference – *See link posted on the first page of each meeting agenda.*

*Following the Governor's rescission of the California State of Emergency on February 28, 2023, all Board meetings will be conducted in a hybrid model offering both in-person attendance and virtual participation.

Regular Meeting Dates for 2025:

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

Board meetings are open to the public. They are televised live on Berkeley Cable Channel 33 (or Channel 28, if preempted by a City Council meeting) and available to view online. For links to live webcasts, agendas and minutes of past meetings, please go to rentboard.berkeleyca.gov, click on the "Elected Rent Board" tab and select "Rent Board Meetings".

BERKELEY RENT STABILIZATION BOARD

2025 Committee Assignments

Proposed 1/16/2025

COMMITTEES	COMMISSIONERS	STAFF CONTACT(S)
BUDGET & PERSONNEL	Alpert Kelley Mizell Walker	DéSeana Williams, Executive Director Shamika Cole, Finance Director
CLIMATE & HABITABILITY (formerly CLIMATE RESILIENCE)	Martinac Twu Walker	Amanda Eberhart, Registration Unit Manager
EVICTION / SECTION 8 / FORECLOSURE	Elgstrand Johnson Mizell	Ollie Ehlinger, Staff Attorney
LIRA COMMITTEE (LEGISLATION, IRA/AGA & REGISTRATION)	Alpert Elgstrand Martinac Mizell	Matt Brown, General Counsel
OUTREACH	Elgstrand Kelley Marrero Twu	Carla Orozco, Community Development Project Coordinator
4 x 4 JOINT COMMITTEE ON HOUSING: CITY COUNCIL / RSB	Alpert Johnson Marrero Twu	Hannah Kim, Staff Attorney
2 x 2 COMMITTEE ON HOUSING: RSB / BUSD	Alpert Marrero	Shamika Cole, Finance Director DéSeana Williams, Executive Director

Commissioner Attendance at Rent Stabilization Board Meetings
Through Q4 of 2024

2024	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
January 18	Present	Present	Present	Present	Present	Present	Present	Present	Present
February 15	Present	Present	Present	Present	Absent*	Present	Present	Present	Present
March 21	Present	Present	Present	Present	Present	Present	Present	Present	Present
April 18	Present	Present	Present	Present	Present	Present	Present	Present	Present
May 16	Present	Present	Absent*	Present	Present	Present	Present	Present	Present
June 20	Present	Present	Present	Present	Absent*	Present	Absent*	Present	Present
July 18	Present	Present	Present	Absent*	Present	Present	Absent*	Absent*	Present
~~August 15~~ *Canceled*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
September 19	Present	Present	Present	Present	Present	Present	Present	Present	Present
October 17	Present	Present	Present	Present	Present	Present	Present	Present	Present
November 21	Present	Present	Present	Present	Present	Present	Present	Present	Absent*
New Commissioner Seated	**Soli ALPERT**	**Stefan ELGSTRAND**	**Xavier JOHNSON**	**Andy KELLEY**	**Vanessa Danielle MARRERO**	**Ida MARTINAC**	**Nathan MIZELL**	**Alfred TWU**	**Dominique WALKER**
December 19	Present	Present	Present	Present	Present	Present	Present	Present	Present

* = Absent ***with*** compensation ** = Absent due to a medical reason ***Bold and italicized*** = Special Meeting

Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings:
January - March (Q1)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
Budget & Personnel									
Thursday, January 11, 2024	Present						Present	Present	Present
Thursday, February 8, 2024	Present						Present	Present	Present
Friday, February 23, 2024	Present						Present	Present	Present
Thursday, March 7, 2024	Present						Present	Present	Present
Eviction / Section 8 / Foreclosure									
Tuesday, January 9, 2024		Present	Present			Present	Absent		
Tuesday, February 13, 2024		Present	Present			Present	Present		
LIRA									
This Committee did not meet this quarter.									
Outreach									
Monday, January 8, 2024	Present	Present		Present	Absent*				
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
This Committee did not meet this quarter.									
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									
Monday, March 11, 2024					Present			Absent	
Environmental Sustainability Committee									
Wednesday, January 10, 2024		Present	Present			Present			

Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings:
January - March (Q1)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
Ad Hoc Committee to Consider Rent Ordinance Amendments									
This Committee did not meet this quarter.									

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

= Not a member of this Committee at this time

Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings
April - June (Q2)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
Budget & Personnel									
Thursday, April 11, 2024	Present						Present	Present	Present
Eviction / Section 8 / Foreclosure									
Tuesday, June 11, 2024		Present	Present			Absent	Present		
LIRA									
Tuesday, April 9, 2024	Present			Present		Present	Present		
Outreach									
Monday, May 13, 2024	Present	Present		Present	Present				
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
Wednesday, June 19, 2024		Present	Present					Present	Present
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									
This Committee did not meet this quarter.									
Environmental Sustainability Committee									
Wednesday, April 3, 2024		Present	Absent			Present			
Wednesday, June 5, 2024		Present	Present			Present			

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

= Not a member of this Committee at this time

Rent Board Commissioner Attendance
COMMITTEE Meetings
July-September (Q3)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
Budget & Personnel									
This Committee did not meet this quarter.									
Eviction / Section 8 / Foreclosure									
Wednesday, September 18, 2024		Present	Present			Present	Present		
LIRA									
Thursday, September 5, 2024	Present			Present		Present	Present		
Outreach									
Monday, July 8, 2024	Present	Present		Present	Present				
Monday, August 12, 2024	Present	Present		Present	Present				
Monday, September 9. 2024	Present	Present		Present	Absent*				
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
This Committee did not meet this quarter.									
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									
This Committee did not meet this quarter.									
Environmental Sustainability Committee									
Wednesday, September 12, 2024		Present	Absent			Present		Present	

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

= Not a member of this Committee at this time

Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings
October - December (Q4)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
Budget & Personnel									
Thursday, October 3, 2024	Present						Present	Present	Present
Tuesday, November 12, 2024	Present						Present	Present	Present
Eviction / Section 8 / Foreclosure									
Tuesday, November 12, 2024		Present	Present			Present	Present		
LIRA									
Thursday, October 10, 2024	Present			Present		Present	Present		
Thursday, November 14, 2024^	Present			Absent		Absent	Present		
Monday, November 25, 2024^	Absent			Present		Present	Absent*		
Thursday, December 12, 2024	Present			Present		Present	Present		
Outreach									
Wednesday, October 16, 2024	Present	Present		Present	Present				
Monday, November 18, 2024	Present	Present		Absent	Present				
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
Monday, October 7, 2024			Present		Present			Present	Present
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									
Monday, November 18, 2024					Present			Present	

Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings
October - December (Q4)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
Climate Resilience Committee (FKA Environmental Sustainability Committee)									
Monday, October 7, 2024		Present	Absent			Present		Present	

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

= Not a member of this Committee at this time

2024	Unanticipated Remote Participation at Rent Board and Committee Meetings								
Soli ALPERT									
Stefan ELGSTRAND									
Xavier JOHNSON	2/15/2024 Regular Board Meeting Just Cause								
Andy KELLEY	3/21/2024 Regular Board Meeting Emergency Circumstances	4/9/2024 LIRA Committee Meeting Emergency Circumstances	5/13/2024 Outreach Commiteee Meeting Emergency Circumstances	6/20/2024 Regular Board Meeting Emergency Circumstances					
Vanessa Danielle MARRERO	9/19/2024 Regular Board Meeting Emergency Circumstances								
Ida MARTINAC	11/12/2024 Eviction Committee Just Cause								
Nathan MIZELL	2/13/2024 Eviction Committee Just Cause								
Leah SIMON-WEISBERG*									
Alfred TWU*									
Dominique WALKER	2/8/2024 Budget & Personnel Committee Just Cause	2/15/2024 Regular Board Meeting Just Cause	3/21/2024 Regular Board Meeting Just Cause						