



RENT STABILIZATION BOARD
Regular Meeting
Monday, June 16, 2025 – 7:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley, CA

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/86059541676?pwd=6dxz13N2cllTPHbkeC5K85MF71QacL.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 1-669-444-9171 and enter Webinar ID: 860 5954 1676 and Passcode: 738992. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit a written communication for the Board's consideration and inclusion in the public record, please email amueller@berkeleyca.gov with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the meeting in order to be included.**

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

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



COMMUNICATION ACCESS INFORMATION:

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

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

RENT STABILIZATION BOARD
Regular Meeting
Monday, June 16, 2025
7:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley, CA

| |
|---------------|
| AGENDA |
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*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. **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.*
4. **Introduction of new Rent Board staff**: Housing Counselor Grace Smith and Digital Education & Media Coordinator Kayla Ginsburg
5. **Public Comment** – 2 min.*
6. **Public Comment for Unions representing Rent Board staff** – 5 min.*
7. **CONSENT ITEMS** – 1 min.*
 - a. Approval of the April 17th regular meeting minutes
 - b. Recommendation to adopt Resolution 25-14 for Rent Board support of Inclusion of Disabled Graduates in Walking at Graduation (Commissioner Marrero, Vice-Chair Walker & Commissioner Martinac)

- c. Recommendation to approve Commissioner Marrero’s request for a stipend deduction reimbursement for a committee meeting absence

8. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

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

- a. Chair Update (Chair Alpert):
 - (1) Letter to Council on the Accessory Dwelling Unit (ADU) Amnesty Program (Rent Board Planning Staff & Chair Alpert) – 5 min.*
 - (2) Discussion and possible action to recess for the month of August 2025 – *Verbal* (Chair Alpert & Vice-Chair Walker) – 5 min.*
- b. Presentation, discussion and possible action for the Board to take a position on state legislative bills discussed at the meeting (Brian Augusta, Rent Board Legislative Advocate) – 20 min.*
- c. SPECIAL PRESENTATION on the Fiscal Year (FY) 2025-2026 Budget, Staffing Model, and Expenditure Level (Finance Director Shamika Cole & Executive Director) – 20 min.*
 - (1) Recommendation to adopt Resolution 25-15 approving the FY 2025-2026 Line-item Budget, Staffing Model, and Expenditure Level (Finance Director Shamika Cole & Executive Director) – 10 min.*
- d. Recommendation to adopt Resolution 25-16 authorizing the Executive Director to extend the contract with Berkeley Community Media (BCM) through June 30, 2027, and increase the contract by an amount not to exceed \$25,000 for FY 2025-2026 (Executive Director) – 5 min.*
- e. SPECIAL PRESENTATION on Legal Defense Program services by Eviction Defense Center Executive Director Anne T. Omura, and East Bay Community Law Center Housing Co-Director Linda Yu – 20 min.*
 - (1) Recommendation to adopt Resolution 25-17 authorizing the Executive Director to extend the contract with the Eviction Defense Center (EDC) through June 30, 2027, and increase the contract by an amount not to exceed \$435,500 for FY 2025-2026 (Executive Director) – 5 min.*
 - (2) Recommendation to adopt Resolution 25-18 authorizing the Executive Director to extend the contract with the East Bay Community Law Center (EBCLC) through June 30, 2027, and increase the contract by an amount

not to exceed \$423,605 for FY 2025-2026 (Executive Director) – 5 min.*

- f. Recommendation to adopt Resolution 25-19 authorizing the Executive Director to extend the contract with Brian Augusta (dba Public Interest Advocates) through June 30, 2027, and increase the contract by an amount not to exceed \$72,000 for FY 2025-2026 (Executive Director) – 5 min.*
- g. Discussion and possible action to approve the staff recommendation for the request to waive late registration penalties for Discretionary Waiver No. W5151 (1850 Arch St.) (Registration Unit Manager/Staff) – 10 min.*
- h. Discussion and possible action to approve the staff recommendation for the request to waive late registration penalties for Discretionary Waiver No. W5152 (1862 Arch St.) (Registration Unit Manager/Staff) – 10 min.*

9. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

NOTE: The Board may vote to move Information Items to the Action calendar.

- a. Presentation regarding Brown Act Remote Participation Options for Public Meetings (General Counsel) – 20 min.*
- b. Annual Petitions Activities Report (Senior Hearing Examiner Omar Calimbas) – 10 min.*
- c. Copy of Measure BB informational postcards mailed to Berkeley property owners and tenants (Executive Director) – 3 min.*
- d. Copy of Sanctuary City letter to Berkeley property owners and tenants (Executive Director) – 2 min.*
- e. Deadline to submit agenda items/topics for the July regular Rent Board meeting: **Monday, July 7th by 5:00 p.m.** (Board Secretary)

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Vice-Chair Walker, Chair) – 5 min.*
Next regularly-scheduled meeting: To Be Announced (TBA)

June 3rd agenda
- b. Climate Resilience & Habitability 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: Tuesday, July 8th at 6:00 p.m.
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Chair Alpert, Chair) – 5 min.*
Next regularly-scheduled meeting: Tuesday, June 24th at 5:30 p.m.
- e. Outreach Committee (Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA

June 9th agenda

- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero, Chair) – 5 min.*
Next meeting date: TBA
- g. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5 min.* (Councilmember Lunaparra & Chair Alpert, Co-Chairs)
Next regularly-scheduled meeting: TBA

May 16th agenda packet

- h. Updates and Announcements – 5 min.*
- i. Discussion of items for possible placement on future agenda – 5 min.*

11. Adjournment

COMMUNICATIONS DISCLAIMER:

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



DATE: June 16, 2025

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Commissioner Vanessa Danielle Marrero, Vice-Chair Dominique Walker, and Commissioner Ida Martinac

SUBJECT: Recommendation to adopt Resolution Upholding the Right to Celebrate: Commencement for All Tenants

Recommendation:

The Board adopts Resolution *Upholding the Right to Celebrate: Commencement for All Tenants*, which affirms the Berkeley Rent Stabilization Board's commitment to equity and student inclusion of students/tenants with I/DD participating in college life, university courses, and emphasizes skill support and mentorship for independent living and engagement in commencement ceremonies. This resolution expresses commitment and recognition of students/tenants with disabilities, celebrating milestones and achievements. It emphasizes that students/tenants have the right to participate in a university/college to strengthen our democratic society.

Background and Need for Rent Stabilization Board action:

Berkeley is a university town with a significant student population. Many of our students are tenants. Tenants with disabilities may face:

- **Higher Housing Costs:** Accessible housing can be more expensive and limited in availability.
- **Discrimination:** Students with disabilities may face discrimination from landlords who are unwilling to make necessary accommodations.
- **Limited Income:** Many students rely on financial aid or part-time jobs, and disabilities can create barriers to employment.

The Berkeley Rent Board has a responsibility to ensure that all tenants in Berkeley, including students, have access to fair housing and protection from discrimination.

Impact on Academic Success: Stable, accessible, and affordable housing is essential for academic success. If students with disabilities are struggling to find or afford suitable housing, their academic performance and overall well-being can suffer.

- **Community Integration:** Supporting student tenants, including students with disabilities, promotes a diverse and inclusive community in Berkeley. It helps to ensure

that all students can fully participate in campus life and contribute to the city's vibrant culture.

- **Compliance with Disability Laws:** University and college campuses have obligations to provide accommodations for students with disabilities under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. The Rent Board's policies and practices can either support or hinder these efforts.

The Berkeley Rent Board's work intersects with the lives of disabled students in several ways. By actively addressing their housing needs, the Rent Board can promote fair housing, reduce discrimination, enhance community integration, and support student success.

Financial Impact:

This resolution has no financial impact to the City off Berkley General fund allocation for the administration of the Empty Homes Tax and will not impact the Rent Board fund.

Name and Email Address of Contact Person:

Commissioner Vanessa Danielle Marrero
RSBMarrero@berkeleyca.gov

RESOLUTION 25-14

UPHOLDING THE RIGHT TO CELEBRATE: COMMENCEMENT FOR ALL TENANTS

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

WHEREAS In October 2023, Governor Newsom signed [AB 447](#) in support of inclusive programs on California college campuses.

WHEREAS the *Think by the Bay* program, an Inclusive Postsecondary Education (IPSE) program serving students with intellectual and developmental disabilities, is graduating its inaugural class.

WHEREAS the *Think by the Bay* aims to provide students with I/DD the opportunity to participate fully in college life. Students enroll in existing CSUEB courses alongside other students and receive additional support through courses designed to develop interdependent living, learning, and employment skills. The program also includes peer mentorship, with current mentors coming from various disciplines such as nursing, construction management, business, and kinesiology.

WHEREAS, a number of these students are tenants of our local communities, which the board aims to serve and uplift, recognizing the importance of including all community members in opportunities for achievement and celebration.

NOW, THEREFORE, BE IT RESOLVED that tenants with intellectual disabilities have the inherent and fundamental right to celebrate their accomplishments alongside their peers. It is deeply disappointing that many are being denied the opportunity to participate in commencement at the university—a pivotal moment that recognizes their resilience, dedication, and achievements. Excluding these students from such ceremonies not only silences their voices but also undermines the principles of inclusion and equality that are essential to the vitality of our democracy.

BE IT FURTHER RESOLVED when we invest in ensuring that every student, regardless of ability or background, can participate fully in Cal State East Bay and our communities, we strengthen the foundation of our democratic society.

BE IT FURTHER RESOLVED The Berkeley Rent Stabilization Board reaffirms its unwavering commitment to promoting equity and access within higher education. We pledge to work tirelessly to ensure that every student's voice is heard, every achievement is celebrated, and every family is included in the fabric of our democracy.

RESOLUTION 25-14

UPHOLDING THE RIGHT TO CELEBRATE: COMMENCEMENT FOR ALL TENANTS

(Page 2)

Dated: June 16, 2025

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

YES:

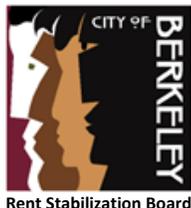
NO:

ABSTAIN:

ABSENT:

Soli R. Alpert, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



DATE: June 19th, 2025

TO: Honorable Members of the Berkeley Rent Stabilization Board

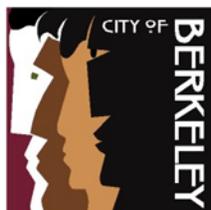
FROM: Commissioner Vanessa Danielle Marrero

SUBJECT: Request for stipend deduction reimbursement for missed Committee/Board meeting(s)

I was absent from the 4x4 Committee meeting on May 16, 2025, due to medical emergency. I am requesting that the Board authorize staff to restore the corresponding amount deducted from my stipend for this absence.

Thank you.

A handwritten signature in blue ink, consisting of a large, stylized 'V' followed by several loops and a horizontal line.



Rent Stabilization Board

June 9, 2025

City of Berkeley City Council
2180 Milvia Street
Berkeley, CA 94704

Re: Rent Stabilization Board Recommendations for the Amendments to Title 21 (Subdivisions) to Allow for the Separate Sale of ADUs as Condominiums – Enhanced Tenant Protections

Dear Honorable Members of the City Council,

The Berkeley Rent Stabilization Board supports the overall goal of the ADU Condo Conversion Ordinance in providing opportunities for more affordable home-ownership; however, it is vital that tenants in affected ADUs are provided with protections at least equal to those of tenants in other units proposed for condominium conversion. We are concerned that the proposed amendments to Berkeley Municipal Code (BMC) Title 21 (Subdivisions) do not include adequate protections in some cases and would ultimately escalate patterns of displacement in the community. Aligned with the affordable housing goals of AB 1033 and the recently adopted 2023-2031 Housing Element, we encourage the City Council to bolster the tenant protections in the new ordinance by extending all the protections that currently apply to other condominium conversions to ADU conversions with tenant occupants.

At its May 15, 2025, meeting the Rent Stabilization Board unanimously voted to recommend that the City Council include the following tenant protections from BMC 21.28 in an ADU Conversion Ordinance:

- Condition of Approval Language - Adding the condition of approval language from BMC Section 21.28.090.B as part of the eligibility requirements for ADU conversion. This language would disincentivize owners from displacing tenants to convert to condominiums by preventing approval of any ADU conversion for properties where there have been recent no-fault evictions.
- First Right of Refusal for All ADU Tenants - Granting any tenants in ADUs the first right of refusal to purchase their ADU after conversion.
- Owner Move-in Evictions - Prohibiting owner move-in evictions for any tenants in a converted ADU, equal to the requirements of BMC Section 21.28.090(C)(4).

- Affordable Housing Mitigation Fee - Maintaining the affordable housing mitigation fee requirement for converting tenant-occupied ADU units, but waiving this fee if the owner converting the ADU has agreed as part of their application to allow for rent control on the unit if it is rented as allowed under CA Code Section 1954.52(b), to limit future rent increases for the life of the property for any resident tenants at the time of conversion to no more than 65% of the increase in the Consumer Price Index for all Bay Area Consumers.
- More precise language defining what ADUs are eligible for conversion – Clarifying whether ADUs created under previous code sections can also convert to condominiums would help clear a potential source of confusion for property owners. Additionally, limiting conversion to those ADUs created after 2003 would prevent the loss of rent controlled housing.

The proposed amendments from the Planning Commission include some protections for existing tenants of ADUs that are either partially or fully covered by the Rent Stabilization Ordinance, including the First Right of Refusal, also known as the First Right of Offer to ADU tenants, and the tenant’s right to occupy the ADU after condominium conversion – protections applied to non-ADU condominium conversions, pursuant to BMC Chapter 21.28 (Condominiums and other common interest subdivisions). Such protections would not extend to ADUs that are fully exempt from the Rent Stabilization Ordinance. ADUs fully exempt from the Rent Stabilization Ordinance are those where there is one owner-occupied unit on a property with one single-family dwelling unit and one ADU. As this is the most common ADU configuration in Berkeley, a number of existing tenants, with often long-term tenancies, would not have the first right to purchase, and would therefore face even greater risk of displacement from the community.

To protect current and future ADU tenants from displacement, the Rent Stabilization Board recommends that all of the tenant protections included in BMC Chapter 21.28 extend to any existing ADU tenants, regardless of the length of their tenancy or the existing coverage under the Rent Stabilization Ordinance. Not only are these protections necessary for existing tenants in ADUs, but it is also important to remove incentives to evict or remove ADU tenants in order to sell vacant condominium units.

Establishing the right for the existing tenant to continually occupy and possibly purchase their ADU after condominium conversion is not only consistent with existing policies that regulate the regular condominium conversions, but also with the goals of AB 1033 and the 2023-2031 Housing Element. The primary goal of AB 1033 is to create opportunities for affordable, entry-level home ownership in an increasingly expensive housing market, not to encourage housing speculation and displace tenants. Because the value of condominiums in Berkeley is about 43 percent less than the value of a single-family home¹, including expanded tenant protections to

¹ 2023-2031 Housing Element (City of Berkeley) - Table 3.26 Berkeley Home Values by Type (2010-2021)

all ADU tenants would provide a more direct pipeline for relatively affordable homeownership to existing tenants, consistent with the affordability goals of AB 1033. Enhancing protections for all ADU tenants is also consistent with the 2023-2031 Housing Element as it would protect tenants from displacement in cost-burdened neighborhoods.

Finally, the Rent Board recommends that the City Council provide more precise language on what ADUs are eligible for conversion to condominiums. The Planning Commission's recommendation references those ADUs that were constructed in compliance with BMC Chapter 23.306 (Accessory Dwelling Units). Prior to December of 2021, the ADU requirements were located in BMC Chapter 23C.24, and prior to 2003, Accessory Dwelling Units did not have their own code section and were only listed as a special use in the single-family residential district.

The term ADU has also become a popular term that is used interchangeably with residential other dwelling types that were previously referred to as in-law units, cottages, granny flats. Most of these units are now considered full dwelling units and could only convert to condominiums under BMC Chapter 21.28. The Rent Board is concerned that owners of these dwellings, which appear like ADUs but are not ADUs, may attempt to convert them to condominiums as ADUs in order to avoid the stricter conversion requirements of BMC Chapter 21.28. To address this, the Rent Board recommends the Council limit ADU conversions so that only ADUs constructed after 2003 (under BMC Chapter's 23.306 or its predecessor BMC Chapter 23C.24) can convert to condominiums. This would help prevent older rent-controlled dwelling units that appear like ADUs from being mistakenly converted as ADU condominiums.

The Rent Board supports the goals of an ADU Condo Conversion Ordinance; however, it is vital that ADU tenants are provided with equal protections to other tenants in units proposed for condominium conversion. These protections have been successful in protecting tenants from displacement since they were enacted in 2005, and the Rent Board recommends the Council ensure that ADU tenants are granted the same protection.

Sincerely,

Honorable Members of Rent Stabilization Board



Public Interest Advocates

1107 9th Street, Suite 601
Sacramento, CA 95814

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

From: Brian Augusta

Date: June 10, 2025

Re: **State Legislative Update for the June 2025 Board Meeting**

At your April meeting, Public Interest Advocates presented a summary of several bills of interest to the Board. In a motion approved by the Board, you acted on several bills and also directed us to report back at your May board meeting on a handful of additional bills that the board had not yet considered. Unfortunately, technical difficulties prevented me from presenting this item remotely at the May board meeting, so the item was continued to the June 16th Board meeting.

This memo provides an update on the bills that the Board has taken positions on so far, as well as a summary of additional bills the Board may wish to consider. This is updated from a similar report that was submitted for the May board meeting, including removing SB 368 (Smallwood-Cuevas): Price Gouging Enforcement, and SB 592 (Smallwood-Cuevas): Property Tax Relief for Tenant and CLT Residential Property Purchases as those two bills were held on the Appropriations Committee suspense file.

Update on Bills from April Board Meeting

AB 246 (Bryan) – Interrupted Social Security Payments and UDs

Board position: Support if Amended to cover Housing Choice Vouchers

Status: Passed the Assembly; pending in the Senate.

Summary: Until 2029, would prohibit UDs where a tenant reliant on Social Security has had their payments interrupted by the government, subject to specific procedural criteria.

AB 878 (Kalra) – Reasonable Accommodation for Survivors in Rental Housing

Board Position: Support

Status: Passed the Assembly; pending in the Senate.

Summary: Requires a landlord to provide reasonable accommodations to survivors of domestic violence.

AB 1248 (Haney) – Definition of Rent

Board Position: Support

Status: On the Assembly Floor. Two-year bill, eligible to be considered in January 2026.

Summary: Defines rent to include the tenant's total monthly payment to the landlord, including the costs for any housing-related services, and prohibits landlords from charging fees separate from rent with narrow exceptions.

AB 1157 (Kalra) – Tenant Protection Act Changes

Board Position: Support

Status: Two-year bill, eligible for a hearing in Assembly Judiciary next January.

Summary: Lowers the rent cap applicable under the Tenant Protection Act (TPA), removes the single-family home exemption, and deletes the sunset, making the law permanent.

AB 1183 (Lowenthal) – Pre-Rental Habitability Inspections

Board Position: Oppose

Status: wo-year bill, eligible for a hearing in Assembly Judiciary next January.

Summary: Allows a landlord to request an inspection of a unit prior to offering it for rent to determine whether the unit complies with habitability requirements and, if the inspection report shows no violations, presumes that the unit is in compliance for an as-yet unspecified number of years. The bill provides that if a tenant reports any habitability issues to the landlord during the period of time the unit is presumed habitable, the landlord has an as-yet unspecified number of days to cure or correct without being found in violation of habitability requirements.

Additional Bills for Consideration

AB 282 (Pellerin) – Preferences for Voucher Households

Provides that it is not source of income discrimination to prioritize applicants for tenancy who qualify for or participate in government-sponsored rental assistance or subsidy programs, vouchers, or certificate systems.

Status: Passed the Assembly; pending in the Senate.

AB 736 (Wicks) – Affordable Housing Bond & SB 417 (Cabaldon)

Both bills place a \$10 billion bond on the June 2026 primary ballot to fund a variety of affordable housing programs.

Status: Passed the Assembly; pending in the Senate.

AB 893 (Fong) – AB 2011 Expansion to "Campus Development Zones"

Expands the applicability of AB 2011 streamlining to "campus development zones," defined as areas within a half-mile radius of a main campus, as defined by existing law.

Status: Passed the Assembly; pending in the Senate.

SB 36 (Umberg) – Price Gouging Enforcement

Increases penalties for violations of Penal Code 396 and expands the covered geography of protections to any county in which a disaster is declared in addition to all adjacent counties.

Status: Passed the Senate; pending in the Assembly.

SB 79 (Wiener) – Upzoning Near Transit

Requires significant upzoning for housing near transit stops; makes projects proposed on upzoned sites eligible for SB 35 streamlining.

Status: Passed the Senate; pending in the Assembly.

SB 436 (Wahab) – 14-day Notice to Quit

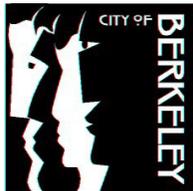
Extends 3-day notice to quit for nonpayment of rent to 14 days.

Status: Passed the Senate; pending in the Assembly.

SB 634 (Pérez) – Local government: homelessness

Prohibits local ordinances, policy, or guidance, that prohibits a person or organization who is assisting a person who is homeless with any act related to basic survival.

Status: Passed the Senate; pending in the Assembly.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: June 16, 2025

TO: Honorable Members of the Rent Stabilization Board

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

SUBJECT: Recommendation to Board on FY 2025/26 Line-Item Budget, Staffing Model & Expenditure Level

Recommendation:

The Budget & Personnel Committee recommends that the Board adopt resolution 25-15 approving the FY 2025-26 line-item budget, which includes a staffing model of 29.0 full-time equivalent (FTE) career positions. The proposed budget authorizes total expenditures of \$9,017,005, including \$290,000 earmarked for Special Projects and Outside Legal Counsel.

The Committee further recommends a \$500,000 transfer from the Board's uncommitted reserve to the Capital Reserve. This allocation is intended to provide funding for potential one-time capital improvements and to ensure the agency is prepared to respond to unanticipated operational or technology-related needs.

Background and Need for Rent Board Action

In accordance with legal requirements, the Board must adopt a staffing model and a maximum expenditure authorization for FY 2025–26 no later than June 30. The Budget & Personnel Committee is tasked with reviewing budgetary matters and making recommendations to the full Board regarding the adoption of the annual budget.

To date, the Committee has convened four times in calendar year 2025 to review the agency's budget status, assess the staffing model, and evaluate projected revenues and expenditures for the upcoming fiscal year.

At its meeting on March 20, 2025, the Board received the FY 2024–25 mid-year budget update as part of the Committee's recommendation to maintain current registration fee levels for FY 2025–26. Following a review of the agency's financial position and anticipated funding needs, the Board voted to retain the existing fee structure for the upcoming fiscal year.

Under this structure, the fully covered unit fee remains at \$344 per unit, the partially covered unit fee remains at \$212 per unit, and the Summer Fraternity and Sorority Housing fee remains at \$96 per unit. This structure continues to apply to all registered units, including those newly subject to Measure BB.

The Committee, consistent with staff's recommendation, determined that maintaining the current fee levels would provide sufficient revenue to fund agency operations in FY 2025–26. This approach reflects a shared commitment to fiscal stability and the intent to avoid an increase in registration fees, while continuing to meet the agency's operational needs.

Update on Measure MM Registration

Total partially covered unit revenue is estimated at around \$1,062,025 for FY 2025. The total number of partially covered rental units subject to registration is expected to grow as new buildings are constructed and leased for the first time. Additionally, with the implementation of Measure BB, we anticipate an increase in the number of units subject to registration, which will result in additional revenue in FY 2025/26. Staff and the Budget & Personnel Committee will continue to monitor and report on changes to the number of partially covered units registered each fiscal year.

FY 2023/24 Year-end Fund Balance

The Board's year-end FY 2023/24 revenue was reported at \$6,951,712, and total expenditures were reported at \$6,543,837.

The Rent Board wrapped up FY 2023–24 with a year-end fund balance of \$1,937,448 (on an accrual basis), ending the year in better financial shape than expected. Spending came in lower than planned, mainly because of savings from a few unexpected staff vacancies. On the revenue side, collections were mostly on target and even came in a bit higher than projected, thanks to strong registration fee compliance and more penalty revenue than anticipated. Altogether, these factors helped close the gap in the budget and led to a more solid year-end position.

At the end of the fiscal year, the Board's capital reserve expenditures stood at \$13,563, which left the Board's uncommitted reserve at \$1,923,885. The uncommitted reserve balance amounted to 30% of the projected recurring expenditure level, above the Board's 16% reserve target level. However, please note that these figures are preliminary and have not yet been audited. The City of Berkeley hires an external auditor to review its financial statements. The audit of the Board's financial statements for the fiscal year 2023/24 is scheduled for the 3rd quarter of 2025.

3rd Quarter Update on FY 2024/25 Budget Status and Year-End Projections

At the end of the 3rd quarter of FY 2024/25 (as of March 31, 2025), the agency's total revenue was \$7,715,315, and its total expenditures were \$4,356,949.

Staff now estimate total expenditures for FY 2024–25 to be around \$7.25 million, with projected revenue just over \$8.33 million. This results in an expected surplus of approximately \$1.08 million for the fiscal year. The more favorable outlook is largely driven by lower personnel costs due to unfilled positions, stronger revenue from registration payments, and a notable increase in penalty collections, reflecting improved overall compliance with agency requirements.

The Board now projects to end the fiscal year with an uncommitted fund balance of just over \$2,485,166, over 29% of projected FY 2024/25 expenditures. The Board will also have spent \$256,313 of its capital reserve, \$76,313 of which was earmarked towards the continued development of the 3Di Rent Registry system.

Increased Registration Penalty Collection

Over the span of a decade, from FY 09/10 to FY 18/19, registration penalty revenues averaged \$158,000 annually. During this period, this revenue typically accounted for approximately 3.6% of the total annual registration fee revenue. In FY 2010/11, the agency collected \$196,000 in penalty revenue, but this figure declined to an average of around \$79,000 (equivalent to 1.6% of registration fee revenue) in FY 2019/20 and FY 2020/21, coinciding with the onset of the COVID-19 pandemic.

In FY 2024/25, registration penalty revenue has reached an unprecedented high of approximately \$599,000, representing 7.2% of the total projected registration revenue. While this increase may be partly due to units that were partially covered registering for the first time, it also reflects the impact of recent improvements made by staff to the collections process. Although there is still room for growth, these early results are encouraging. Staff remain committed to refining these efforts, exploring additional strategies to strengthen compliance, and will continue to provide regular updates to the Budget and Personnel Committee and the Board regarding this ongoing work.

Administration of the Empty Homes Tax Ordinance

The Board has agreed to continue supporting the City of Berkeley in the implementation and administration of the voter-approved Empty Homes Tax (B.M.C. Chapter 7.54), which took effect on January 1, 2024. For FY 2024/25, the City Council has allocated \$332,920 in Measure U1 funds to the Rent Board to carry out this work.

These funds help cover personnel costs for staff responsible for implementing the Empty Homes Tax, conducting outreach, and developing the systems and reports needed to identify potentially vacant units.

Looking ahead to FY 2025–26, the program is expected to support the funding of a Senior Planner, an Associate Planner, and potentially a Planning Technician to assist with continued implementation and operations.

Because the Empty Homes Tax (EHT) is funded through the City's Measure U1 revenue, staffing costs associated with the program have minimal impact on the Rent Board's core budget. This dedicated funding helps offset personnel expenses by covering portions of salaries for staff whose work directly supports the EHT program, thereby contributing to overall personnel cost savings for the agency.

Staff anticipate receiving a similar level of Measure U1 funding in FY 2025/26 to continue supporting the program's implementation and administration.

Office Relocation

The agency entered into its current lease agreement with 2000 Center Street LLC during the third quarter of FY 2023/24. In preparation for the relocation, the Board authorized a one-time allocation of \$450,000 to the agency's unallocated account to cover various transition-related expenses. While these funds were not initially earmarked for specific items, they were ultimately used for costs such as early rent payments, a security deposit, moving services, office furniture, and improvements to the new space.

The Board benefited from favorable lease terms, including seven months of rent-free occupancy, which helped offset some of the relocation costs. With the move now fully completed and the agency having successfully hosted an Open House on May 21, these one-time expenditures are behind us, and no additional relocation-related costs are anticipated.

The agency anticipates an increase of up to \$138,302 in rent expenses for FY 2025–26, bringing the total annual rent—including property-related costs as specified in the lease agreement—to approximately \$512,000. Rent obligations are expected to rise incrementally over the 10-year lease term, potentially reaching \$750,000 annually by the final year.

Given this long-term upward trajectory, the Board may need to reassess registration fee levels in future years to ensure sufficient revenue to sustain operational needs.

Highlights of the FY 2025/26 Proposed Budget

The proposed FY 2025/26 Budget (Attachment 1) includes a total spending authorization request of \$9,017,005. Of this amount, \$8,727,005 is allocated for the agency's recurring operational expenses, while \$290,000 is designated for specific strategic initiatives. These initiatives include consultant support for the annual evaluations of the Executive Director and General Counsel, enhanced compliance efforts, and outside legal services.

As part of the Board's recent budget approval, updates to the agency's staffing model have been incorporated to enhance organizational capacity and improve service delivery. These changes represent a strategic investment in personnel to ensure the agency is better equipped to meet operational needs and public expectations.

Staffing Model

During FY 2024/25, the agency implemented several modifications to its staffing model, increasing the number of full-time equivalents (FTEs) to 29.0.

In alignment with the Board's long-standing interest in expanding the agency's digital outreach, the new Digital Education and Social Media Coordinator position was successfully filled during the fiscal year. This role is tasked with enhancing the agency's presence on platforms such as Twitter and LinkedIn, increasing digital education efforts, and keeping the public informed on affordable housing matters, legislation, and available resources.

The Board also previously approved the creation of a Policy Director position focused on housing and land use planning. While this position has been budgeted for several years, it has not yet been filled. A Principal Program Manager role was created in its place, with plans to fill the position in FY 2025/26.

Several other staffing enhancements were approved by the Board at its February 15, 2024, meeting, including the addition of an Administrative Staff Assistant to the Executive Office. This position was successfully filled in the second quarter of FY 2024/25.

The staffing model changes for the Public Information Unit (PIU) were fully implemented during FY 2024/25. The agency filled three key positions: a Community Development Program Coordinator (CDPC), a Community Services Specialist II (CSS II), and a Community Services Specialist I (CSS I). These roles were created through the reclassification of previously vacant CSS II positions, with one CSS II classification retained to maintain operational flexibility. The PIU Manager position remains vacant.

In the Finance Unit, hiring is in progress for an Assistant Management Analyst, and recruitment for an Accounting Office Specialist (AOS) is currently underway to strengthen the unit's operational capacity.

These changes reflect significant work conducted throughout FY 2024/25 to reshape and strengthen the agency's staffing model. The effort has focused on improving service delivery, advancing policy goals, and aligning agency capacity with current operational demands and future strategic priorities.

Overview of Planned Spending and Priorities: FY 2025/26 Budget

\$250,000 – Legal Costs - The upcoming fiscal year will carry forward significant legal work stemming from a recently filed class action lawsuit challenging the Measure MM registration fee adopted in November 2020. This lawsuit, which is the first of its kind against the Board, raises complex legal issues related to the Board's authority to register and provide services to partially covered Berkeley rental units. To ensure the agency is well-positioned to respond, staff

anticipate allocating approximately \$250,000 for continued outside legal counsel. Engaging external expertise is a standard and prudent practice for complex litigation of this nature, and this effort is expected to continue well into FY 2025/26.

\$40,000 – Board & Staff Trainings - The proposed budget recommends allocating \$30,000 annually to support ongoing training and professional development opportunities for agency staff and senior leadership. An additional \$10,000 is designated specifically for training sessions tailored to the agency’s elected commissioners. These investments reflect the Board’s continued commitment to building organizational capacity and informed decision-making at all levels.

\$15,000 – Digital Education – Investing in digital education has been an ongoing Board priority. This expenditure is proposed to pay for the creation of new digital video content, as well as other forms of digital outreach.

\$45,000 – Printing and Binding - Our agency has experienced a surge in demand for printed materials, such as mailings, brochures, and outreach materials, due to various factors such as expanded programs, increased outreach efforts, or regulatory requirements. This uptick in printing needs has exceeded our historical budget allocation for printing and binding expenses.

\$40,000 – Books and Publications – The proposed budget also underscores the Board’s continued commitment to improving public access and community engagement. Resources are strategically allocated to upgrade technology infrastructure and services, to improve the user experience, and make key information more accessible and transparent to the public.

Contracts Management and One-Time Allocations

The proposed budget includes key one-time allocations within the Professional Services line item to address critical agency needs in FY 2025/26. This includes anticipated legal expenses and a contract amendment with outside counsel (Goldfarb & Lipman) to support ongoing litigation. Additionally, \$48,000 is allocated for the Berkeley Registration Fee Analysis Study, which will evaluate the agency’s current fee structure.

While contracts are generally brought to the Board for approval, staff have recently implemented a new process to conduct Requests for Proposals (RFPs) every two years in order to enhance transparency and broaden vendor engagement. Although the Board will take action on a few new contracts this year, the proposed budget also includes funding to support the second year of this biennial contracting approach.

The following table outlines the key contracts and their associated allocations included in the proposed FY 2025/26 budget:

| <u>Vendor</u> | <u>Description</u> | <u>Proposed Allocation</u> |
|-----------------------------|----------------------------------|----------------------------|
| Kinnectics | Executive Management Evaluations | \$40,000 |
| Berkeley Community Media | Broadcast Services | \$25,000 |
| Goldfarb & Lipman | Legal Consultation | \$200,000 |
| 2000 Center St. LLC | Rental and Property Expenses | \$512,000 |
| Quick Caption | Remote Closed Captioning | \$10,500 |
| Eviction Defense Center* | Community Tenant Legal Services | \$160,500 |
| East Bay Community Law Ctr* | Community Tenant Legal Services | \$148,605 |
| Brian Augusta | Legislative Advocacy Services | \$72,000 |
| 3Di | Registration System Management | \$25,000 |

* The amount shown in the table reflects solely the Rent Stabilization Board’s allocation under this contract and does not include additional funds that may be allocated by the City.

Status of the Rent Board Fund Reserve Balance and Capital Reserve Allocation

Historically, the Board has maintained a conservative approach to managing the Rent Stabilization Fund, striving to retain one to two months of uncommitted reserves. While the Board has, at times, approved reserve levels as low as 8%, a formal policy was adopted in FY 2021–22 to establish a minimum reserve target of 16%, equivalent to two months of recurring operational expenses.

There have been exceptional circumstances where the Board intentionally allowed reserves to fall below this threshold to avoid sharp fee increases. Notably, during the peak of the COVID-19 pandemic, the Board authorized a temporary reserve level of 5% to mitigate financial impacts on property owners. Despite these challenges, the agency has successfully maintained a reserve balance exceeding 16% since the close of FY 2017–18.

Finance staff project that by the end of the current fiscal year, the agency will maintain an uncommitted reserve at approximately 29%. Based on projected revenue of \$8,961,575 for FY 2025–26, the proposed expenditure plan would result in an uncommitted fund balance of approximately \$2.4 million.

To ensure continued fiscal flexibility, staff recommend allocating \$500,000 to the Capital Reserve to prepare for potential one-time capital needs or technology enhancements. This proposed allocation maintains alignment with the Board’s 16% reserve policy while providing a prudent buffer to address unforeseen needs in the upcoming fiscal year.

Sustainability of FUND 801/440 Reserve Balance

In FY 2024/25, the adopted budget initially projected the Board's uncommitted reserve to be at the 16% target level, with an anticipated shortfall of \$39,343. However, due to personnel cost savings from staff turnover and vacancies, along with higher-than-expected registration revenue from both fully covered and Measure MM units, the reserve balance remained above the target throughout the year.

For FY 2025–26, staff anticipate reaching the reserve target of 29%, aligning with fiscal best practices and helping to ensure the agency's long-term financial stability.

Assuming continued strong compliance with registration fee collection, the Board's reserves are expected to remain at or above the minimum 16% threshold throughout the fiscal year.

Attachments:

1. Proposed FY 2026 Line-Item Budget and FY 2025 Preliminary Year-end Actuals
2. Proposed FY 2025/26 Proposed Organizational Chart
3. Proposed FY 2025/26 Position Detail Summary Table

RESOLUTION 25-15

**ADOPTING THE FISCAL YEAR 2025-2026 BUDGET, STAFFING MODEL POSITION
DETAIL, AND THE MAXIMUM EXPENDITURE LEVEL**

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

WHEREAS the Rent Stabilization Board operates based on a fiscal year and each year adopts an operational budget after public review and input; and

WHEREAS, Section 123 of Article XVII of the Charter of the City of Berkeley provides that the Rent Stabilization Board shall finance its reasonable expenses by charging landlords annual registration fees in amounts deemed reasonable by the Board; and

WHEREAS, the Budget and Personnel Committee met five times during this calendar year to monitor the budget and the Program's progress in meeting the goals established by the Board; and

WHEREAS, on March 20, 2025, after reviewing the available reserves and considering revenue needs for FY 2026, the Board voted to maintain the annual registration fee for fully-covered units at \$344 per unit, the partially-covered unit fee at \$212 per unit; and the Summer Fraternity and Sorority Registration Fee at \$96; and,

WHEREAS, the Budget and Personnel Committee has met with the Finance Director and the Executive Director several times this year to discuss a line-item operating budget and staffing model for FY 2025-2026 for the Board's consideration; and,

WHEREAS, the proposed operating budget (including contracts) for FY 2025-2026 authorizes new expenditures totaling \$9,017,005, which includes both recurring operational, capital needs and expenditures related to operations, staffing, and digital education enhancements; and

RESOLUTION 25-15

**ADOPTING THE FISCAL YEAR 2025-2026 BUDGET, STAFFING MODEL POSITION
DETAIL, AND THE MAXIMUM EXPENDITURE LEVEL (Page 2)**

WHEREAS, the proposed budget for FY 2025-2026 includes \$290,000 in expenditures earmarked from the Capital Reserve Expenditure line item for anticipated outside legal counsel and Executive Management evaluations and moving \$500,000 from the Board’s uncommitted reserve to replenish the Board’s Capital Reserve that could be allocated later for larger, one-time capital projects; and

WHEREAS, after reviewing the current workload and filled positions along with the goals and objectives for FY 2025-2026 articulated by the Board, the Finance Director, the Executive Director, and the Budget and Personnel Committee, the Board believes that it is necessary to maintain a staffing level of at least 29.0 career Full-Time Equivalents (FTE’s).

NOW, BE IT RESOLVED that an overall spending level totaling \$9,017,005 (which includes \$290,00 in expenditures earmarked from the Capital Reserve Expenditure line item and moving \$500,000 from the Board’s uncommitted reserve to replenish the Board’s Capital Reserve that could be allocated later for larger, one-time capital projects) and a staffing level of 29.0 FTE’s is hereby adopted for the Fiscal Year 2025-2026.

Dated: June 16, 2025

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

YES:

NO:

ABSENT:

ABSTAIN:

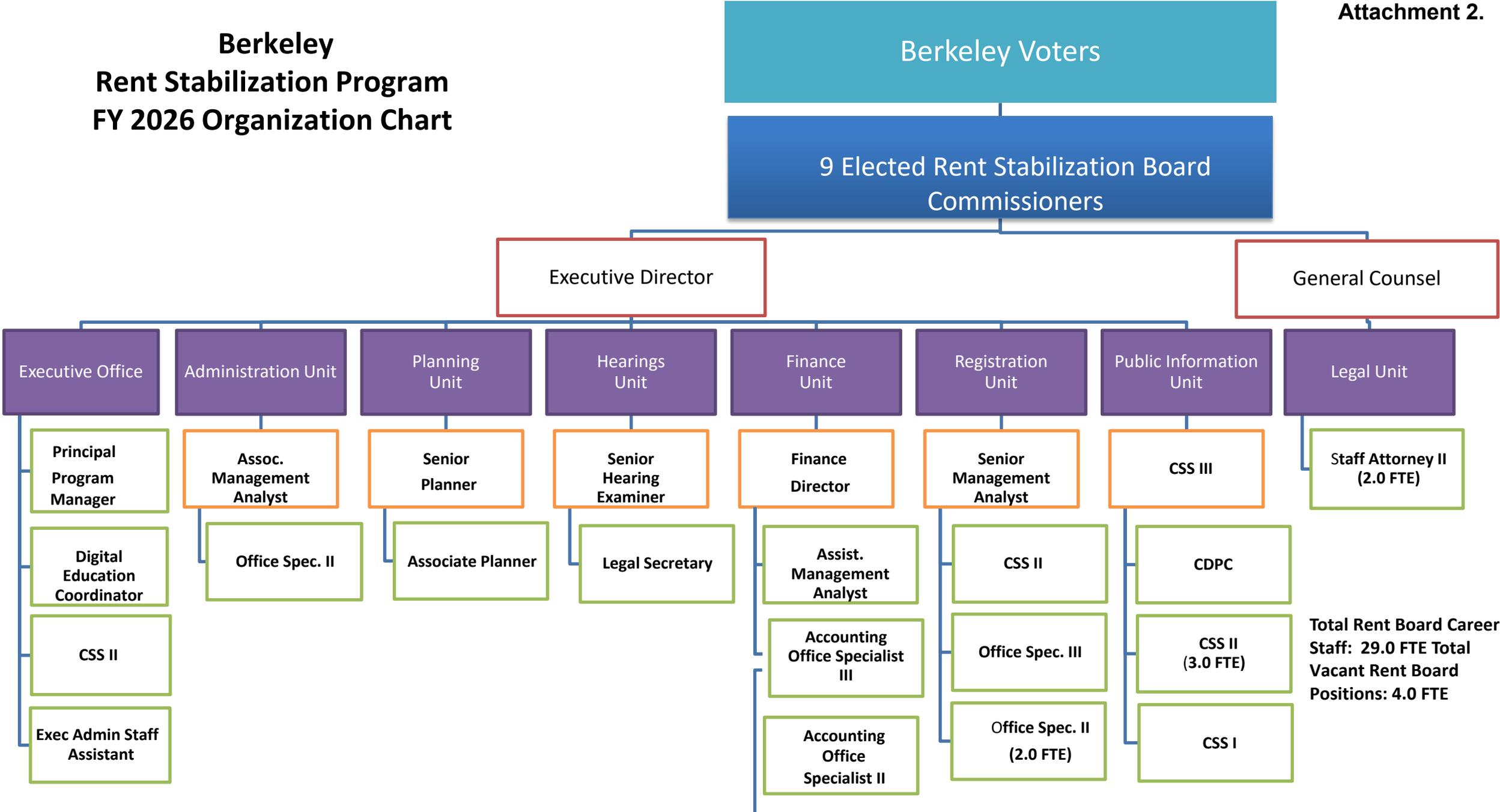
Soli Alpert, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director

| Rent Stabilization Program FUND 801 FY 2025 Year End and FY 2026 Proposed Budget | | | | |
|---|---|------------------------|-------------------------------------|-------------------------|
| Account Code | Description | Adopted FY 2025 | Preliminary Year End FY 2025 | Proposed FY 2026 |
| 511110 | Monthly Employees | 3,820,000 | 3,035,000 | 4,260,000 |
| 513110 | Overtime | 10,000 | 1,000 | 10,000 |
| 520110 | Benefits | 2,640,000 | 1,975,000 | 2,800,000 |
| 514110 | Stipends | 169,000 | 152,000 | 174,100 |
| 612110 | Professional Services - Legal Outside | 0 | 70,000 | 7,500 |
| 612190 | Misc. Legal Expenses | 90,000 | 19,000 | 30,000 |
| 612250 | Temp. Agency Employees | 10,000 | 0 | 10,000 |
| 612990 | Misc. Professional Services | 393,000 | 475,000 | 400,000 |
| 613120 | Office Equip. Mtc. Svcs. / Furniture | 25,000 | 13,000 | 25,000 |
| 613130 | Office Software | 0 | 1,000 | 1,000 |
| 624110 | Property Repairs/ Mtc Svcs | 500 | 500 | 500 |
| 625110 | Rental of Land / Buildings | 374,000 | 401,980 | 512,000 |
| 632110 | Telephones | 9,000 | 10,135 | 13,000 |
| 633110 | Advertising/public access | 80,000 | 43,500 | 70,000 |
| 634110 | Training and Conference - Training | 78,000 | 1,200 | 40,000 |
| 634120 | Training and Conference - Registration | 0 | 0 | 10,000 |
| 634210 | Transportation & Commercial Travel | 4,000 | 802 | 4,000 |
| 634220 | Travel Lodging | 0 | 0 | 4,000 |
| 634240 | Travel Meals | 5,000 | 55 | 1,000 |
| 635110 | Printing and Binding | 45,000 | 55,000 | 65,000 |
| 639110 | Bank Fees | 20,000 | 25,000 | 25,000 |
| 639120 | Professional Dues & Intern Fees | 4,200 | 2,300 | 3,500 |
| 639130 | Messenger / Delivery | 500 | 500 | 500 |
| 641110 | Office Supplies | 13,500 | 15,500 | 15,000 |
| 641120 | Postage | 42,000 | 53,000 | 50,000 |
| 643110 | Books & Publications | 55,000 | 24,500 | 40,000 |
| 644110 | Supplies - Food | 5,000 | 3,500 | 3,500 |
| 645110 | Supplies - Clothing | 1,500 | 3,300 | 1,500 |
| 651110 | Non Cap Computers and Software | 0 | 51,000 | 30,000 |
| 651120 | Non Cap Office Furniture | 0 | 30,000 | 5,000 |
| 664130 | Cap Office Equipment and Furniture | 50,000 | 17,400 | 0 |
| 664140 | CAP -Computers | 20,000 | 3,600 | 3,300 |
| 664150 | Leashold - Tenant Improvements | 0 | 2037 | 12,200 |
| 670140 | PC Replacement/City Software Licenses | 74,305 | 74,305 | 74,305 |
| 670150 | Mail Services | 3,600 | 3,600 | 3,600 |
| 670190 | City Vehicle / Fuel & Maint./Prkg | 15,000 | 15,000 | 15,000 |
| 670200 | Internal Service/Pkg | 4,500 | 4,500 | 4,500 |
| 720003 | Unallocated | | | |
| 9001/514110 | Stipends - Elected Officials | 15,000 | 2,568 | 3,000 |
| | Recurring Expenditure Subtotal | 8,076,605 | 6,585,782 | 8,727,005 |
| | Outside Legal Counsel/Services | | 256,200 | 250,000 |
| | Special Projects (Executive Evaluations/Contracts, 3DI) | 256,313 | 406,313 | 40,000 |
| | Total Authorized Fund Expenditures* | 8,332,918 | 7,248,295 | 9,017,005 |
| | | Adopted FY 2025 | Preliminary Year End FY 2025 | Proposed FY 2026 |
| | Fully-covered Unit Revenue | 6,880,000 | 6,630,610 | 7,396,000 |
| | Measure MM Revenue | 1,120,000 | 1,062,025 | 1,272,000 |
| | Registration Penalties | 250,000 | 599,146 | 250,000 |
| | Fair Chance Ord. Administration | 41,575 | 41,575 | 41,575 |
| | Misc. Fees (Admin) | 2,000 | 2,000 | 2,000 |
| | Total Authorized Fund Revenue* | 8,293,575 | 8,335,356 | 8,961,575 |
| | Annual Surplus/Shortfall | (39,343) | 1,087,061 | (55,430) |
| | TOTAL UNCOMMITTED FUND BALANCE | 1,398,105 | 2,485,166 | 2,429,736 |
| | TOTAL CAPITAL RESERVE FUND BALANCE | 500,000 | 500,000 | 500,000 |

* Note: this report only reflects charges & revenues against the Rent Board Fund (Fund 440 and Fund 801) and does not include services charged to or received from other funds

Berkeley Rent Stabilization Program FY 2026 Organization Chart

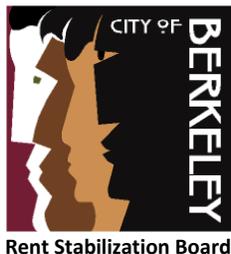


Rent Board Position Detail
Sorted by Classification

| Classification Title | FY 2026 Proposed |
|--|-------------------------|
| Accounting Office Specialist II | 1.00 |
| Accounting Office Specialist III | 1.00 |
| Administrative and Fiscal Services Manager | 1.00 |
| Assistant Management Analyst | 1.00 |
| Administrative Staff Assistant | 1.00 |
| Associate Management Analyst | 1.00 |
| Associate Planner | 1.00 |
| Digital Communications Coordinator | 1.00 |
| Community Development Program Coordinator | 1.00 |
| Community Service Specialist II | 6.00 |
| Community Service Specialist III | 1.00 |
| Executive Director | 1.00 |
| General Counsel | 1.00 |
| Office Specialist II | 3.00 |
| Office Specialist III | 1.00 |
| Legal Secretary | 1.00 |
| Principal Program Manager | 1.0 |
| Senior Hearing Examiner | 1.00 |
| Senior Management Analyst | 1.00 |
| Senior Planner | 1.00 |
| Staff Attorney II | 2.00 |
| | |
| TOTAL FTE: | 29.00 |

Changes as follows:

- Created 1.0 FTE Digital Communication Coordinator
- Created 1.0 FTE Administrative Staff Assistant
- Converted 1.0 Community Services Specialist II to 1.0 FTE Community Development Program Coordin
- Rellocated OSII to AOSII



DATE: June 16, 2025

TO: Honorable Members of the Berkeley Rent Stabilization Board

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

SUBJECT: Recommendation to adopt Resolution 25-16 authorizing the Executive Director to extend the contract with Berkeley Community Media through June 30, 2027, and increase the contract by an amount not to exceed \$25,000 for Fiscal Year 2025-2026

Recommendation

That the Board adopt attached Resolution 25-16 authorizing the Executive Director to extend the contract with Berkeley Community Media through June 30, 2027, and increase the contract by an amount not to exceed \$25,000 for Fiscal Year (FY) 2025-2026. The new total amount payable under this contract shall not exceed \$242,500.

Background and Need for Board Action

The Board has maintained a contract with Berkeley Community Media (BCM) since June 5, 1995, for live broadcasts of regularly scheduled Rent Stabilization Board (RSB) meetings, periodic special meetings, and other services. For FY 2024-2025, the Board approved increasing BCM's contract amount to \$25,000. That increase was necessary to cover the costs of providing an additional technician to be present at the Berkeley Unified School District (BUSD) Board Room for all monthly RSB meetings to troubleshoot any technical difficulties that may arise in order to support the Board Secretary who solely staffs RSB meetings. BCM proposes to provide the same scope of services for FY 2025-2026 with no change to the contract amount.

It should be noted that, in the past two years, BCM Executive Director David Flores and his staff have gone above and beyond to troubleshoot and resolve multiple technical issues that beset monthly RSB meetings, most of which were due to connectivity issues with BUSD-owned equipment and/or Zoom-related glitches – and that support was not required by their contract. Staff have and continue to benefit from BCM's collaboration and creative problem-solving which have enabled public meetings to proceed and be fully transparent.

BCM would like to continue to provide their excellent services through June 30, 2027.

Financial Impact

There are sufficient funds in the FY 2026 budget to extend BCM's contract in the amount of \$25,000. Staff will budget for the second year of the contract in FY 2026-27, increasing the total amount payable under this contract to \$242,500.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

Attachment:

1. BCM's FY 2026-2027 Contract Proposal



**BERKELEY
COMMUNITY MEDIA**
www.bcmv.org - 2239 MLK Jr. Way, Berkeley, CA 94704 - 510-848-2288

Board of Directors: Winston

June 11th, 2025

Burton **Board Chair** Harold

To: Aimee Mueller, Berkeley Rent
Stabilization Board

Adler **Vice Chair** Becky Jo

Benson **Treasurer** Katherine

From: David Flores, Berkeley Community
Media (BCM)

Burge **Secretary** Helen Walsh

Samuel Speilman

Berkeley Community Media (BCM) looks
forward to continuing our production and
cablecast of the Rent Stabilization Board
meetings on B-TV Channel 33.

Ken Osborn

Victor Owens

The two contract terms in the attached
proposal will begin on July 1st, 2025 and run
through June 30th 2026 and July 1st 2026
and run through June 30th 2027 respectively.

We greatly value our relationship and long
history with the Berkeley Rent Stabilization
Board and look forward to once again serving
the Board and the community.

A handwritten signature in black ink that reads "David Flores".

David Flores
Executive Director
Berkeley Community Media

BERKELEY RENT STABILIZATION BOARD
 MEETING COVERAGE PROPOSAL – FISCAL YEAR
 2025-2026 & 2026-2027

1. Berkeley Community Media (hereafter Contractor) agrees to capture and telecast on B-TV channel 33 all regularly-scheduled Rent Stabilization Board (hereafter RSB) meetings from the BUSD Board Room. In addition to the original live telecast of such meetings, Contractor will telecast each captured program at least two (2) and no more than four (4) times per week on B TV channel 33. The RSB will provide Contractor with a list of all regularly-scheduled meetings for the fiscal year.

2. Contractor will assist an outside closed captioner in producing videos of RSB workshops each quarter. Contractor will not be responsible for providing closed captioning services but will be required to record and deliver a final Quicktime movie of each session that complies with the City of Berkeley’s web video requirements.

Services Provided Quantity Amount

| | | |
|--|-------------------|-----------------|
| Live, gavel to gavel coverage of all regularly scheduled RSB meetings from the BUSD Board Room | Up to 15 per year | \$15,000 |
| Telecast and webcast meetings and special programs via B-TV Channel 33 | Up to 25 per year | \$10,000 |
| DVD Media and Incidental supplies | various | Included |
| As needed post production re-captioning and editing using Adobe Premier | As needed | \$35 per hr |
| TOTAL: | | \$25,000 |

In addition, Contractor will provide at additional cost coverage of meetings held outside of Council Chambers. In the event that a RSB meeting is scheduled to take place in any other location other than the BUSD Board Room located at 1234 Addison Street. Berkeley Community Media agrees to capture and telecast (live and replayed as detailed in section 1 and 2 of this agreement) for an additional service fee of \$400 per meeting.

Contractor will also be available to produce a half-hour, quarterly news program at a mutually agreed upon location at a rate of \$500 per program.

RESOLUTION 25-16

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH BERKELEY COMMUNITY MEDIA (BCM) BY EXTENDING THE CONTRACT THROUGH JUNE 30, 2027, AND INCREASING THE CONTRACT BY AN AMOUNT NOT TO EXCEED \$25,000 FOR FISCAL YEAR 2026

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

WHEREAS, the Rent Stabilization Board (Board) has maintained a contract with Berkeley Community Media (BCM) for broadcasting and/or live webcasting of all regularly scheduled Board meetings on local cable television since June of 1995; and

WHEREAS, a need still exists to telecast and webcast public Board meetings to provide maximum transparency and BCM is uniquely positioned to do this on B-TV Channel 33; and

WHEREAS, BCM has the ability to telecast and record all regularly scheduled and special Board meetings and the production capability to produce informational videos when requested; and

WHEREAS, the Board has been extremely pleased with BCM's consistent collaboration and expertise which have proven essential to Board staff in resolving technical issues at the BUSD Board Room that enabled public meetings to proceed and permit full public participation; and

WHEREAS, the previous contract with BCM has not expired and the Board wishes to have BCM continue to provide their excellent services;

NOW, THEREFORE BE IT RESOLVED, by the City of Berkeley Rent Stabilization Board that the Executive Director is hereby authorized to amend the contract with Berkeley Community Media through June 30, 2027, increasing the contract by an amount not to exceed \$25,000 for the 2025-2026 fiscal year (FY) for live, gavel-to-gavel coverage of every regularly scheduled Rent Board meeting and up to three special Board meetings, to rebroadcast all Board meetings, and to assist the Board in producing informational videos as needed throughout the contract term. The new total amount payable under this contract shall not exceed \$242,500.

Dated: June 16, 2025

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

YES:

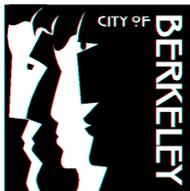
NO:

ABSTAIN:

ABSENT:

Soli R. Alpert, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board

DATE: June 16, 2025

TO: Honorable Members of the Rent Stabilization Board

FROM: DeSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolutions authorizing the Executive Director to execute a contract modification with the Eviction Defense Center (EDC) in an amount not to exceed \$435,500 annually and the East Bay Community Law Center (EBCLC) in an amount not to exceed \$423,605 annually for the 2025/26 and 2025/26 fiscal years and to make technical adjustments to the reporting metrics under the contract

Recommendation:

That the Board adopt Resolutions 25-17 and 25-18 authorizing the Executive Director to modify the current contracts with EDC and EBCLC to extend their terms through June 30, 2027 and increase the contracts in an amount not to exceed \$435,500.00 with the EDC and in an amount not to exceed \$423,605.00 with EBCLC (including \$275,000 from the City Council General Fund for each contract) per fiscal year. The total payable under these contracts shall not exceed \$1,740,000.00 for the EDC and \$1,694,420.00 for EBCLC. The Resolutions also authorize the Executive Director to make a technical adjustment to the reporting and funding metrics under the contract.

Background and Need for Rent Stabilization Board Action:

The Board has annually awarded contracts to community organizations for the provision of housing-related services to low-income tenants. Historically, the Board has contracted with EDC, EBCLC, and Housing Rights, Inc. (HRI) to provide these services. EDC and EBCLC primarily provide eviction defense services to low-income households. HRI provided counseling on general landlord-tenant issues. The services provided by HRI are now provided by the Board's Public Information Unit.

Costa-Hawkins and the advent of vacancy decontrol significantly increased the financial incentive for an owner to evict a long-term tenant in good standing. In the first few years of vacancy decontrol the Board witnessed hundreds of cases of owners attempting to evict tenants without "good cause," so they could increase the rent paid by a new tenant. This undermines the stated intent as well as the integrity of the Ordinance. The Board responded by increasing outreach and information and ensuring that low-income households had access to eviction defense services from the EDC and EBCLC.

Since 2001 the Board has annually authorized funding for both the EDC and the EBCLC;

although, since 2017, the majority of the funding for these agencies has come through Council. The Board's most recent contracts with both providers commenced in 2023. Prior to that date, the Board had been funding both providers through a series of contract amendments. In April 2023, the Board released a new RFP for these services. The new RFP made two changes to the contracts: 1) changed the contract length from one to two years; and 2) added new outcomes-based reporting metrics. The Board asked the providers to track and report "material benefits" that the providers achieved for the subset of clients who received the full representation level of service, including whether a tenant retained their current housing as a result of the representation. A material benefit includes the enforcement of a legal right, additional time to vacate a rental unit in an eviction, a financial award, or a waiver of rental debt. The State Bar requires similar reporting from grantees for civil legal services at the state level.

Both EDC and EBCLC responded to the Request for Proposals, and the agency selected their proposals after a review process. At its regular meeting on June 15, 2023, the Board authorized the Executive Director to execute the current two-year contract, which expires June 30, 2025.

During the current budget cycle, EDC and EBCLC continued to provide legal services that preserve community diversity and prevent mass displacement of vulnerable tenants. The providers were responsive to agency staff referrals, especially for clients in time-sensitive circumstances or who presented with complicated legal issues. Additionally, the increased reporting metrics allowed agency staff to better analyze the impact of legal representation on keeping vulnerable tenants housed.

Under the contracts, the providers are required to provide "in-depth" or "full" representation to a subset of Berkeley tenants. EBCLC has requested that the Board clarify that legal matters beyond lease termination and evictions where the organization provides representation to a tenant that directly assist the tenant in maintaining their housing would qualify as "in-depth" or "full" representation cases. Because the agency understands the purpose of these contracts to be support of legal services that promote housing rights and stability, the agency recommends amending the definition of "in-depth" or "full" presentation to include legal matters that help "maintain housing."

Both organizations have provided a summary of their services in the most recent fiscal year and their contract needs for the next cycle, attached as Exhibit A. Board staff recommends extending these current contracts at the same funding level to preserve the services provided to the community and to create a longitudinal record of the impact of these services.

City Council Funding

In 2017 it became apparent that the need for services outpaced the Board's ability to adequately respond to the existing housing affordability crisis and the resultant incentive to displace long-term tenants. On July 25, 2017, City Council approved additional funding of \$300,000 for fiscal year 2017/18 and \$300,000 for fiscal year 2018/19 to be added, as amendments, to the Board's contract with the EDC and the EBCLC (\$150,000 per provider, per year). This city funding, which has been administered by the Rent Board, was earmarked to provide additional assistance to

extremely low, very low, low- or moderate-income Berkeley tenants in order to provide counseling and advocacy for tenants facing or threatened with displacement.

That two-year funding cycle allowed the EDC and the EBCLC to expand their scope of services as well as the volume of assistance provided to Berkeley tenants. The added funding allowed the providers to serve the additional clientele of moderate-income tenants and tenants who live in units that are partially exempt from the rent ordinance such as Section 8 tenants or tenants in single-family homes. Further, the additional assistance has allowed the providers to assist tenants with issues pertaining to provisions of the Tenant Protection Ordinance and the Relocation Ordinance.

On July 23, 2019, the City Council adopted a resolution authorizing the transfer of \$550,000 to the Rent Board for fiscal years 2019/20 and 2020/21 respectively to amend their contracts with the providers to provide services similar to the initial prior two-year cycle. The City Council has continued to provide annual funding to the Board in the amount of \$275,000 through the current contract cycle.

Agency staff engaged with the City Manager's Office regarding the City's contribution in the two fiscal years. Although the City is not scheduled to pass its budget resolution until later this month, materials submitted in advance of the City's final budget approval indicate that the City will maintain its current level of spending for Measure U1 anti-displacement programs: \$550,000.00 total per fiscal year.

Financial Impact:

The funding request is \$435,500 for the EDC and \$423,605 for the EBCLC for a total of \$859,105 per fiscal year. The City Council will provide the Board with \$550,000 in funding towards these contracts and the Board is responsible for funding the remaining \$309,105. Based upon the proposed budget included elsewhere in your agenda package, there is sufficient funds in the fiscal year 2025/26 budget to cover the Board's portion of these contract amounts.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

Attachments:

1. Eviction Defense Center Services Summary
2. East Bay Community Law Center Services Summary

Collective Legal Services
THE EVICTION DEFENSE CENTER
A Nonprofit Law Corporation
350 Frank H. Ogawa Plaza, Suite 703
Oakland, CA 94612
510-452-4541 (voice) 510-452-4875 (fax)

June 4, 2025

Oliver Ehlinger, Esq.
Berkeley Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

re: 2026/2027 work plan and budget, 2025 summary of services

Dear Mr. Ehlinger:

Enclosed, please find a brief summary of services provided under our current contract along with our FY 2026-2027 work plan and proposed budget. The work plan assumes funding at the same level from both the Rent Board and City Council with no increase.

Under the current contract, the Eviction Defense Center [EDC] anticipates serving **400** unduplicated Berkeley tenants every year. With one month left on our Fiscal Year 2025 contract, we have already served over **776** unduplicated tenants. We are on pace to serve over 800 tenants in this grant cycle, which is double the anticipated amount.

In the past eleven months we have handled over **96** unlawful detainer actions, with over **212** court appearances for Berkeley tenants. We have continued to make home visits to Berkeley clients who are too elderly or disabled to make it into our office. Our case worker makes regular visits to clean and maintain homes with excessive clutter and conduct regular wellness checks.

Despite facing overwhelming covid debt balances, the EDC was able to resolve over **65%** of cases so that tenants could remain in their homes. As we move past the covid-debt era, we anticipate that this percentage should rise dramatically.

95% of the clients served have an Area Median Income (AMI) below 50%, and 53% of those clients are living at below poverty level.

Over 57% of clients served were disabled
Over 31% of clients served were senior citizens

48% African American
16% Latino
7% Asian
2% Native/Mixed Race/Other non-white

We are extremely proud of the work we have done to prevent homelessness and displacement of the most vulnerable communities in the City of Berkeley, and we would be honored and grateful to continue the same work in the upcoming grant cycle.

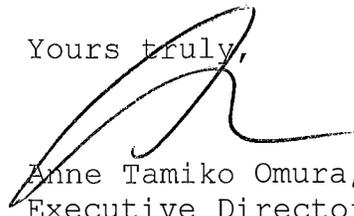
2026/2027 Proposed Work Plan

The EDC proposes providing eviction prevention and anti-displacement services to a minimum of 400 unduplicated tenants each fiscal year. Of those 400 unduplicated tenants, at least 150 shall receive "in-depth legal representation and services," at least 200 shall receive limited scope services, and at least 50 shall receive brief legal services.

Because early intervention is the key to success in maintaining stabilized housing, the EDC will also continue engaging in outreach activities. Currently the EDC sends attorneys to do free tenant counseling at the Berkeley Library and Berkeley Food Pantry. This allows our attorneys to address legal issues in the early stages of conflict when there is a better chance of a positive resolution for clients. As part of this grant proposal, the EDC proposes to continue the same outreach activities with the hope of reaching the most vulnerable communities in need of assistance.

I have attached a proposed budget as well as several case stories from this grant cycle for your review. Please do not hesitate to contact me if you require any further information.

Yours truly,



Anne Tamiko Omura, Esq.
Executive Director

Mr. S

Mr. S is a single father to a 4-year-old autistic son. He is a monolingual Spanish speaking immigrant who works as a dishwasher and busboy at different restaurants in Berkeley. In November of 2024, the main restaurant that employed him closed down. Because he is undocumented, he was unable to apply for unemployment, placing him and his son at high risk of becoming homeless. By the time Mr. S was able to find another restaurant job, he was over \$7000 behind in rent, and an unlawful detainer action was filed against him.

The EDC represented Mr. S in his unlawful detainer. Unfortunately, because he had lived in his rent-controlled unit for over 10 years, the landlord was very motivated to evict him. After several months of litigation, the EDC was finally successful in keeping Mr. S and his son in their home. The EDC was able to obtain a rental assistance grant to pay off the back rent and keep Mr. S and his son stably housed.

Mr. B

Mr. B is a 71-year-old disabled senior suffering from cognitive decline. He survives on a very low fixed income from Social Security. In 2021, during the pandemic, he had an unexpected and uncovered medical expense. As a result, he was unable to pay his rent for one month. Unfortunately, thereafter the landlord refused to accept payments unless he was able to pay off the entire balance. By the time Mr. B came to the Eviction Defense Center mid-2024, he owed over \$50,000 of back rent and had been served with an unlawful detainer.

The EDC assigned a case worker to Mr. B to make regular home visits and also connected him to the City of Berkeley Aging Services Division for further supportive services. The unlawful detainer litigation spanned over 6 months. During that time, the EDC worked with Mr. B to have him set aside his rent every month. The EDC also obtained a rental assistance grant. Unfortunately, the maximum amount of the grant was \$8000.00. The landlord was extremely resistant to allowing Mr. B to stay in his home. After multiple court appearances and a special assignment to a settlement commissioner, the EDC was finally able to resolve the case to keep Mr. B in his home. The EDC was able to get \$45,000 of the back rent waived and brought Mr. B

current in rent with the rental assistance grant. The EDC continues to monitor and support Mr. B to ensure his future housing stability.

Mr. T

Mr. T is an 87-year-old legally blind tenant who has lived in his Berkeley apartment for over 20 years. Mr. T came to the EDC in August of 2024 with an eviction notice, alleging excessive clutter. The EDC immediately sent a caseworker to the premises to remedy any alleged clutter. The EDC then began engaging with the landlord to prevent any further eviction activity, including asserting all disability reasonable accommodation claims. The EDC was successful in getting the landlord to back down and drop any further eviction proceedings. The EDC case manager continues to check in on Mr. T and assist him with maintaining his apartment to prevent any further eviction threats.

The EDC case workers currently do regular home visits for 15 disabled seniors who have issues with clutter or face other challenges that could, if unsupported, result in housing destabilization. They are a vital piece of wrap around services that are frequently necessary to keep the most vulnerable tenants in their homes.

EVICTION DEFENSE CENTER – BUDGET

CONTRACTOR: The Eviction Defense Center BL#030676

TOTAL FUNDING REQUEST: \$435,500.00/year to serve 400 unduplicated tenants per Project Proposal

DIRECT COSTS – LABOR/BENEFITS

| EMPLOYEE | HOURLY RATE | TOTAL HOURS | AMOUNT CHARGED | TOTAL ANNUAL CONTRACT |
|----------------------------------|-------------|-------------|----------------|-----------------------|
| Supervising Attorneys | \$60.10 | 1040 | \$62,504.00 | \$62,504.00 |
| Staff Attorneys | \$48.08 | 3432 | \$165,010.56 | \$227,514.56 |
| Paralegals | \$37.50 | 346 | \$12,975.00 | \$240,489.56 |
| Intake Specialists/Case Managers | \$37.50 | 2293 | \$85,987.50 | \$326,477.06 |
| | | 7111 | \$326,477.06 | \$326,477.06 |
| | | | | |

FRINGE BENEFITS @ 15% OF TOTAL LABOR = \$48,971.56

DIRECT COSTS – LITIGATION FEES

| | | | | | |
|----------------------|--|--|--|--|-------------|
| LITIGATION EXPENSES* | | | | | \$10,000.00 |
|----------------------|--|--|--|--|-------------|

*includes court costs, process service, filing fees, depositions, investigative reports, expert witness reports, inspection reports, and expert witness testimony

OVERHEAD COSTS @ 13% OF TOTAL DIRECT COSTS = \$50,051.38

\$435,500.00

RESOLUTION 25-17

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$871,000 FOR FISCAL YEARS 2025/26 AND 2026/27 AND TO MAKE TECHNICAL ADJUSTMENTS TO THE REPORTING METRICS UNDER THE CONTRACT

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

WHEREAS, the primary intent of the Rent Stabilization Board and the Rent Stabilization and Eviction for Good Cause Ordinance is to preserve affordable housing so as to continue the diversity the Berkeley community has embraced for decades; and

WHEREAS, effective administration of the Rent Stabilization and Eviction for Good Cause Ordinance and advocacy surrounding the eviction protections listed therein have proven the most effective way to preserve affordable housing and prevent displacement that often leads to homelessness; and

WHEREAS, the Board first contracted with the Eviction Defense Center (EDC) in 2001 to provide services to lower-income Berkeley tenants, and the Board had extended the contract with amendments through Fiscal Year (FY) 2022/23; and

WHEREAS, in April of 2023 the City of Berkeley issued a formal Request for Proposal (RFP) asking qualified vendors to submit proposals for the providing of outreach and legal services to lower income Berkeley tenants; and

WHEREAS, EDC was one of two vendors that submitted proposals that met the RFP requirements; and

WHEREAS, the Board has been extremely pleased with the excellent services provided by the EDC since 2001; and

RESOLUTION 25-17

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$871,000 FOR FISCAL YEARS 2025/26 AND 2026/27 AND TO MAKE TECHNICAL ADJUSTMENTS TO THE REPORTING METRICS UNDER THE CONTRACT (Page 2)

WHEREAS, EDC performed valuable work that significantly contributed to the preservation of affordable rental housing in Berkeley under the current contract which is set to expire on June 30, 2025; and

WHEREAS, under the reporting metrics introduced into the current contract, EDC provided the Board valuable insight into the impact of receiving services from EDC; and

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, has allocated annual funding to EDC for this purpose through Measure U1 since 2017; and

WHEREAS, the Board expressed a desire that its Executive Director maintain a contract of at least two-years in duration with any vendors providing anti-displacement services to lower income tenants; and

WHEREAS, the Board anticipates the City Council will approve \$275,000 in funding to EDC for both FY 2025/26 and FY 2026/27 and agrees to authorize the Board's Executive Director to disburse any funding allocated by the City Council toward the services provided by this contract; and

WHEREAS, the Board agrees to provide \$160,500 in funding for the services provided by this contract in FY 2025/26.

RESOLUTION 25-17

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$871,000 FOR FISCAL YEARS 2025/26 AND 2026/27 AND TO MAKE TECHNICAL ADJUSTMENTS TO THE REPORTING METRICS UNDER THE CONTRACT (Page 3)

NOW, THEREFORE BE IT RESOLVED, that the Rent Stabilization Board authorizes the Board's Executive Director to modify the contract with EDC to extend its term through June 30, 2027, and increase the contract in an amount not to exceed \$435,500.00 (including \$275,000 from City Council General Fund) per fiscal year. The total payable under this contract shall not exceed \$1,742,000.00.

BE IT FURTHER RESOLVED, that the Rent Stabilization Board authorizes the Executive Director to modify Paragraph 2 of the Scope of Services to read (addition in italics):

Contractor shall provide "in-depth legal representation" in eviction or housing rights matters to at least 150 "low-income" Berkeley tenants during each fiscal year. In such cases, Contractor shall open an ongoing case file and shall provide extensive counseling, negotiation, and/or representation by licensed attorneys in court to contest an eviction, assert an affirmative housing right, *or maintain housing*.

Dated: June 16, 2025

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

RECUSED:

Soli Alpert, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board

DATE: June 16, 2025

TO: Honorable Members of the Rent Stabilization Board

FROM: DeSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolutions authorizing the Executive Director to execute a contract modification with the Eviction Defense Center (EDC) in an amount not to exceed \$435,500 annually and the East Bay Community Law Center (EBCLC) in an amount not to exceed \$423,605 annually for the 2025/26 and 2025/26 fiscal years and to make technical adjustments to the reporting metrics under the contract

Recommendation:

That the Board adopt Resolutions 25-17 and 25-18 authorizing the Executive Director to modify the current contracts with EDC and EBCLC to extend their terms through June 30, 2027 and increase the contracts in an amount not to exceed \$435,500.00 with the EDC and in an amount not to exceed \$423,605.00 with EBCLC (including \$275,000 from the City Council General Fund for each contract) per fiscal year. The total payable under these contracts shall not exceed \$1,740,000.00 for the EDC and \$1,694,420.00 for EBCLC. The Resolutions also authorize the Executive Director to make a technical adjustment to the reporting and funding metrics under the contract.

Background and Need for Rent Stabilization Board Action:

The Board has annually awarded contracts to community organizations for the provision of housing-related services to low-income tenants. Historically, the Board has contracted with EDC, EBCLC, and Housing Rights, Inc. (HRI) to provide these services. EDC and EBCLC primarily provide eviction defense services to low-income households. HRI provided counseling on general landlord-tenant issues. The services provided by HRI are now provided by the Board's Public Information Unit.

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although, since 2017, the majority of the funding for these agencies has come through Council. The Board's most recent contracts with both providers commenced in 2023. Prior to that date, the Board had been funding both providers through a series of contract amendments. In April 2023, the Board released a new RFP for these services. The new RFP made two changes to the contracts: 1) changed the contract length from one to two years; and 2) added new outcomes-based reporting metrics. The Board asked the providers to track and report "material benefits" that the providers achieved for the subset of clients who received the full representation level of service, including whether a tenant retained their current housing as a result of the representation. A material benefit includes the enforcement of a legal right, additional time to vacate a rental unit in an eviction, a financial award, or a waiver of rental debt. The State Bar requires similar reporting from grantees for civil legal services at the state level.

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Both organizations have provided a summary of their services in the most recent fiscal year and their contract needs for the next cycle, attached as Exhibit A. Board staff recommends extending these current contracts at the same funding level to preserve the services provided to the community and to create a longitudinal record of the impact of these services.

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extremely low, very low, low- or moderate-income Berkeley tenants in order to provide counseling and advocacy for tenants facing or threatened with displacement.

That two-year funding cycle allowed the EDC and the EBCLC to expand their scope of services as well as the volume of assistance provided to Berkeley tenants. The added funding allowed the providers to serve the additional clientele of moderate-income tenants and tenants who live in units that are partially exempt from the rent ordinance such as Section 8 tenants or tenants in single-family homes. Further, the additional assistance has allowed the providers to assist tenants with issues pertaining to provisions of the Tenant Protection Ordinance and the Relocation Ordinance.

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Financial Impact:

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Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

Attachments:

1. Eviction Defense Center Services Summary
2. East Bay Community Law Center Services Summary

| | |
|---|--|
| Berkeley Rent Board/City Council Funds | |
| FY24-25 Client Report July 1, 2025-May 31, 2025 | |
| Agency: East Bay Community Law Center | |
| Report Period: July 1, 2024-May 31,2025 | |
| Prepared By: Shauna Fujimoto | |

| Service/Activity | Reporting Period | |
|---|------------------|---|
| I. Pre-Litigation/Brief Services (Referrals, brief legal advice) | 24 | *Includes clients previously reported came back with new issues and received pre-litigation services only. They are not included in demographic report. |
| II. Limited Scope (Pro Per Assistance/Tenants Rights Workshop/Answer Clinic) | 115 | *Includes clients previously reported who came back with new legal issues and received limited scope services. They are not counted demographic report. |
| Issues: | | |
| Unlawful Detainer | 29 | |
| Rent Board | | |
| Section 8/Shelter Care | 9 | |
| Repairs/Habitability | 6 | |
| LL harrassment/TPO | 32 | |
| TBO | 6 | |
| Rent issues (increase, overcharge, etc) | 5 | |
| Security deposit | 1 | |
| Lease violation/nuisance | 7 | |
| Lock out | | |
| Ellis Act | | |
| foreclosure | | |
| Discrimination/reasonable accommodation | 12 | |
| Relocation payments | | |
| Owner move in | | |
| Eviction Notice (Non UD) | 8 | |

| | | | | | | |
|---|------------------|------------|------------------|--------------|--------------------|----------------|
| Rental Agreement/Terms of Tenancy | 10 | | | | | |
| Other | 5 | | | | | |
| | | | | | | |
| Referred from Rent Board | 15 | | | | | |
| | | | | | | |
| Service/Activity | Reporting Period | | | | | |
| III. Direct Representation | 20 | | | | | |
| Issues: | UDS | Rent Board | § 8/Shelter Care | Affirmatives | Nonlitigation Rep. | Litigation Rep |
| Repairs/Habitability | 5 | | | | | |
| LL harrassment/TPO | 2 | 1 | | | | |
| TBO | | | | | | |
| Rent issues (increase, overcharge, etc) | 2 | | | | | |
| Security deposit | | | | | | |
| Lease violation/nuisance | 2 | | | | | |
| Lock out | | | | | | |
| Ellis Act | | | | | | |
| Foreclosure | 1 | | | | | |
| Discrimination/reasonable accommodation | | | | | | |
| Relocation payments | | | | | | |
| Owner move in | | | | | | |
| 3-day Notice | | | | | | |
| Retaliation | | | | | | |
| Non payment of rent | | | | | | |
| Other | 6 | | | | | 1 |

| | | |
|-----------------------------------|----|---|
| Direct Rep Cases | | |
| New Cases for Reporting Period | 20 | |
| Cases Ongoing | 40 | Includes previously reported cases from FY 23-24 |
| Closed Cases for Reporting Period | 21 | Includes previously reported cases from FY 23-24 closed in FY24-25. |

| | |
|--|---|
| Direct Rep Cases: Resolution Activity | |
| Negotiated Settlement without Litigation | 4 |
| Unable to Settle, trial date maintained | 1 |
| Negotiated Settlement with Litigation | 8 |

| | |
|--------------------------|---|
| Court Decision Favorable | 2 |
| Case Dismissed | 4 |
| Enforced Housing Rights | 2 |

| Direct Rep Cases: Outcomes | | Total amount (\$) |
|-----------------------------------|---|--------------------------|
| Tenant received waiver of rent | 3 | \$ 128,890 |
| Tenant received move out payment | 4 | \$ 42,150.00 |
| Tenant received time to move | 8 | |
| Tenant retains possession | 8 | |
| Other: Landlord harassment ceased | 3 | |

| Social Work | |
|---|----|
| Consultations | 13 |
| Direct Rep Clients Receiving Social Work Services | 1 |
| Direct Rep Clients Receiving Social Work Services-previously reported | 16 |

WW reached out to EBCLC when she received an eviction notice in 2024. She is a severely disabled senior who was living in a subsidized senior housing property in Berkeley. She had been rushed to the hospital for life-threatening issues. While she was able to receive the care she needed, she was hospitalized for six months and asked a friend to move into the property to care for her elderly pet. This friend accidentally caused a small fire at the property; there were no injuries and minimal damage. However, WW's landlord began eviction proceedings even though she was not at home due to her extensive hospitalization. She was eventually released back to the unit after months of care but was bed-bound and unable to even stand. Instead of focusing on her recovery, she was thrust into a contentious eviction lawsuit. EBCLC's Housing Program stepped in and began rigorously litigating her case and connected her with our social work team. Our housing attorney engaged in lengthy negotiations with litigation to ensure WW was able to receive eight months to move out; a full waiver of back rent; and relocation costs for when she is released from the long-term care facility she is currently residing due to her most recent hospitalization.

Initially, WW's primary goal was to continue living independently and age in place, and our social work supported her in this aspiration. However, as her health declined and she required multiple hospital stays, her needs for support significantly increased. After multiple hospitalizations, she eventually was moved into a skilled nursing facility as she recovers from her most recent surgery. Throughout WW's legal battle, our social worker stepped in to provide extensive advocacy with hospital and care facility staff; obtained an increase in hours for In-Home Support Services (IHSS); advocated with Adult Protective Services for a specific situation; coordinated with Lifelong Medical Care; organized and managed WW's belongings for a unit clean out; and is actively assisting WW in securing stable housing if and when she is able to move. She also arranged for movers to respectfully handle WW's belongings as she transitioned from her residence and could not be present at the time of moving. Additionally, our social worker provided emotional support to WW as she was dealing with heavy issues and the stress from legal proceedings. EBCLC continues to provide holistic services to WW during this time to meet the stipulations of the settlement agreement.

The holistic approach our housing attorneys and social worker engage in is exemplified in the case of WW. Our housing attorneys and social worker conducted several home visits; met with WW while she was hospitalized to discuss legal issues and support needs; and collaborated to ensure all of WW's needs were met respectfully. EBCLC believes this approach ensures that clients can achieve long-term stability rather than a band aid solution which leaves clients vulnerable to additional eviction notice filings.

RESOLUTION 25-18

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$847,210 FOR FISCAL YEARS 2025/26 AND 2026/27 AND TO MAKE TECHNICAL ADJUSTMENTS TO THE REPORTING METRICS UNDER THE CONTRACT

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

WHEREAS, the primary intent of the Rent Stabilization Board and the Rent Stabilization and Eviction for Good Cause Ordinance is to preserve affordable housing so as to continue the diversity the Berkeley community has embraced for decades; and

WHEREAS, effective administration of the Rent Stabilization and Eviction for Good Cause Ordinance and advocacy surrounding the eviction protections listed therein have proven the most effective way to preserve affordable housing and prevent displacement that often leads to homelessness; and

WHEREAS, the Board first contracted with East Bay Community Law Center (EBCLC) in 1996 after the passage of Costa Hawkins necessitated provision of services to lower-income Berkeley tenants, and the Board had extended the contract with amendments each fiscal year through Fiscal Year (FY) 2022/23; and

WHEREAS, in April of 2023 the City of Berkeley issued a formal Request for Proposal (RFP) asking qualified vendors to submit proposals for the providing of outreach and legal services to lower income Berkeley tenants; and

WHEREAS, EBCLC was one of two vendors that submitted proposals that met the RFP requirements; and

WHEREAS, the Board has been pleased with the excellent services provided by the EBCLC since 1996; and

RESOLUTION 25-18

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$847,210 FOR FISCAL YEARS 2025/26 AND 2026/27 AND TO MAKE TECHNICAL ADJUSTMENTS TO THE REPORTING METRICS UNDER THE CONTRACT (Page 2)

WHEREAS, EBCLC performed valuable work that significantly contributed to the preservation of affordable rental housing in Berkeley under the current contract which is set to expire on June 30, 2025; and

WHEREAS, under the reporting metrics introduced into the current contract, EBCLC provided the Board valuable insight into the population EBCLC serves and the impact of receiving services from EBCLC on a Berkeley resident's ability to remain housed; and

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, has allocated annual funding to EBCLC for this purpose through Measure U1 since 2017; and

WHEREAS, the Board expressed a desire that its Executive Director maintain a contract of at least two-years in duration with any vendors providing anti-displacement services to lower income tenants; and

WHEREAS, the Board anticipates the City Council will approve \$275,000 in funding to EBCLC for both FY 2025/26 and FY 2026/27 and agrees to authorize the Board's Executive Director to disburse any funding allocated by the City Council toward the services provided by this contract; and

WHEREAS, the Board agrees to provide \$148,605 in funding for the services provided by this contract in FY 2025/26.

RESOLUTION 25-18

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$847,210 FOR FISCAL YEARS 2025/26 AND 2026/27 AND TO MAKE TECHNICAL ADJUSTMENTS TO THE REPORTING METRICS UNDER THE CONTRACT (Page 3)

NOW, THEREFORE BE IT RESOLVED, that the Rent Stabilization Board authorizes the Board's Executive Director to modify the contract with EBCLC to extend its term through June 30, 2027 and increase the contract in an amount not to exceed \$423,605 (including \$275,000 from City Council General Fund) per fiscal year. The total payable under this contract shall not exceed \$1,694,420.00.

BE IT FURTHER RESOLVED, that the Rent Stabilization Board authorizes the Executive Director to modify Paragraph 2 of the Scope of Services to read (addition in italics):

Contractor shall provide "in-depth legal representation" in eviction or housing rights matters to at least 150 "low-income" Berkeley tenants during each fiscal year. In such cases, Contractor shall open an ongoing case file and shall provide extensive counseling, negotiation, and/or representation by licensed attorneys in court to contest an eviction, assert an affirmative housing right, or *maintain housing*.

Dated: June 16, 2025

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

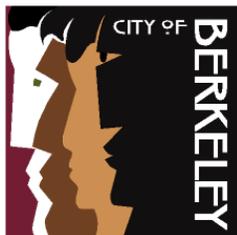
ABSTAIN:

ABSENT:

RECUSED:

Soli Alpert, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board

DATE: June 16, 2025

TO: Honorable Members of the Rent Stabilization Board

FROM: DéSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolution 25-19 authorizing the Executive Director to amend the contract with Brian Augusta (dba Public Interest Advocates) for legislative advocacy services by extending the term through June 30, 2027, and increasing the contract by an amount not to exceed \$285,000

Recommendation:

Adopt Resolution 25-19 authorizing the Executive Director to amend the contract with Brian Augusta (dba Public Interest Advocates) for legislative advocacy services by extending the term through June 30, 2027, and increasing the contract by an amount not to exceed \$285,000.

Background and Need for Rent Stabilization Board Action:

Since 1984, the Rent Stabilization Board (Board) has contracted for legislative advocacy services in Sacramento. Such services are critical to the agency as they directly inform potential and proposed legislative measures that affect Berkeley's Rent Stabilization Ordinance and coordinate rental housing-related legislative issues.

The current contract with Mr. Augusta is \$6,000 per month or \$72,000 annually. The contract also calls for reimbursement of associated travel expenses.

For nearly a decade, Brian Augusta (dba Brian Augusta & Associates) has served as the Board's legislative advocate and has done an excellent job.

In May 2023, to align with best practices, staff released an invitation to bid for Legislative Advocacy Services for the Berkeley Rent Stabilization Board (Specification No. 23-11605-C), extending an opportunity for the most qualified and responsive firm to provide legislative and advocacy support for the Board.

In July 2023, Brian Augusta (D.B.A. Public Interest Advocates) was the most responsible and responsive bidder. The Rent Board entered into a contract in August 2023, the amount of which was not to exceed \$138,000.

Mr. Augusta's firm will continue to provide the following types of services for the Rent Board through June 30, 2027:

- Regular Legislative Updates – Throughout the legislative session, the Board will receive written reports that identify and explain the various pieces of legislation affecting rent control and rental housing.
- Rent Board Updates – The Board will receive periodic oral updates from Brian Augusta (dba Public Interest Advocates) at televised Board meetings for the broadest dissemination of current legislative events. Mr. Augusta will attend several Board meetings each year to provide comprehensive reports to the Board.
- RSB Staff Updates – Brian Augusta (dba Public Interest Advocates) will meet with Program staff to discuss our operations and proposed legislation, ensuring we respond appropriately to situations as they may develop in Sacramento and Berkeley. He will also provide feedback from Sacramento regarding ways to administer the program in a manner that is responsive to legislative concerns.
- Statewide Coordination – Mr. Augusta has similar legislative advocacy contracts with other California rent control cities and assists the Board with periodic statewide coordination efforts that may be necessary for addressing proposed and/or adopted legislation.
- Research – When necessary, Brian Augusta (dba Public Interest Advocates) will conduct or disseminate research on the economic and social factors that affect landlords and tenants in California, thereby informing our Legislative agenda.

The Rent Board has utilized the services of a legislative advocate for many years to provide highly time-consuming and detailed work in Sacramento with legislators and their staff members, protecting the interests of Berkeley's Rent Ordinance and Regulations.

Financial Impact:

There are sufficient funds in the Fiscal Year 2026 budget to extend Mr. Augusta's contract in the amount of \$72,000. Staff will budget for the second year of the contract in FY26/27, increasing the overall contract amendment amount not to exceed \$285,000.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

RESOLUTION 25-19

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH BRIAN AUGUSTA (DBA BRIAN AUGUSTA & ASSOCIATES) THROUGH JUNE 30, 2027, IN AN AMOUNT NOT TO EXCEED \$285,000

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

WHEREAS, since 1984, the Board has contracted for legislative advocacy services in order to protect the integrity of the rent and eviction protections repeatedly enacted by Berkeley voters; and

WHEREAS, Brian Augusta (dba Brian Augusta & Associates) has worked closely on rent control and affordable housing for nearly a decade, doing research and advocacy on issues of concern to the Board; and

WHEREAS, a need continues to exist for legislative advocacy services, and Brian Augusta (dba Brian Augusta & Associates) has the expertise and direct involvement in rent control and tenant issues to provide this service; and

WHEREAS, the Board has been extremely pleased with the excellent services provided by Brian Augusta (dba Brian Augusta & Associates) and wishes to have them continue to register as the lobbyist for the Board; and

WHEREAS, in May 2023, to align with best practices, staff released an invitation to bid for Legislative Advocacy Services for the Berkeley Rent Stabilization Board (Specification No. 23-11605-C), extending an opportunity for the most qualified and responsive firm to provide legislative and advocacy support for the Board.

WHEREAS, in July 2023, Brian Augusta (dba Public Interest Advocates) was the most responsible and responsive bidder. The Rent Board entered into a contract in August 2023, the amount of which was not to exceed \$138,000.

NOW, THEREFORE, BE IT RESOLVED by the City of Berkeley Rent Stabilization Board that the Executive Director is hereby authorized to amend the contract with Brian Augusta (dba Brian Augusta & Associates) to represent the City of Berkeley Rent Stabilization in Sacramento on rent control issues through June 30, 2027. For Fiscal Year 2026, Mr. Augusta's contract will be extended in the amount of \$72,000. The new total amount payable under this contract shall not exceed \$285,000.

RESOLUTION 25-19

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH BRIAN AUGUSTA (DBA BRIAN AUGUSTA & ASSOCIATES) THROUGH JUNE 30, 2027, IN AN AMOUNT NOT TO EXCEED \$285,000 (Page 2)

Dated: June 16, 2025

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

YES:

NO:

ABSTAIN:

ABSENT:

Soli R. Alpert, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: June 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).

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.

2000 Center Street, Suite 400, Berkeley, California 94704

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

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

Waiver Recommendations

June 16, 2025

Page 2

| Waiver | Property Address | Owner | Penalty Assessed | Penalty Waived | Penalty Imposed |
|--------------|------------------|-------------------------|--------------------|--------------------|-------------------|
| W5151 | 1850 Arch St | Arch Street Village Llc | \$6,880.00 | \$6,880.00 | \$0.00 |
| W5152 | 1862 Arch St | Arch Street Village Llc | \$6,880.00 | \$5,504.00 | \$1,376.00 |
| TOTAL | | | \$13,760.00 | \$12,384.00 | \$1,376.00 |

Financial Impact: Discretionary Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **\$12,384.00**.

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

June Waivers

Discretionary

| Address | Details |
|--------------|---|
| 1850 Arch St | The owner and management did not receive the original billing statement or any subsequent notices about fees or accumulated penalties. These fees were not deliberately withheld or avoided and have now been paid since they became aware of the situation. Given the owner's clean payment history, staff recommends waiving all penalties. (Regulation 884 B.2) |
| 1862 Arch St | The owner and management did not receive the original billing statement or any subsequent notices about fees or accumulated penalties. These fees were not deliberately withheld or avoided and have now been paid since they became aware of the situation. Due to the current owner's ownership since 2019 and this being the second late payment on the account, staff recommends waiving 80% of the penalties. (Regulation 884 B.2) |

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

| | | |
|---|---|--------------------------------|
| Waiver No: W5151 | Property address: 1850 ARCH ST BERKELEY CA 94709 | Transferred: 09/30/2019 |
| Exempt units (as of February 2021): Unit # 5A - OWNUSE - | | |
| Owner(s): ARCH STREET VILLAGE LLC | Waiver filed by: Property Manager | # of Units: 11 |
| Other Berkeley rental property owned: 1862 ARCH ST BERKELEY CA 94709 | | |
| Late payment/penalty history: 2024-2025 Registration Year | | |

| Registration Date or Year | Units Requiring Registration at That | Registration Fees Paid | Date Fees Paid | Penalties Charged | Penalties Forgiven | Penalties Paid |
|---|--------------------------------------|------------------------|----------------|-------------------|--------------------|----------------|
| FY2024-25 | ALL | \$3,440.00 | 02/28/2025 | \$6,880.00 | \$0.00 | \$0.00 |
| Totals (penalties previously assessed) | | | | \$6,880.00 | \$0.00 | \$6,880.00 |

Penalties Currently Under Consideration

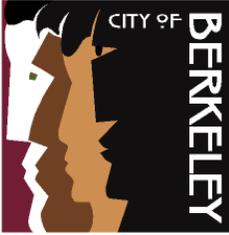
| Reason for Penalties: Late payment of registration fees | | | | | | |
|--|--------------------------------------|------------------------|----------------|-------------------|--------------------|---------------|
| Registration Date or Year | Unit(s) Registered Late At This Time | Registration Fees Paid | Date Fees Paid | Penalties Charged | Penalties Forgiven | Penalties Due |
| FY2024-25 | 11 | \$3,440.00 | 02/28/2025 | \$6,880.00 | \$0.00 | \$6,880.00 |
| Total | | | | \$6,880.00 | \$0.00 | \$6,880.00 |

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 owner and management did not receive the original billing statement or any subsequent notices about fees or accumulated penalties. These fees were not deliberately withheld or avoided and have now been paid since they became aware of the situation.

Recommendation: Staff recommends waiving 100% of the penalties.

Staff Analysis: Given the owner's clean payment history, staff recommends waiving all penalties.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: June 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).

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.

2000 Center Street, Suite 400, Berkeley, California 94704

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

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Waiver Recommendations

June 16, 2025

Page 2

| Waiver | Property Address | Owner | Penalty Assessed | Penalty Waived | Penalty Imposed |
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| W5152 | 1862 Arch St | Arch Street Village Llc | \$6,880.00 | \$5,504.00 | \$1,376.00 |
| TOTAL | | | \$13,760.00 | \$12,384.00 | \$1,376.00 |

Financial Impact: Discretionary Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **\$12,384.00**.

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

June Waivers

Discretionary

| Address | Details |
|--------------|---|
| 1850 Arch St | The owner and management did not receive the original billing statement or any subsequent notices about fees or accumulated penalties. These fees were not deliberately withheld or avoided and have now been paid since they became aware of the situation. Given the owner's clean payment history, staff recommends waiving all penalties. (Regulation 884 B.2) |
| 1862 Arch St | The owner and management did not receive the original billing statement or any subsequent notices about fees or accumulated penalties. These fees were not deliberately withheld or avoided and have now been paid since they became aware of the situation. Due to the current owner's ownership since 2019 and this being the second late payment on the account, staff recommends waiving 80% of the penalties. (Regulation 884 B.2) |

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

| | | |
|--|---|--------------------------------|
| Waiver No: W5152 | Property address: 1862 ARCH ST BERKELEY CA 94709 | Transferred: 09/30/2019 |
| Exempt units (as of February 2021): None | | |
| Owner(s): ARCH STREET VILLAGE LLC | Waiver filed by: Property Manager | # of Units: 10 |
| Other Berkeley rental property owned: 1850 ARCH ST BERKELEY CA 94709 | | |
| Late payment/penalty history: 2022-2023 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 | \$3,440.00 | 02/28/2025 | \$6,880.00 | \$0.00 | \$0.00 |
| FY2022-23 | ALL | \$2,500.00 | 07/16/2022 | \$2,500.00 | \$2,500.00 | \$0.00 |
| Totals (penalties previously assessed) | | | | \$6,880.00 | \$0.00 | \$6,880.00 |

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 | 10 | \$3,440.00 | 02/28/2025 | \$6,880.00 | \$0.00 | \$6,880.00 |
| Total | | | | \$6,880.00 | \$0.00 | \$6,880.00 |

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 owner and management did not receive the original billing statement or any subsequent notices about fees or accumulated penalties. These fees were not deliberately withheld or avoided and have now been paid since they became aware of the situation.

Recommendation: Staff recommends waiving 80% of the penalties.

Staff Analysis: Due to the current owner's ownership since 2019 and this being the second late payment on the account, staff recommends waiving 80% of the penalties.



Berkeley Rent Board

Remote Participation in Public Meetings

June 16, 2025

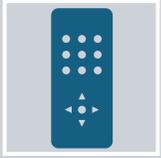
Matt Brown, General Counsel

Two Options for Remote Participation

**Brown Act
allows:**

- Anticipated
- Unanticipated

Anticipated Remote Participation



Remote location placed on agenda & made accessible to public (provide notice to Board secretary prior to meeting)



A quorum of Board or Committee must participate within Berkeley city limits



No limit on number of times Commissioner may use this method

Unanticipated Remote Participation



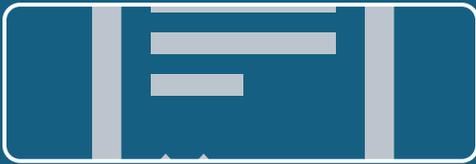
Permissible for two Board & two Committee meetings
(without publicizing remote location)



Must have “just cause” or “emergency circumstance”



Board must approve “emergency circumstance”



Commissioners must provide short explanation &
disclose any 18+ persons at their remote location



Quorum must be physically present

Unanticipated Remote Participation

Just Cause

Emergency Circumstances

Child or family caregiving

Physical or family medical emergency that prevents in person attendance

Contagious illness

A need related to a physical or mental disability

Travel while on official business of the legislative body or another agency (NOT personal business).

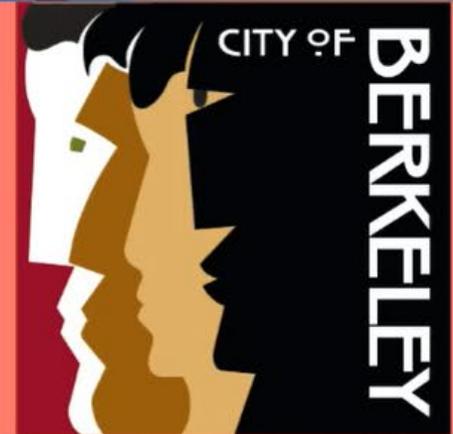


Questions

Hearings Unit

Berkeley Rent Board

Statistics Report
June 2025



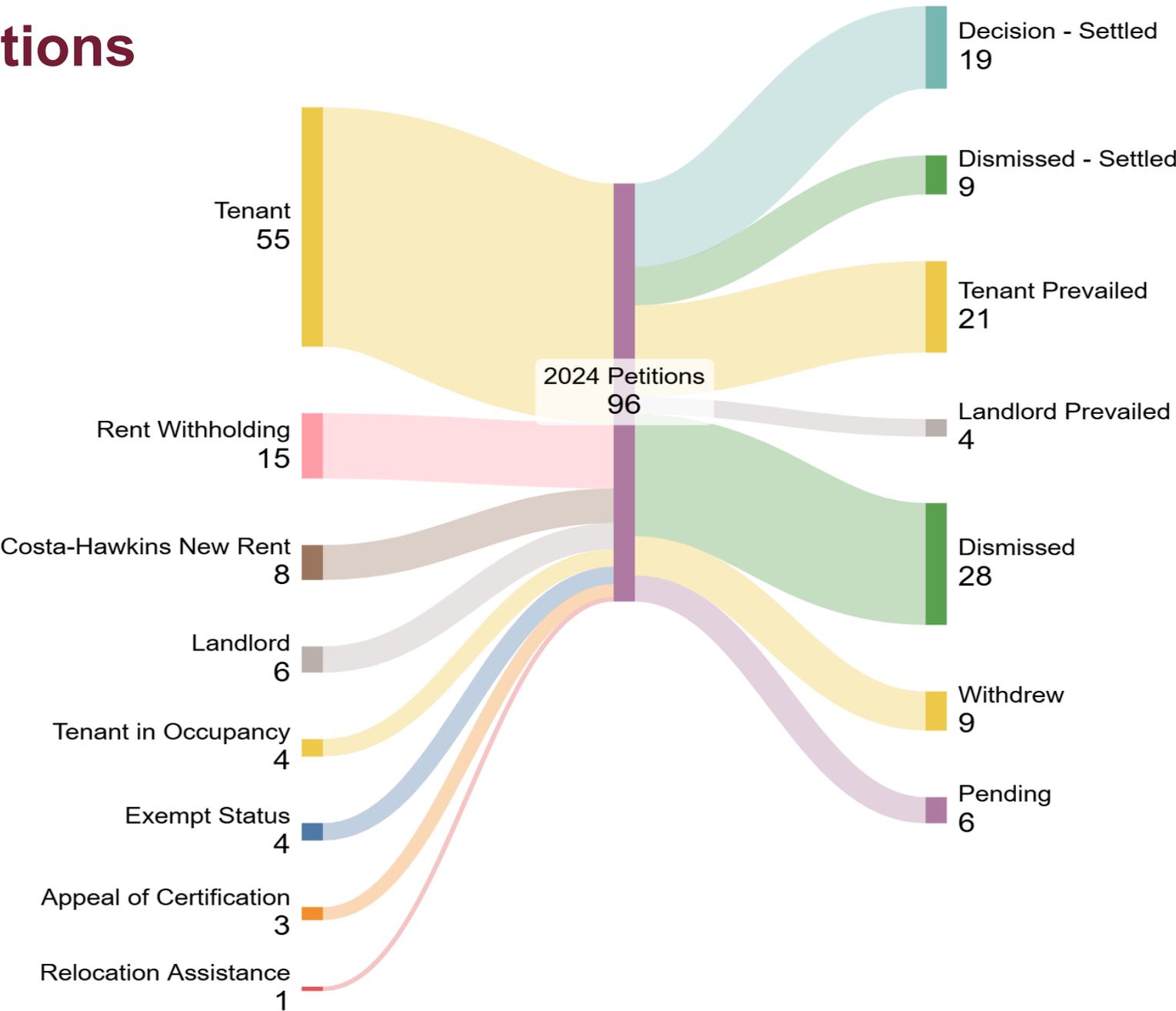


Petitions Filed

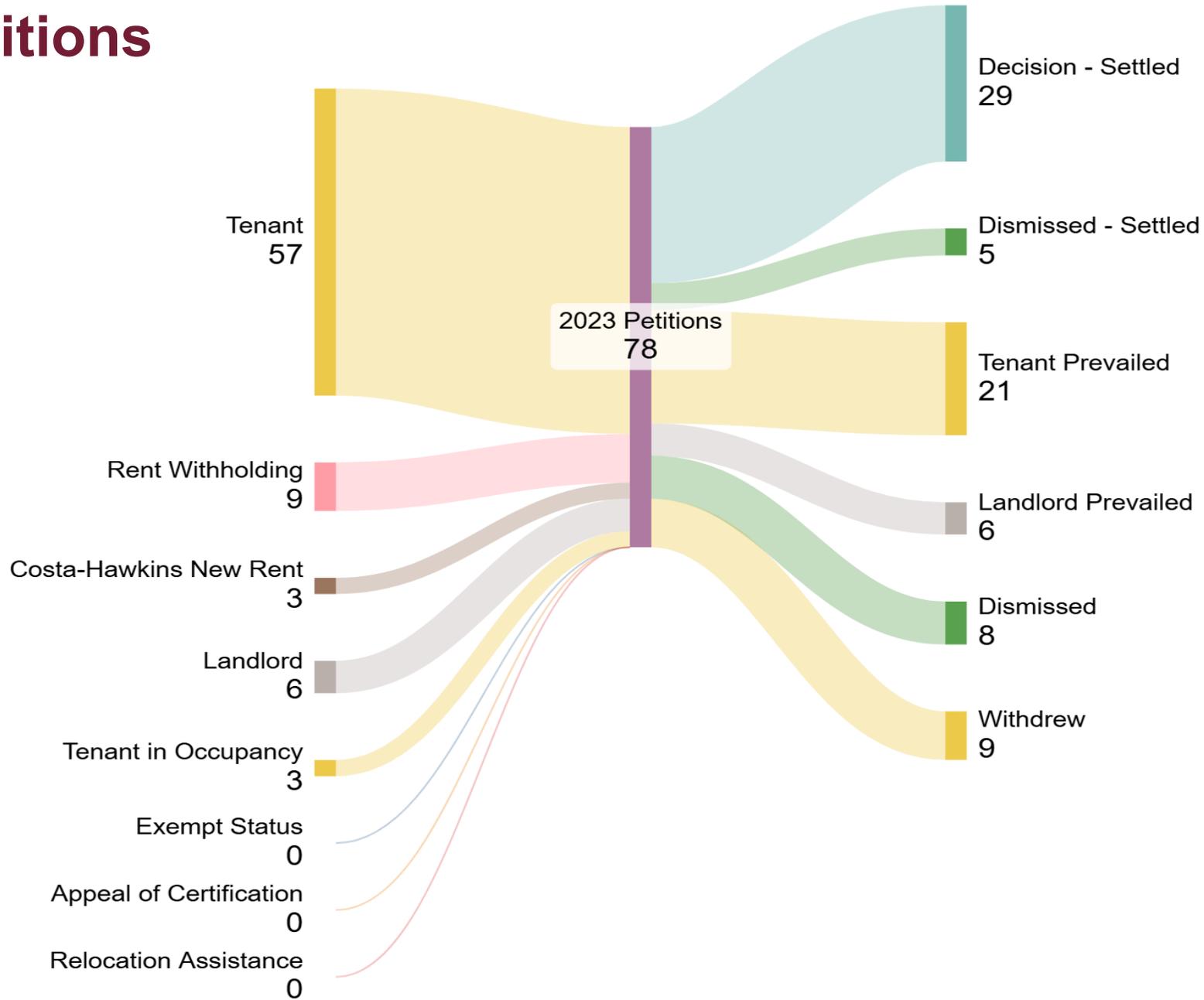
Number of petitions per year | 2011 - 2024



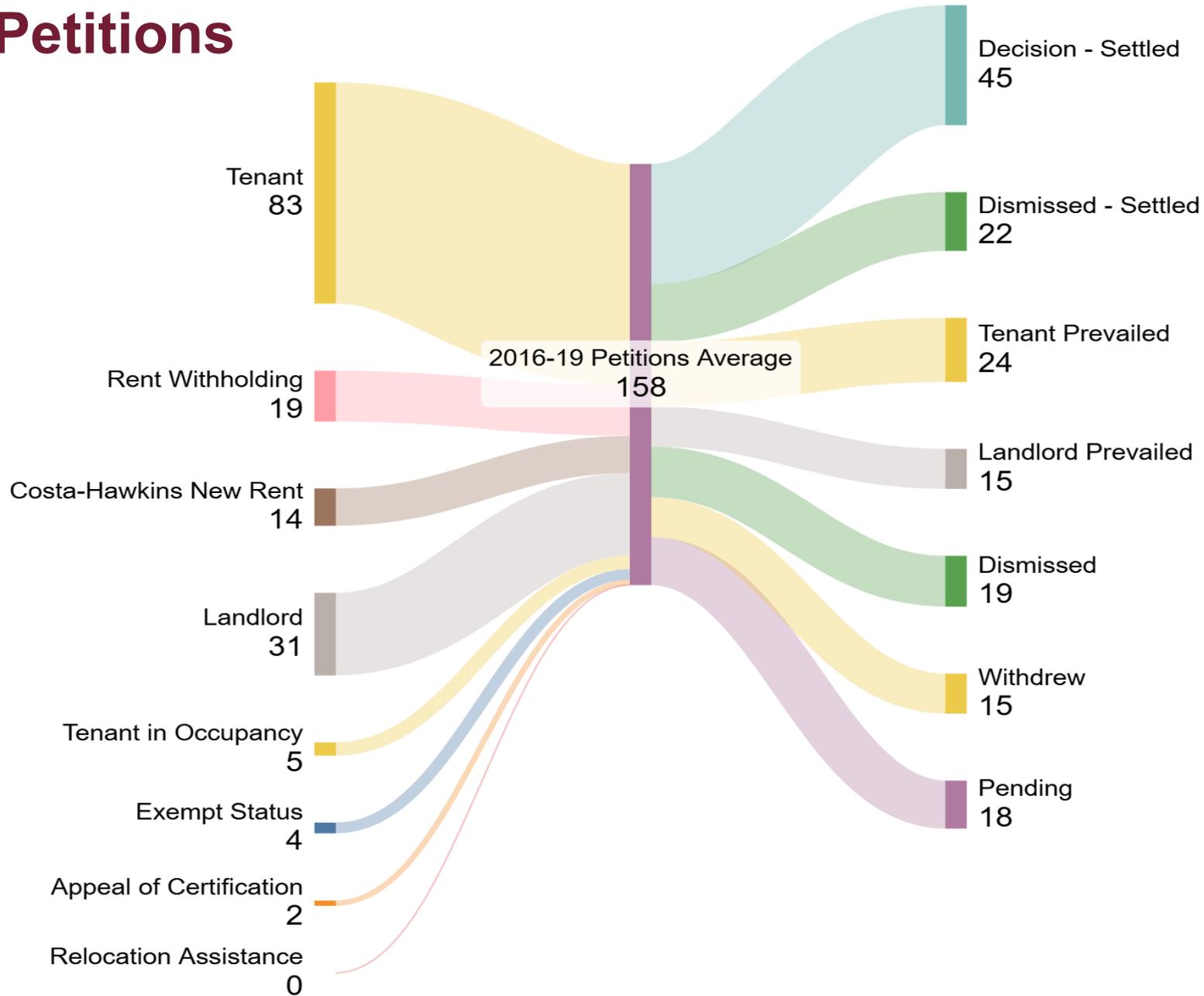
2024 Petitions



2023 Petitions



2016-19 Petitions



Hearings Unit

Berkeley Rent Board

Statistics Report
June 2025



- Majority of cases settle.
- Landlord petitions decreased (increased occupancy).
- Non-rent adjustment petitions (e.g., rent withholding claims) are returning to pre-pandemic levels.

MEASURE BB SPOTLIGHT FOR TENANTS

Understanding Changes to the Berkeley Rent Ordinance

Previously, a landlord was able to evict a tenant for refusing to sign a substantially identical lease agreement following the expiration of a fixed-term lease. However, this rule has changed.

Now, a landlord cannot evict a tenant simply for not signing a substantially identical lease once the fixed-term lease ends.

RELATED STATE LAWS FOR TENANTS TO BE AWARE OF

- CA Civil Code 1945 - If a tenant remains in a rental property after their lease expires, and the landlord continues to accept rent, the tenancy automatically converts to a month-to-month agreement.
- CA Civil Code 1945.5 - Allows for the automatic renewal of a lease if the tenant stays on the property after the lease ends or does not renew before the lease expires. This provision is invalid if the lease does not meet specific criteria. To review these criteria, please visit leginfo.legislature.ca.gov or contact a Housing Counselor for further assistance.



TENANTS:

Visit the Berkeley Rent Stabilization Board's webpage for additional information at:

rentboard.berkeleyca.gov

 @berkeleyrentboard

TAKE ACTION!

Connect With Us

**Contact the Rent Stabilization Board
with your questions:**

Phone: (510) 981-RENT (7368)

Email: rent@berkeleyca.gov

Request an Appointment:

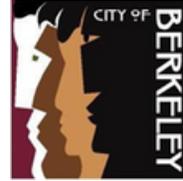


Want More Information?

**Resources available
on our website!**

Web: rentboard.berkeleyca.gov

Scan QR code:



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

June 2025

PRESORT STANDARD
U.S. POSTAGE PAID
OAKLAND CA
PERMIT NO. 8018

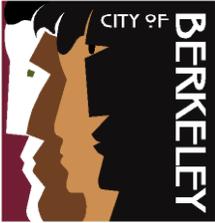
Traducción disponible ¡Llámanos!

الترجمة متاحة. اتصل بنا!

提供翻譯。致電我們!

Có sẵn bản dịch Hãy gọi cho chúng tôi!

FOLLOW US ON FACEBOOK FOR UPDATES



Rent Stabilization Board

Date:

To: All Tenants and Landlords in the City of Berkeley

From: DéSeana Williams, Executive Director

RE: Tenant Rights and Landlord Obligations under Berkeley’s Sanctuary City Policy and California State Law

Dear Berkeley Community,

As Executive Director of the Berkeley Rent Stabilization Board, I am writing to reaffirm our agency’s commitment to ensuring that all individuals, regardless of immigration or citizenship status, are treated with dignity, protected by law, and have access to housing without fear of discrimination and harassment

Our local laws and values have become increasingly important in today's rapidly changing political landscape. The City of Berkeley has a long and proud history of defending the rights of immigrants, refugees, and those seeking safety. This is more than a policy—it is a fundamental expression of who we are as a city.

Berkeley's Sanctuary City Protections

The Berkeley City Council has reaffirmed our Sanctuary City status through numerous resolutions, most recently Resolution No. 71,658-N.S., adopted in January 2025. These protections apply to all City departments, including the Rent Stabilization Board.

Under this policy:

- ⊖ No City staff or agency may use public resources to assist with federal immigration enforcement, unless legally required to do so.
- ⊖ No tenant, resident, or applicant may be denied access to city services based on immigration status.
- ⊖ City staff are prohibited from collecting, requesting, or disclosing information related to a person’s immigration status, except in cases where federal law mandates it.

⊖ City employees will not cooperate with Immigration and Customs Enforcement (ICE) officials unless presented with a valid judicial warrant and after legal review.

✓ Inquiries regarding immigration status should be redirected to qualified nonprofit legal service providers.

Statewide Protections Under California Law

The State of California has enacted legal safeguards through the Immigrant Tenant Protection Act (AB 291 and AB 299). These laws prohibit landlords from:

- Harassing or threatening to report tenants or occupants to immigration authorities.
- Asking about or sharing a tenant's immigration or citizenship status to pressure them to vacate.
- Initiating eviction proceedings based solely on immigration-related information.
- Retaliating against tenants for asserting their legal rights.

These protections extend to family members or others perceived to be associated with the tenant. Violations may result in civil penalties, including statutory damages and legal costs.

What This Means for Tenants

If you are a tenant, regardless of your immigration status, you have the right to live in your home free from harassment, coercion, or threats of deportation. Your landlord cannot ask about your immigration status or use it to deny housing, raise your rent, or attempt to evict you.

Contact the Rent Stabilization Board or a local legal aid organization if you believe your rights are being violated.

What This Means for Landlords

Property owners and managers must comply with all local and state laws, including refraining from inquiries into immigration status, avoiding discriminatory practices, and respecting tenants' legal rights.

Failure to comply may result in legal action, financial penalties, and injunctions. We encourage all landlords to review their policies carefully.

Our Shared Responsibility

Together, we protect the rights of over 40,000 rental units across Berkeley. Our community thrives when every resident feels safe and valued. The Rent Board remains committed to fair housing practices for all.

Resources:

If you or someone you know needs legal support or immigration-related assistance, the following local organizations can help:

 [Centro Legal de la Raza](https://www.centrolegal.org) (Oakland) – Free legal services and immigrant rights advocacy:
<https://www.centrolegal.org>

 [East Bay Community Law Center](https://www.ebclc.org) (Berkeley) – Immigration, housing, and public benefits support:
<https://www.ebclc.org>

 [Asian Law Caucus](https://www.advancingjustice-alc.org) (San Francisco) – Immigrant defense and civil rights protection:
<https://www.advancingjustice-alc.org>

 [Catholic Charities East Bay](https://www.cceb.org) (Oakland) – Immigration legal services and family support:
<https://www.cceb.org>

For information or assistance, visit the [Berkeley Rent Board](https://rentboard.berkeleyca.gov) <https://rentboard.berkeleyca.gov>
or call (510) 981-7368.

With respect and in service,

DéSeana Williams

Executive Director

Berkeley Rent Stabilization Board



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

Tuesday, June 3, 2025 – 5:30 p.m.

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

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/81442045015?pwd=XZAKKwRbQWuGmQU6twZaI2pqgHHDHM.1>. If you do not wish your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself as anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 814 4204 5015 and Passcode: 893735. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an email comment for the Committee's consideration and inclusion in the public record, email DeWilliams@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR BUDGET & PERSONNEL COMMITTEE." Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:30 p.m. on the day of the Committee meeting in order to be included.**

Please be aware that this will be a public meeting, and all rules of procedure and decorum apply to both in-person attendees and those participating by teleconference or video conference.

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



COMMUNICATION ACCESS INFORMATION:

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Rent Stabilization Board

RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Tuesday, June 3, 2025 – 5:30 p.m.

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

REVISED AGENDA

1. Roll Call
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-Chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of agenda
4. Public Comment
5. Approval of the May 1, 2025, meeting minutes (attached to agenda)
6. Discussion and Possible Action on Fiscal Year 2024/25 Year-end Budget Review
7. Discussion and Possible Action regarding Recommendation to the full Board on the Adoption of a Fiscal Year (FY) 2025/26 Line-Item Budget, Staffing Model & Expenditure Level (Staff Presentation and Report).
8. Future agenda items
9. Discussion and possible action to set the next meeting
10. Adjournment

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

COMMITTEE: Committee Chair Dominique Walker, Soli Alpert, Nathan Mizell, Andy Kelley.



RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Monday, June 9, 2025 – 6:30 p.m.

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

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

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To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 812 7440 1484 and Passcode: 657214. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

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

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RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Monday, June 9, 2025 – 6:30 p.m.

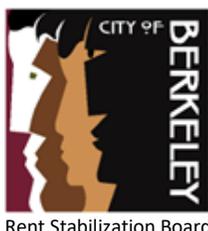
Rent Stabilization Board Conference Room A – 2000 Center Street, 4th floor, Berkeley, CA

AGENDA

1. Roll call (1 min.)
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878 and since the Rent Stabilization Board’s creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of the Agenda (2 min.)
4. Review and approval of April 14, 2025 Meeting Minutes (2 min.)
5. Public Comment (5 min.)
6. Tenant Survey (5 min.)
7. Rent Board Outreach Staff Report (5min.)
8. General Measure BB Outreach (5min.)
9. Webinar about Organizing/Tech Assistance (5min.)
10. Landlord Brown bag Outreach (10min)
11. Outreach Committee Work Plan (10 min.)
12. Next Meeting Date (2 min.)
13. Future Agenda Items (5 min.)
14. Adjournment (2 min.)

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

COMMITTEE: Andy Kelley (Chair), Vanessa Marrero, Ida Martinac, Alfred Twu



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

**Friday, May 16, 2025 – 1:00 p.m.
2180 Milvia Street, 1st Floor, Cypress Room, Berkeley, CA
Teleconference Location: 230 California Street, San Francisco, CA**

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

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To join by phone: Dial 1-669-254-5252 and enter Webinar ID: 161 777 3840 and Passcode: 446332. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an email comment for the Committee's consideration and inclusion in the public record, email DeWilliams@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 COMMITTEE." Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 10:00 a.m. on the day of the Committee meeting in order to be included.**

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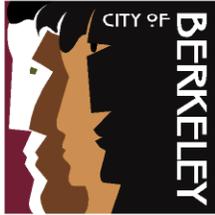
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4x4 Joint Task Force Committee on Housing
City Council and Rent Board

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

Friday, May 16, 2025 – 1:00 p.m.

2180 Milvia Street, 1st Floor, Cypress Room, Berkeley

Teleconference Location: 230 California Street, San Francisco, CA

AGENDA

1. Roll call
2. Land Acknowledgement Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of Agenda
4. Non-agenda Public Comment
5. Approval of April 7, 2025, Committee Meeting Minutes
6. Discussion and possible recommendations on Rental Assistance Funding. (Requested by Chair Alpert)
7. Discussion and possible recommendations on Eviction Emergency Legislation Related to Federal Actions and Natural Disasters. (Requested by Chair Alpert)
8. Staff Presentation, Discussion, and possible recommendations on the impact of the Permit Amnesty Program on Rental Units. (Requested by Chair Alpert)
9. Discussion and possible recommendations on Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area (Requested by Councilmember Tregub)
 - a. Agenda Materials Attached

10. Discussion of possible future agenda items
11. Confirm next meeting date/set regular meeting date
12. Adjournment

COMMITTEE MEMBERS:

City Councilmember Ben Bartlett
City Councilmember Brent Blackaby
City Councilmember Cecilia Lunaparra
City Councilmember Igor Tregub

Rent Board Chairperson Soli Alpert
Rent Board Commissioner Xavier Johnson
Rent Board Commissioner Vanessa Danielle Marrero
Rent Board Commissioner Albert Twu



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

**Monday, April 7, 2025 – 1:00 p.m.
2180 Milvia Street, 1st Floor, Cypress Room, Berkeley**

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

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To join by phone: Dial 1-669-254-5252 and enter Webinar ID: 161 978 2996 and Passcode: 859072. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

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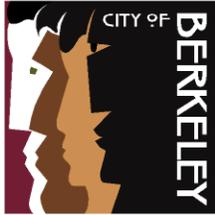
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4x4 Joint Task Force Committee on Housing
City Council and Rent Board

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

Monday, April 7, 2025 – 1:00 p.m.
2180 Milvia Street, 1st Floor, Cypress Room, Berkeley

Minutes – To Be Approved

Prior to roll call, RBC Alpert announced that CM Tregub would appear remotely under the Just Cause provision of the Brown Act. CM Tregub stated for the record that he was traveling on City business.

1. Roll call: RB Chair Alpert called the meeting to order at 1:08 p.m.
Present: RB Chair Alpert, RBC Johnson, RBC Marrero, RBC Twu, CM Bartlett (left at 1:57 p.m.), CM Blackaby, CM Lunaparra, CM Tregub (via Zoom).
Staff present: Brown, Cerami, Chang, Ehlinger, Fabish, Oliver, Spencer Mace, Williams.
2. Land Acknowledgement Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*

The Land Acknowledgement Statement was read aloud.

3. Approval of the agenda: M/S/C (Johnson, Blackaby) Approve the agenda as written. Roll call vote. YES: Alpert, Bartlett, Blackaby, Johnson, Lunaparra, Marrero, Tregub, Twu; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.
4. Public comment on non-agenda matters: There was one speaker.
5. Designation of Council Co-Chair: CM Tregub nominated CM Lunaparra, who accepted. There were no further nominations. Roll call vote, CMs only. YES: Bartlett, Blackaby, Lunaparra, Tregub; NO: None; ABSTAIN: None; ABSENT: None. Carried: 4-0-0-0.

6. Approval of the October 7, 2024 Committee meeting minutes (see attachment): M/S/C (Lunaparra/Marrero) Roll call vote. YES: Alpert, Bartlett, Blackaby, Johnson, Lunaparra, Marrero, Tregub, Twu; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.
7. Discussion and possible recommendations on Rental Assistance Funding. (Requested by Chair Alpert): The committee had a preliminary discussion to guide future consideration of this item when more information (for example, historical funding levels, fund usage) is available. No action was taken.

There was one public speaker.

8. Discussion and possible recommendations on Eviction Emergency Legislation Related to Federal Actions and Natural Disasters. (Requested by Chair Alpert): Committee members expressed support in concept for developing a City ordinance that could be evoked by Council resolution in the case of a declared emergency to prevent evictions. The committee held a preliminary discussion on topics like ordinance application, triggers, and pathways forward. No action was taken.

There were two public speakers.

9. Discussion and possible recommendations on the impact of Permit Amnesty Program on Rental Units. (Requested by Chair Alpert): The committee's discussion included themes like protecting tenant rights, encouraging safe housing, encouraging the renting of vacant spaces, and creating clarity on the impacts of the two pathways offered under the City's Amnesty Program. No action was taken.
10. Discussion and possible recommendations on Informing Berkeley Tenants about Protections for Noncitizen Renters (Requested by Councilmember Lunaparra): The committee discussed various ways of getting information to the community and collaborating with other entities, such as the Mayor's Sanctuary City Taskforce and the Berkeley Property Owners Association. No action was taken.

There were two public speakers.

11. Discussion of possible future agenda items: In addition to further considering items 6-9, there were two requests: Right to sublease (RBC Johnson), and Assembly Bill 306 (CM Tregub).
12. Confirm next meeting date / set regular meeting date: The next meeting was tentatively set for May 16, 2025, from 1-3 p.m.
13. Adjournment: M/S/C (Lunaparra/Blackaby) Adjourn the meeting. Roll call vote. YES: Alpert, Blackaby, Johnson, Lunaparra, Marrero, Tregub, Twu; NO: None; ABSTAIN: None; ABSENT: Bartlett. Carried: 7-0-0-1. The meeting adjourned at 2:25 p.m.

COMMITTEE MEMBERS:

| | |
|--------------------------------------|--|
| City Councilmember Ben Bartlett | Rent Board Chairperson Soli Alpert |
| City Councilmember Brent Blackaby | Rent Board Commissioner Xavier Johnson |
| City Councilmember Cecilia Lunaparra | Rent Board Commissioner Vanessa Danielle Marrero |
| City Councilmember Igor Tregub | Rent Board Commissioner Albert Twu |

Internal

02a.34

Igor Tregub
Councilmember, District 4

CONSENT CALENDAR

MAY 20, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author), Ben Bartlett (Co-Sponsor), Terry Taplin (Co-Sponsor)

Subject: Referral to 4 x 4 Committee: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area

RECOMMENDATION

Refer to the 4 x 4 Committee of the Berkeley City Council and Rent Stabilization Board a proposal related to the removal of an on-site manager exemption loophole, which is currently used by certain Berkeley properties to circumvent California Code Regulation, Title 25, Paragraph 42, for certain multi-family properties that are adjacent and/or share the same common area. If the recommended regulation is enacted, it is the intent of the referral to apply it to subject properties in a prospective manner that ensures that the rights of sitting tenants continue to be fully protected (i.e., a fully occupied property will not be required to rent to an on-site manager until at least one unit becomes vacant in accordance to all applicable state and local laws governing good cause eviction protections). The referral further requests that the 4 x 4 Committee discuss and provide recommendations as to:

- Any parameters that may limit the scope of this referral, including but not limited to situations in which one or more of the subject properties are owned by limited liability corporations (LLCs) and/or owners that own multiple other properties in Berkeley, California and/or beyond, with a total number of units or properties under ownership to be determined;
- Any exemptions to the on-site manager requirement for certain circumstances, such as for hardship of the property owner and/or LLC and/or other circumstances in which the interest of justice may supersede the public interest of this requirement;
- The enforcement mechanism and enforcing jurisdiction (i.e., City of Berkeley or Berkeley Rent Stabilization Board, with compensation by the City of Berkeley)

Internal

that the City of Berkeley should employ in furtherance of the recommended regulation; and

- Any other provisions pertinent to the efficient, just, and fair administration of the recommended regulation.

CURRENT SITUATION AND ITS EFFECTS

California Code Regulation, Title 25, Paragraph 42 (CCR 25 ¶42) includes the following requirements (germane language is emphasized in **bold**):

“A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments, and of every hotel in which there are 12 or more guest rooms, **in the event that the owner of an apartment house or hotel does not reside upon said premises.** Only one caretaker would be required for all structures under one ownership and on one contiguous parcel of land. **If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating the owner's name and address, or the name and address of the owner's agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.”¹**

Over the past several months, it has come to our attention that at several contiguous properties in Berkeley have, in total, over 16 apartments but fulfill neither the on-site “manager, janitor, housekeeper, or other responsible person” nor the “notice stating the owner’s name and address” requirement. The properties in question share an entrance, common area space, and required amenities such as garbage and recycling collection and appear to have been part of a single parcel that was, somewhere over the course of their operation as apartment buildings, subdivided into separate parcels such that, individually, the number of apartment units on each parcel numbered less than sixteen (“16”).

It is the intent of this referral to explore local pathways to close this loophole and ensure that the integrity of CCR 25 ¶42 is restored in the face of efforts to subdivide a parcel with contiguous multifamily rental properties or hotels that otherwise, based on the number of apartments or hotel rooms would be subject to the “on-site manager, housekeeper, or other responsible person” provision. While not specifically the subject of this item, in the intent of this item is to ¶reveal how, if at all, the “notice” section of CCR 25 ¶42 is being enforced for existing properties on a parcel that, in total, includes between four (“4”) and sixteen (“16”) units.

1

[https://govt.westlaw.com/calregs/Document/I3F1C71434C8611ECB533000D3A7C4BC3?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I3F1C71434C8611ECB533000D3A7C4BC3?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)

Internal

RATIONALE FOR RECOMMENDATION

The lack of an on-site manager within contiguous properties have, in total, over 16 apartments but fulfill neither the on-site “manager, janitor, housekeeper, or other responsible person,” sometimes coupled with the nonexistence of a “notice stating the owner’s name and address,” in contravention to the spirit, if not the letter, of CCR 25 ¶42 has led to significant adverse impacts to the neighbors as well as the sitting occupants of the properties in question. These have included but not been limited to: poor or nonexistent garbage and/or recycling collection; slow or non-existent efforts on the part of the property owner and/or off-site manager to comply with “warranty of habitability” and/or health and safety requirements; and inability to effectively mitigate for noise violations. It is the intent of this recommendation to address a clear loophole in the state code that has been exploited by some property owners and LLCs to the detriment of the residents and neighbors of the subject properties.

FINANCIAL IMPLICATIONS

Financial implications may include staff time associated with writing, reviewing, and, as necessary, enforcing the recommended language. It is the intent of this referral that discussion at the 4 x 4 Committee among members and staff from the City of Berkeley and Berkeley Rent Stabilization Board may be able to finetune these cost projections.

ENVIRONMENTAL SUSTAINABILITY

Indirect environmental sustainability benefits may result from these items, particularly around improved enforcement of disaggregation between recyclable, non-recyclable, and compostable items within subject multifamily housing buildings that currently do not have an on-site manager but would be required to under language contemplated by this referral.

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