RENT STABILIZATION BOARD

Regular Meeting

Thursday, February 19, 2026 – 7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley, CA

Public participation

This meeting will be conducted in a hybrid model with both in-person and remote participation, and 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 Board may take action related to any subject listed on the Agenda.

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Email comments

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Decorum

All rules of procedure and decorum apply for both in-person attendees and those participating remotely. Attendees at public meetings are reminded that other attendees may be sensitive to various scents. Please help the City respect these needs.

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AGENDA

1. **Roll call**

2. **Approval of Agenda**

3. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

4. **Public Comment for Unions representing Rent Board staff**

5. **Public Comment**

6. **Special Presentation**: *Rent Board Research Project Proposal* by the Student Policy Institute at Berkeley
   Presenter: Sanjna Shah

7. **Consent Items**

   a. Approval of December 18, 2025, regular meeting minutes

   b. Approval of January 15th regular meeting minutes

   c. 2026 Committee Assignments (Chair Alpert)

   d. Recommendation to adopt Resolution 26-06 increasing the purchase order with ACRO Service Corporation to support additional temporary staff assistance through May 31, 2026 (Executive Director)

e. Proposal to approve staff recommendations on requests for waivers of late registration penalties (Executive Director/Registration Unit Manager) – ***Please see attachment 7.e. for a list of all addresses with discretionary waivers that will be considered by the Board.***

8. <u>Appeal in Case No. IRD-191 (2924 Florence St., Unit B</u>) – This appeal will not be heard before 8:00 p.m. but may be heard anytime thereafter***. Please see attachment 8 for case description and legal staff recommendation.***

9. <u>Action Items</u>

a. Discussion and possible action to adopt Resolution 26-07 modifying the Board's 2026 Regular Meeting Schedule to hold an additional regular meeting on Thursday, March 5, 2026 (Chair Alpert)

b. Recommendation to adopt Resolution 26-08 urging Minnesota Governor Tim Walz to enact an eviction moratorium to prevent displacement during the ICE terror campaign (4 x 4 Committee)

c. Recommendation to adopt proposed amendments to Regulations 525, 1205, 1210 and 1242 regarding E-Service – *First Reading* (Chair Alpert)

d. Discussion and possible action on Discretionary Waiver for 2315 Dwight Way (Executive Director/Registration Unit Manager)

10. <u>Information, Announcements and Articles/Media</u>
NOTE: The Board may vote to move Information Items to the Action calendar.

a. Board and Committee Meeting attendance records updated through the 4th quarter of 2025 (Board Secretary)

b. Deadline to submit agenda items/topics for the next regular Rent Board meeting: Date to be announced – *Verbal* (Board Secretary)

11. <u>Committee/Board Meeting Updates and Announcements</u>

a. Ad Hoc Committee to Consider Rent Ordinance Amendments at the November 2026 Election (Chair Alpert, Chair)

b. Budget & Personnel Committee (Vice-Chair Walker, Chair)

c. Climate Resilience & Habitability Committee (Commissioner Martinac, Chair)

d. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)

e. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Chair Alpert, Chair)

f. Outreach Committee (Commissioner Kelley, Chair)

g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero, Chair)

h. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board (Councilmember Lunaparra & Chair Alpert, Co-Chairs)

i. Updates and Announcements

j. Discussion of items for possible placement on future agenda

12. Closed Session: Pursuant to Government Code section 54957(b)(1), the Board will convene in closed session for a Public Employee contract discussion. Title: General Counsel

13. 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.

Student Policy Institute at Berkeley

Rent Board Research Project Proposal

Introductions!

About the Student Policy Institute at Berkeley

SPIB is an **interdisciplinary, student-led** policy think tank sponsored by the UC Berkeley Goldman School of Public Policy that partners with public offices and organizations to analyze pressing public issues. Using **research methods** such as data analysis, surveys, interviews, and web-based research, SPIB produces actionable insights to support **evidence-based policymaking.**

Research Abstract

Berkeley Rent Stabilization Board currently operates under a **passive compliance** model, relying on property owners **self-reporting** for rental unit registration and fee payment. This approach has resulted in compliance rates of approximately 70-80%, significantly below the 95% rates achieved by comparable jurisdictions with active enforcement mechanisms. The current system **lacks independent verification methods** to ensure the **accuracy and completeness** of reported information, including whether all rental properties subject to the ordinance are registered, the correct number of units per property, and proper registration status. This research project will conduct a **comparative analysis of compliance tracking and enforcement strategies across similar rent-controlled jurisdictions**, examine the **structural factors** contributing to Berkeley's compliance gap, and identify **best practices** in verification systems and regulatory frameworks. The findings will inform potential **amendments** to Berkeley's ordinance that could facilitate more active compliance monitoring and enforcement while maintaining administrative feasibility.

Research Question

How can Berkeley Rent Stabilization Board improve rental unit registration compliance rates from the current 70–80% to benchmark levels of 95% by strengthening property identification, verification methods, and regulatory framework adjustments?

Deliverables

1. **Comparative Jurisdictional Analysis Report**

- Documentation of compliance tracking methods used in peer cities
- Analysis of enforcement mechanisms and verification systems
- Comparison of registration requirements and reporting structures
- Identification of jurisdictions achieving 95%+ compliance rates

2. **Berkeley Compliance Gap Assessment**

- Analysis of current passive compliance model and its limitations
- Documentation of common discrepancies (e.g., underreported unit counts)
- Assessment of both registration accuracy and completeness, including the identification of potentially unregistered rental properties subject to the ordinance.
- Evaluation of existing verification capabilities and constraints
- Quantitative analysis of compliance patterns and trends

Deliverables

3. **Best Practices Framework**

- Synthesis of effective compliance tools and methodologies
- Strategies used by peer jurisdictions to identify unregistered rental properties
- Evaluation of active vs. passive enforcement approaches
- Assessment of technology solutions for verification
- Cost-benefit considerations for implementation

4. **Regulatory Recommendations**

- Specific ordinance provisions that could enhance compliance
- Proposed changes to reporting requirements and timelines
- Recommendations for verification mechanisms
- Implementation considerations and resource requirements

Abstract: Berkeley Rent Stabilization Board currently operates under a passive compliance model, relying on property owners self-reporting for rental unit registration and fee payment. This approach has resulted in compliance rates of approximately 70-80%, significantly below the 95% rates achieved by comparable jurisdictions with active enforcement mechanisms. The current system lacks independent verification methods to ensure the accuracy and completeness of reported information, including whether all rental properties subject to the ordinance are registered, the correct number of units per property, and proper registration status. This research project will conduct a comparative analysis of compliance tracking and enforcement strategies across similar rent-controlled jurisdictions, examine the structural factors contributing to Berkeley's compliance gap, and identify best practices in verification systems and regulatory frameworks. The findings will inform potential amendments to Berkeley's ordinance that could facilitate more active compliance monitoring and enforcement while maintaining administrative feasibility.

Research Question: How can Berkeley Rent Stabilization Board improve rental unit registration compliance rates from the current 70–80% to benchmark levels of 95% by strengthening property identification, verification methods, and regulatory framework adjustments?

Final Deliverables:

1. Comparative Jurisdictional Analysis Report

- Documentation of compliance tracking methods used in peer cities
- Analysis of enforcement mechanisms and verification systems
- Comparison of registration requirements and reporting structures
- Identification of jurisdictions achieving 95%+ compliance rates

2. Berkeley Compliance Gap Assessment

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Minutes – *Unapproved*

Prior to Roll call, General Counsel Matt Brown announced that Chair Alpert would be participating in tonight's meeting under the Brown Act's provision for unanticipated remote participation. Chair Alpert stated that his remote participation was due to illness. General Counsel Brown indicated that no vote was required to proceed.

1. **Roll call** – The Chair called the meeting to order at 7:05 p.m.
   Aimee Mueller called roll.
   Commissioners present: Elgstrand, Johnson, Kelley (arrived at 7:35 p.m.), Marrero, Martinac, Twu, Alpert
   Commissioners absent: Mizell, Walker
   Staff present: Brown, Bursell, Eberhart, Ehlinger, Kim, Lecky, Mueller, Williams

2. **Approval of Agenda** – M/S/C (Elgstrand/Martinac) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE TO HEAR ITEM 9.b. AFTER ITEM 6.; CONTINUE THE DISCRETIONARY WAIVER FOR 2315 DWIGHT WAY TO THE NEXT MEETING; MOVE ITEM 9.g. TO CONSENT; CONTINUE CONSENT ITEM 7.a. TO THE NEXT MEETING; AND CONTINUE ITEMS 4.a., 4.b., AND 4.c. TO THE JANUARY 2026 MEETING. Roll call vote. YES: Elgstrand, Johnson, Marrero, Martinac, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Kelley, Mizell, Walker. Carried: 6-0-0-3.

3. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

   The Land Acknowledgement was played aloud.

4. **Special Order of Business**

   a. Election of Rent Board Chair

   b. Election of Rent Board Vice Chair

c. Comments from newly elected Chair and Vice Chair

Items 4.a. - 4.c. were tabled to the January meeting by an earlier vote of the Board.

5. **Public Comment for Unions representing Rent Board staff** – There were no speakers.

6. **Public Comment** – Derek Rodriguez spoke about disability accessibility in rent-controlled units. Monalisa Vu spoke about the ministerial waiver for 1915 Berryman Street. Derek Wallace of the Evans Manor Tenants Union spoke about Evans Manor habitability issues. Daniel Sepulveda spoke about Evans Manor habitability issues.

7. **Consent Items**

   a. Approval of the October 10th special meeting minutes

   b. Approval of the November 20th regular meeting minutes

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

   M/S/C (Marrero/Kelley) APPROVE CONSENT ITEMS WITH THE FOLLOWING CHANGES: INCLUDE ACTION ITEM 9.g. MOVED TO CONSENT BY AN EARLIER VOTE; CONTINUE ITEM 7.a. TO THE NEXT MEETING; CONTINUE THE DISCRETIONARY WAIVER FOR 2315 DWIGHT WAY TO THE NEXT MEETING; AND MOVE THE MINISTERIAL WAIVER FOR 1915 BERRYMAN STREET TO ACTION AS A DISCRETIONARY WAIVER. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell, Walker. Carried: 7-0-0-2.

8. **Appeal in Case No. T-6124 (2243 Ashby Ave., Unit 1/2)** – Parties present: Ashley Taylor (Respondent) and Nha Brillhart *aka* Emily Ng (Appellant).

   M/S/C (Kelley/Martinac) MOTION TO UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Elgstrand, Johnson, Kelley, Martinac, Alpert; NO: Marrero; ABSTAIN: Twu; ABSENT: Mizell, Walker. Carried: 5-1-1-2.

9. **Action Items**

   Discretionary Waiver for 1915 Berryman Street – Item moved from Consent to Action by an earlier vote:

   M/S/C (Alpert/Kelley) MOTION TO WAIVE NINETY PERCENT OF THE PENALTIES FOR A TOTAL OF $4,881.60 WAIVED. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell, Walker. Carried: 7-0-0-2.

   a. Chair Update**:** Council action on amendments to Accessory Dwelling Unit (ADU) rules (Chair Alpert) – NO ACTION TAKEN.

   b. Special Ceremonial Act: Recommendation to adopt Resolution 25-29 Honoring Urban Compassion Project (Chair Alpert) – Chair Alpert introduced Supriya Golas and Vincent

Williams of the Urban Compassion Project who also spoke about their organization after the Board's vote:

M/S/C (Twu/Martinac) ADOPT RESOLUTION 25-29 AS WRITTEN. Roll call vote. YES: Elgstrand, Johnson, Marrero, Martinac, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Kelley, Mizell, Walker. Carried: 6-0-0-3.

c. Demolition Ordinance Update: City of Berkeley Demolition projects status (Senior Planner Lief Bursell) – Following Lief Bursell's presentation, the Board took the following action:

M/S/C (Kelley/Marrero) SEND A LETTER TO THE PLANNING DEPARTMENT STATING THE BOARD'S OPPOSITION, AS A MATTER OF PUBLIC POLICY, TO THE PROPOSAL TO DEMOLISH FOUR RENT-CONTROLLED UNITS AT 2703-2705 BENVENUE AVENUE, GIVEN THAT IT WOULD REDUCE THE AVAILABILITY OF AFFORDABLE HOUSING STOCK IN BERKELEY; AND ATTACH THAT LETTER TO RENT BOARD STAFF'S LETTER TO THE PLANNING DEPARTMENT ABOUT THE SAME PROPOSAL. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell, Walker. Carried: 7-0-0-2.

d. Evans Manor property discussion and possible action to adopt Resolution 25-30 (General Counsel)

Prior to the motion, Commissioner Elgstrand noted that the property addresses in the fourth "WHEREAS" clause of the Resolution should be corrected to read "2315 Dwight Way and 2316 Haste Street".

M/S/C (Kelley/Elgstrand) ADOPT RESOLUTION 25-30 WITH THE CORRECTION NOTED THIS EVENING. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell, Walker; RECUSED: Twu. Carried: 6-0-0-2-1.

e. Discussion and recommendation to adopt Resolution 25-31 establishing the Board's 2026 Regular Meeting Schedule (Executive Director)

M/S/C (Kelley/Twu) ADOPT RESOLUTION 25-31 WITH THESE MODIFICATIONS: CHANGE THE DATE OF THE MARCH REGULAR BOARD MEETING TO MONDAY, MARCH 23, 2026, AND CHANGE THE DATE OF THE MAY REGULAR BOARD MEETING TO WEDNESDAY, MAY 20, 2026, PENDING CONFIRMATION OF BUSD BOARD ROOM AVAILABILITY ON THAT DATE. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell, Walker. Carried: 7-0-0-2.

These commissioners stated their availability for the record:
Commissioner Johnson cannot attend in November.
Commissioner Martinac cannot attend in June.

f. Recommendation to adopt Resolution 25-32 to extend the amnesty period to allow for the automatic waiver of penalties for late payment of Measure BB Registration Fees for non-profit affordable housing providers (Executive Director)

M/S/C (Kelley/Elgstrand) ADOPT RESOLUTION 25-32 AS WRITTEN. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell, Walker. Carried: 7-0-0-2.

g. Recommendation to adopt Resolution 25-33 authorizing the Executive Director to amend a contract with Goldfarb & Lipman LLP to increase the amount of the contract by $150,000 (General Counsel) – ITEM MOVED TO CONSENT BY AN EARLIER VOTE.

h. Recommendation to adopt proposed Regulation 1283 to allow for rent ceiling increases to government-subsidized tenancies that are now subject to rent control due to Ordinance amendments of Measure BB – *First Reading* (LIRA Committee/General Counsel)

M/S/C (Kelley/Johnson) ADOPT PROPOSED REGULATION 1283 ON FIRST READING. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell, Walker. Carried: 7-0-0-2.

i. Recommendation to adopt Resolution 25-34 modifying the Fiscal Year 2025/26 Staffing Model to reflect the addition of an Assistant Planner to the Planning Unit (Executive Director)

M/S/C (Kelley/Marrero) ADOPT RESOLUTION 25-34 AS WRITTEN. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell, Walker. Carried: 7-0-0-2.

10. Information, Announcements and Articles/Media

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

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

a. Special Presentation: *Registration 365* (Amanda Eberhart, Registration Unit Manager) – Item tabled to the next meeting.

b. Copy of November 24, 2025, letter to Council titled, "Measure BB Implementation, Affordable Housing Registration Fees, and Amnesty Extension" (Chair Alpert/Executive Director)

c. Owner Move-in Eviction Tracking Report: July 2022 - June 2025 (Eviction/Section 8/Foreclosure Committee)

d. Deadline to submit agenda items/topics for the January 2026 regular Rent Board meeting: Monday, January 5th by 5:00 p.m. – Verbal (Board Secretary)

11. Committee/Board Meeting Updates and Announcements

a. Ad Hoc Committee to Consider Rent Ordinance Amendments at the November 2026 Election (Chair Alpert, Chair) – Chair Alpert said that the Committee is making progress on the amendments which will come to the full Board before they're referred to the 4 x 4 Committee. The Committee will meet again in January.

b. Budget & Personnel Committee (Vice-Chair Walker, Chair) – Chair Alpert said that this Committee considered the Staffing Model change item that is on tonight's agenda. The Committee also discussed a returned check policy and the setting of the annual registration fee, both of which will come before the full Board in due time.

c. Climate Resilience & Habitability Committee (Commissioner Martinac, Chair) Committee Chair Martinac said the Committee hasn't met.

d. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand said the Committee was unable to meet this month but hope to schedule their next meeting in the next month or two.

e. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Chair Alpert, Chair) – Chair Alpert said the Committee met and considered the regulation on Section 8.

f. Outreach Committee (Commissioner Kelley, Chair) – Committee Chair Kelley said the Committee discussed a proposal on a language access policy that Commissioners Marrero and Twu are taking the lead on drafting and that the Committee hopes to bring to the full Board in January or February. He said the Committee plans to meet twice in January to get on a new schedule.

g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero, Chair) – Committee Chair Marrero said the Committee will meet on January 26th.

h. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent (Councilmember Lunaparra & Chair Alpert, Co-Chairs) – Chair Alpert said the Committee met on November 7th. The Committee's next meeting is scheduled for January 23rd.

i. Updates and Announcements – Commissioner Kelley said that the Alameda County Board of Supervisors will, in January, hopefully be voting on adopting an inclusionary housing requirement in Alameda County. He will share information with the Board on the corresponding Community Roadshow. Commissioner Twu shared that many new state laws will go into effect on January 1st and staff has put out a great social media piece that highlights some of the major ones.

j. Discussion of items for possible placement on future agenda – Commissioner Kelley would like to see a discussion about the availability of interpreters or translators for hearings included on petition forms and/or related webpages. Chair Alpert asked that commissioners email him with their preferred committee assignments for 2026 which he will bring to the January meeting.

12. <u>Adjournment</u> – M/S/C (Martinac/Elgstrand) MOTION TO ADJOURN MEETING. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Mizell, Walker. Carried: 7-0-0-2.

The meeting adjourned at 11:03 p.m.

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Minutes – *Unapproved*

1. **Roll call** – Chair Alpert called the meeting to order at 7:06 p.m.
   Aimee Mueller called roll.
   Commissioners present: Elgstrand, Johnson, Kelley, Martinac, Mizell, Twu, Walker, Alpert
   Commissioners absent: Marrero
   Staff present: Brown, Eberhart, Lecky, Mueller, Tombrello, Williams

2. **Approval of Agenda** – M/S/C (Mizell/Elgstrand) ADOPT AGENDA AS WRITTEN WITH ONE CHANGE: ADJOURN TONIGHT'S MEETING IN MEMORY OF RENEE NICOLE GOOD WHO WAS SHOT AND KILLED BY ICE AGENTS IN MINNEAPOLIS, MINNESOTA. Voice vote. ABSENT: Marrero. Carried: 8-0-0-1.

3. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

   The Land Acknowledgment Statement was played aloud.

4. **Public Comment for Unions representing Rent Board staff** – No speakers.

5. **Public Comment** – Cody McGillivray spoke about habitability issues at Evans Manor.

6. **Special Order of Business**

   a. Election of Rent Board Chair – General Counsel Matt Brown opened the floor for nominations for Board Chair.

      Commissioner Kelley nominated Commissioner Alpert. He accepted.

      Motion: ELECT COMMISSIONER SOLI ALPERT AS BOARD CHAIR. Roll call vote. YES: Elgstrand, Johnson, Kelley, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: Marrero. Carried: 8-0-0-1.

b. Election of Rent Board Vice Chair – Chair Alpert opened the floor for nominations for Board Vice Chair.

Commissioner Kelley nominated Commissioner Walker. She accepted.

Motion: ELECT COMMISSIONER DOMINIQUE WALKER AS BOARD VICE CHAIR. Roll call vote. YES: Elgstrand, Johnson, Kelley, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: Marrero. Carried: 8-0-0-1.

c. Comments from newly elected Chair and Vice Chair – Chair Alpert and Vice Chair Walker thanked the Board and spoke about their goals and hopes for the coming year.

7. Consent Items

a. Approval of October 10, 2025, special meeting minutes

b. Approval of December 18, 2025, regular meeting minutes

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

d. Recommendation to adopt proposed Regulation 1283 to allow for rent ceiling increases to government-subsidized tenancies that are now subject to rent control due to Ordinance amendments of Measure BB – *Second Reading* (LIRA Committee/General Counsel)

M/S/C (Alpert/Kelley) APPROVE ALL CONSENT ITEMS AS WRITTEN WITH THE FOLLOWING CHANGES: CONTINUE ITEM 7.B. TO THE NEXT MEETING, AND MOVE DISCRETIONARY WAIVER W5166 (2315 DWIGHT WAY) TO ACTION. Voice vote. ABSENT: Marrero. Carried: 8-0-0-1.

8. Special Presentation: *Registration 365* (Amanda Eberhart, Registration Unit Manager) – Amanda Eberhart and Ryan Tombrello presented and took questions from the Board.

9. Action Items

Discretionary Waiver for 2315 Dwight Way – Item moved from Consent to Action by an earlier vote:

M/S/C (Elgstrand/Walker) CONTINUE THIS ITEM TO THE FEBRUARY MEETING. Voice vote. ABSENT: Marrero. Carried: 8-0-0-1.

a. **Chair Update 1**: Reminder of the process for making Board Submissions (Chair Alpert) – The Chair discussed this item but no formal action was taken.

b. **Chair Update 2**: Committee Assignments (Chair Alpert) – The Chair discussed this item and said it would be agendized for the February meeting.

c. Recommendation to adopt Resolution 26-01: A Call to Action: Promoting Peace and Housing Stability in Caracas, Venezuela (Commissioner Marrero & Commissioner Twu)

M/S/C (Mizell/Twu) ADOPT RESOLUTION 26-01 AS WRITTEN BUT DO NOT PROCEED WITH RECOMMENDATIONS 3 AND 4 NOTED IN THE CORRESPONDING MEMO, AND TAKE NO ACTION ON RESOLUTION 26-02. Roll call vote. YES: Johnson, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: Elgstrand, Kelley; ABSENT: Marrero. Carried: 6-0-2-1.

d. Recommendation to adopt Resolution 26-02 Condemning Illegal Military Aggression in Venezuela (Chair Alpert) – NO ACTION TAKEN.

e. Discussion and recommendation to adopt Resolution 26-03 modifying the Board's 2026 Regular Meeting Schedule (Executive Director/Board Secretary)

M/S/C (Twu/Mizell) ADOPT RESOLUTION 26-03 TO MODIFY THE BOARD'S 2026 REGULAR MEETING SCHEDULE BY CHANGING THE DATE OF THE MAY REGULAR BOARD MEETING TO MAY 28, 2026. Voice vote. ABSENT: Marrero. Carried: 8-0-0-1.

f. Recommendation to adopt Resolution 26-04 Revising the Rent Board Records Retention Schedule (Executive Director)

M/S/C (Twu/Elgstrand) ADOPT RESOLUTION 26-04 AS WRITTEN. Voice vote. ABSENT: Marrero. Carried: 8-0-0-1.

g. Recommendation to adopt Resolution 26-05 Revising Resolution 22-12 concerning Commissioner stipends (Chair Alpert)

M/S/C (Mizell/Johnson) ADOPT RESOLUTION 26-05 AS WRITTEN. Voice vote. ABSENT: Marrero. Carried: 8-0-0-1.

10. Information, Announcements and Articles/Media

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

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

a. Update on limited post-emergency options for remote participation in Board and Committee meetings (General Counsel) – General Counsel Matt Brown presented and took questions from the Board.

b. Deadline to submit agenda items/topics for the February 2026 regular Rent Board meeting: Friday, February 6th by 5:00 p.m. – Verbal (Board Secretary)

11. Committee/Board Meeting Updates and Announcements

a. Ad Hoc Committee to Consider Rent Ordinance Amendments at the November 2026 Election (Chair Alpert, Chair) – Chair Alpert said that Legal staff conducted a review of other jurisdictions' policies around maximum rent payments outside of the rent cap

which will inform the Committee's eventual proposal to the full Board which is planned for April.

b. Budget & Personnel Committee (Vice-Chair Walker, Chair) – Vice Chair Walker said the Committee will meet on January 20th at 5:00 p.m.

c. Climate Resilience & Habitability Committee (Commissioner Martinac, Chair)

d. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)

e. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Chair Alpert, Chair)

f. Outreach Committee (Commissioner Kelley, Chair) – Committee Chair Kelley said the Committee is meeting twice this month, with their next meeting scheduled for January 28th. He said the Committee is excited to be moving closer to having a language access policy in place thanks in large part to Commissioners Marrero and Twu. And the Committee heard updates on social media and digital outreach from Digital Education & Media Coordinator Kayla Ginsburg.

g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero, Chair)

h. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent (Councilmember Lunaparra & Chair Alpert, Co-Chairs) Board

i. Updates and Announcements – Chair Alpert reminded the Board that the ADU/Condo Conversion Ordinance is coming before Council next Tuesday. He encouraged Board members to attend and provide comment in support of this item. Commissioner Elgstrand said that committee assignments in the State Capitol go into effect in February, and the Housing Committee's new Chair will be former Rent Board Chair and Berkeley Mayor, Jesse Arreguín. He also provided updates on AB 1157 and AB 1482. Commissioner Mizell gave his thanks to the people of Berkeley for empowering the Council and the great attorneys we have, and the importance of their vital work in maintaining coherence in Berkeley and across the state.

j. Discussion of items for possible placement on future agenda

12. Adjournment – M/S/C (Kelley/Twu) MOTION TO ADJOURN MEETING. Voice vote. ABSENT: Marrero. Carried: 8-0-0-1.

The meeting adjourned at 8:59 p.m.

BERKELEY RENT STABILIZATION BOARD

2026 Committee Assignments

2/19/2026

COMMITTEES	COMMISSIONERS	STAFF CONTACT(S)
AD HOC COMMITTEE TO CONSIDER RENT ORDINANCE CHANGES AT THE NOVEMBER 2026 GENERAL ELECTION	Alpert Elgstrand Twu	Matt Brown, General Counsel
BUDGET & PERSONNEL	Alpert Kelley Mizell Walker	DéSeana Williams, Executive Director Shamika Cole, Finance Director
CLIMATE RESILIENCE & HABITABILITY	Marrero Martinac Twu	Amanda Eberhart, Registration Unit Manager
EVICTION / SECTION 8 / FORECLOSURE	Elgstrand Johnson Mizell Walker	Ollie Ehlinger, Staff Attorney
LIRA COMMITTEE (LEGISLATION, IRA/AGA & REGISTRATION)	Alpert Elgstrand Martinac Mizell	Matt Brown, General Counsel
OUTREACH	Kelley Marrero Martinac Twu	Carla Orozco, Community Development Project Coordinator
2 x 2 COMMITTEE ON HOUSING: RSB / BUSD	Alpert Marrero	Shamika Cole, Finance Director DéSeana Williams, Executive Director
4 x 4 JOINT COMMITTEE ON HOUSING: CITY COUNCIL / RSB	Alpert Johnson Kelley Twu	Hannah Kim, Staff Attorney

Memorandum

DATE: Month 19, 2026

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: DéSeana Williams, Executive Director

By: Lief Bursell, Senior Planner

SUBJECT: Recommendation to adopt Resolution 26-06 authorizing the Executive Director to increase the purchase order with ACRO Services Corp. by an additional amount not to exceed $40,000 to provide a temporary staff person to assist with the administrative tasks relate to the administration of the 2025 Empty Homes Tax

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Recommendation

That the Board adopts Resolution 26-06 authorizing the Executive Director to increase the purchase order with ACRO Services Corp. by an additional amount not to exceed $40,000 for a temporary staff person to assist with the administrative tasks related to the administration of the 2025 Empty Homes Tax.

Background and Need for Rent Board Action

The Empty Homes Tax (Berkeley Municipal Code Section 7.54) was approved by Berkeley voters in November 2022 under Measure M. The Empty Homes Tax is intended to disincentivize prolonged vacancies and housing speculation, thereby increasing the number of housing units available for occupancy, while also raising funds for municipal services, including but not limited to constructing, acquiring, and rehabilitating affordable housing.

Since the adoption of the Empty Homes Tax pursuant to Measure M in 2022, the Rent Board and City of Berkeley's Finance Department have worked collaboratively to implement the tax. In 2025, the City issued tax bills for those owners of residential units that were deemed to be subject to the Empty Homes Tax in calendar year 2024.

On December 18, 2025, the Board approved the addition of an Assistant Planner to the Rent Board's staffing model, primarily to help with the additional workload created by the Board's assistance with the administration of the Empty Homes Tax. Staff have since learned that the recruitment of this position will take several months due to an expiring eligibility list and do not anticipate having a Assistant Planner position filled

until June of 2026. Given this delay, staff recommend that the Board authorize additional funding for a temporary agency worker to help with 2025 Empty Homes Tax administrative tasks and provide sufficient staff capacity while the Assistant Planner recruitment is completed.

Financial Impact

Staff estimate adding one full-time temporary worker for up to six (6) months will cost the agency $40,000. Funds are available for this expenditure through the Empty Homes Tax Program budget allocation.

Contact Person

DéSeana Williams, Executive Director (510) 981-7368

RESOLUTION 26-06

AUTHORIZING THE EXECUTIVE DIRECTOR TO INCREASE THE PURCHASE ORDER WITH ACRO SERVICES CORPORATION BY AN ADDITIONAL AMOUNT NOT TO EXCEED $40,000 FOR ONE TEMPORARY WORKER TO PROVIDE FULL-TIME ASSISTANCE WITH ADMINISTRATIVE TASKS RELATED TO ADMINISTRATION OF THE 2025 EMPTY HOMES TAX

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

WHEREAS, Berkeley voters approved the Empty Homes Tax (Berkeley Municipal Code Section 7.54) in November 2022 under Measure M to disincentivize prolonged vacancies and housing speculation, thereby increasing housing availability and generating funds for municipal services, including affordable housing; and

WHEREAS, the Rent Board has collaborated with the City of Berkeley Finance Department to implement the Empty Homes Tax, which went into effect on January 1, 2025; and

WHEREAS, the administration of the Empty Homes Tax has created additional workload for Rent Board staff, including processing inquiries, assisting property owners, and coordinating with City departments; and

WHEREAS, the Board approved the addition of an Assistant Planner position in December 2025 to address this workload, but recruitment for this position is expected to take several months, with an anticipated start date no earlier than June 2026; and

WHEREAS, the services of a temporary staff person for a period not to exceed six months will provide necessary administrative support during this interim period and ensure timely and effective administration of the Empty Homes Tax; and

WHEREAS, the City of Berkeley currently utilizes ACRO Services Corporation to provide temporary personnel when needed.

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley Rent Stabilization Board hereby authorizes the Executive Director to increase the purchase order with ACRO Services Corporation by an additional amount not to exceed $40,000 to allow for one full-time temporary worker to support the agency with administrative tasks related to the 2025 Empty Homes Tax.

Dated: February 19, 2026

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

YES:
NO:
ABSTAIN:
ABSENT:

_____
Soli Alpert, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director

Memorandum

DATE: February 19, 2026

TO: Honorable Members of the Rent Stabilization Board

FROM: DéSeana 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 have incorrectly applied the criteria listed in Regulation 884 (B) (1-12).

Ministerial Waivers

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

Property Address	Penalty Assessed	Penalty Waived	Penalty Imposed
893 Dwight Cres	$3,440.00	$3,440.00	$0.00
1516 Julia St	$522.00	$522.00	$0.00
1520 Woolsey St	$4,128.00	$3,302.40	$825.60
1682 Oxford St	$2,752.00	$2,752.00	$0.00
1730 Highland Pl #3	$4,138.00	$3,310.40	$827.60
1824 62nd St	$638.00	$382.80	$255.20
2531 Dana St	$2,752.00	$2,752.00	$0.00
2906 Telegraph Ave	$899.00	$899.00	$0.00
3034 Tremont St	$1,376.00	$1,376.00	$0.00
Total	**$20,645.00**	**$18,736.60**	**$1,908.40**

Financial Impact: Ministerial Waivers

Approval of the Executive Director's recommendations will decrease the Board's current accounts receivable by **$18,736.60.**

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.

Property Address	Penalty Assessed	Penalty Waived	Penalty Imposed
2315 Dwight Way	$41,624.00	$20,812.00	$20,812.00
Total	**$41,624.00**	**$20,812.00**	**$20,812.00**

Financial Impact: Discretionary Waivers

Approval of the Executive Director's recommendations will decrease the Board's current accounts receivable by **$20,812.00**

Name and Telephone Number of Contact Person

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

City Of Berkeley
Rent Stabilization Board

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5166	**Property address:** 2315 DWIGHT WAY BERKELEY CA 94704	**Transfered:** 04/30/2025

Exempt units (as of February 2021):
Unit # 301A - COOP - ,
Unit # 301C - COMM - ,
Unit # 301B - COMM -

Owner(s): Berkeley Student Cooperative	**Waiver filed by:** Executive Director	**# of Units:** 124

Other Berkeley rental property owned: None

Late payment/penalty history: 2025-2026 Registration Fee

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2025-26	ALL	$41,624.00	10/06/2025	$41,624.00	$0.00	$0.00
			Totals (penalties previously assessed)	$41,624.00	$0.00	$41,624.00

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
FY2025-26	124	$41,624.00	10/06/2025	$41,624.00	$0.00	$41,624.00
			Total	$41,624.00	$0.00	$41,624.00

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 Manager reports that the Berkeley Student Cooperative (BSC) assumed management of the building in May 2025, following a 35-year lease to a third-party property management company. Due to this recent transition, BSC believes the notice for the City's rent ordinance registration fee was received after the due date. This property is the only one owned by BSC subject to the registration requirements, and the associated penalty represents an unbudgeted expense.

Recommendation: Staff recommends waiving 50% of the penalties.

Staff Analysis: Owners are responsible for knowing and complying with the requirements of the Rent Ordinance and for maintaining accurate, up-to-date contact information with the Rent Board to receive all

official correspondence.

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

Memorandum

DATE: February 19, 2026

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Rent Board Legal Staff

SUBJECT: Case No. IRD-191 (2924 Florence St., Unit B)

Case Summary and Legal Recommendation

Appellant Tenant ("Tenant") filed a Petition for Initial Rent Determination ("petition") seeking a determination on Respondent Landlords' ("Landlord") eligibility to set a new rent for the rental unit located at 2924 Florence Street, Unit B, Berkeley, CA ("premises"). Tenant appeals the decision granting Landlord leave to set a new rent.

On appeal, Tenant argues that the hearing examiner misapplied Rent Board Regulation 1018 by relying on evidence of past absences to conclude that Tenant was not an original occupant as of the date the petition was filed. While Legal Staff does not agree with Tenant's argument that Regulation 1018 requires a strictly literal "present tense" analysis divorced from context, a review of the record shows that the hearing examiner gave dispositive weight to evidence of Tenant's prior residence in San Francisco in a manner inconsistent with Regulation 1018(D)'s focus on permanent residency as of the filing date. For the reasons discussed below, Legal Staff recommend that the Board reverse the hearing examiner's decision.

BERKELEY RENT BOARD

Memorandum

DATE: February 19, 2026

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: DéSeana Williams, Executive Director

By: Aimee Mueller, Associate Management Analyst/Board Secretary

SUBJECT: Recommendation to modify the Board's 2026 Regular Meeting Schedule

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Recommendation

That the Board adopt Resolution 26-07 modifying their regular meeting schedule for the 2026 calendar year.

Background and Need for Rent Board Action

At its December 18, 2025 regular meeting, the Board adopted Resolution 25-31 establishing their 2026 Regular Meeting Schedule. Prior to the Board's vote, the Board Secretary provided a list of proposed meeting dates that fell on the Board's regular meeting date which is the third Thursday of each month, unless that date falls on a major cultural or religious holiday.

In March and May of 2026, the third Thursday of the month falls on a religious holiday. For maximum transparency and public participation, the Board voted to select alternate meeting dates for those two months: Monday, March 23rd and Wednesday, May 20th. However, staff subsequently learned that the BUSD Board Room was not available on Wednesday, May 20, 2026. Therefore, a different May meeting date was needed.

At its January 15, 2026 regular meeting, the Board adopted Resolution 26-03 modifying their 2026 Regular Meeting Schedule by changing the date of their regular May meeting to May 28, 2026.

There exists a need for an additional regular meeting to be held in March of 2026. The proposed date for this second regular meeting is Thursday, March 5, 2026.

Financial Impact

None.

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

Contact Person

Aimee Mueller, Board Secretary amueller@berkeleyca.gov

Attachments

1. *Proposed* Revised 2026 Rent Board Regular Meeting Schedule

RESOLUTION 26-07

MODIFYING THE REGULAR MEETING SCHEDULE FOR THE BERKELEY RENT STABILIZATION BOARD FOR THE 2026 CALENDAR YEAR

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

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

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

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

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

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

WHEREAS, pursuant to City Council Resolution 70,066-N.S., it is the policy of the City to avoid scheduling meetings of City Legislative Bodies on religious holidays that incorporate significant work restrictions for common observance in the United States; and

RESOLUTION 26-07

MODIFYING THE REGULAR MEETING SCHEDULE FOR THE BERKELEY RENT STABILIZATION BOARD FOR THE 2026 CALENDAR YEAR (Page 2)

WHEREAS, the City has provided a list of religious holidays that legislative bodies are instructed to avoid when scheduling their respective public meetings; and

WHEREAS, the Board's regular meeting date falls on one of these holidays in the months of March and May of 2026; and

WHEREAS, at its January 15, 2026 regular meeting, the Board adopted Resolution 26-03 modifying their 2026 Regular Meeting Schedule by changing the date of their regular May meeting to May 28, 2026; and

WHEREAS, there exists a need for an additional regular meeting to be held in March of 2026. The proposed date for this second regular meeting is Thursday, March 5, 2026.

NOW, THEREFORE BE IT RESOLVED that this resolution modifies the Board's Regular Meeting Schedule for the 2026 calendar year by adding a regular meeting to be held on Thursday, March 5, 2026; and

BE IT FURTHER RESOLVED that all meetings shall begin at 7:00 p.m. unless otherwise noticed pursuant to the requirements of the Brown Act and that regular meetings scheduled at the BUSD Board Room shall only be operative during the 2026 calendar year unless the change is made permanent by subsequent future Board resolution, or unless the Board chooses to adopt a similar annual schedule for another year by subsequent resolution; and

BE IT FURTHER RESOLVED that this resolution shall establish the Board's Regular Meeting Schedule for the 2026 calendar year and supersede all previous resolutions pertaining to this Schedule including Resolution 25-31 adopted on December 18, 2025, and Resolution 26-03 adopted on January 15, 2026.

RESOLUTION 26-07

MODIFYING THE REGULAR MEETING SCHEDULE FOR THE BERKELEY RENT STABILIZATION BOARD FOR THE 2026 CALENDAR YEAR (Page 3)

Dated: February 19, 2026

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

YES:
NO:
ABSTAIN:
ABSENT:

_____
Soli Alpert, Chair
Rent Stabilization Board

Attest:_____
DéSeana Williams, Executive Director

Attachment 1.

Rent Board Regular Meeting Schedule for 2026

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

DAY: **Third Thursday** of each month (except holidays)
TIME: **7:00 p.m.**
LOCATION: **Berkeley Unified School District Board Room, 1231 Addison Street, Berkeley**
and
Via Zoom videoconference and teleconference – Zoom link is posted on the first page of each meeting agenda.

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

2026 Regular Meeting Dates:

January 15
February 19
March 5 - Proposed
March 23 (Date chosen because the 3rd Thursday of the month falls on a holiday.)
April 16
May 28 (Date chosen because the 3rd Thursday of the month falls on a holiday.)
June 18
July 16
August 20
September 17
October 15
November 19
December 17

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

RESOLUTION 26-08

URGING MINNESOTA GOVERNOR TIM WALZ TO ENACT AN EVICTION MORATORIUM TO PREVENT DISPLACEMENT DURING ICE TERROR CAMPAIGN

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

WHEREAS, the federal government's campaign of discriminatory mass deportation has inflicted terror nationwide, with the Trump administration's fixation on Minneapolis cruelly targeting that community with harassment, intimidation, and violence; and

WHEREAS, the Minneapolis and Saint Paul region is currently experiencing the largest immigration operation by the Department of Homeland Security in the nation's history, with the Trump administration claiming to have sent over 2,000 agents from Immigration and Customs Enforcement (ICE), Customs and Border Patrol (CBP), Homeland Security Investigations (HSI), and other federal agencies to Minnesota; and

WHEREAS, Minnesota residents have experienced and documented countless instances of federal agents targeting and harassing residents based on the color of their skin, regardless of immigration status; and

WHEREAS, federal agents have been escalating violence against legal observers and community members protecting their neighbors, including Renee Nicole Good, who was murdered by an ICE agent on January 7, 2026; and

WHEREAS, these threatening and violent attacks on Minneapolis residents have occurred in public spaces including schools, streets, hospitals, sidewalks, grocery stores, places of worship, and bus stops. As a result, many residents are unable to move freely due to the threat of harassment, violence, and abduction, forcing them to shelter-in place and impacting their ability to work and provide for their families; and

WHEREAS, federal tactics have included the abduction of toddlers, attempting to trap people with offers of food assistance, and threats and attacks on people with disabilities; and

WHEREAS, in addition to the threat of violence and abduction, many families are grappling with the fear of eviction due to an inability to safely go to work; and

WHEREAS, in response to the Covid-19 pandemic, Governor Walz issued Executive Orders 20-14, 20-73, and 20-79, which imposed an eviction moratorium and gave residents statewide a lifeline and protection during an unprecedented national crisis; and

WHEREAS, residents in Minnesota, particularly in Minneapolis and Saint Paul, are once again experiencing unprecedented danger and are vulnerable to becoming displaced and homeless without government intervention, increasing their vulnerability to violence and abduction by the Trump administration; and

RESOLUTION 26-08

URGING MINNESOTA GOVERNOR TIM WALZ TO ENACT AN EVICTION MORATORIUM TO PREVENT DISPLACEMENT DURING ICE TERROR CAMPAIGN (Page 2)

WHEREAS, on January 15, the Minneapolis City Council unanimously voted to adopt a resolution urging Governor Walz to enact an eviction moratorium to protect residents who have been harmed by the federal government's unprecedented attacks and to provide financial assistance to impacted cities to begin the significant recovery efforts; and

WHEREAS, on January 21, the Saint Paul City Council joined Minneapolis and unanimously adopted a similar resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Berkeley Rent Stabilization Board condemns the Trump administration's illegal and immoral assault on the people of Minnesota, and demands he immediately withdraw all federal agents; and

BE IT FURTHER RESOLVED that the Berkeley Rent Stabilization Board supports Minneapolis and Saint Paul in their call for an eviction moratorium to protect vulnerable residents unable to attend work for fear of abduction and calls on Governor Walz to take immediate action; and

BE IT FURTHER RESOLVED that the Berkeley Rent Stabilization Board is committed to working to develop plans and policies to prepare Berkeley for the possibility of federal immigration action.

Dated: February 19, 2026

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

YES:
NO:
ABSTAIN:
ABSENT:

_____
Soli Alpert, Chair
Rent Stabilization Board

Attest:_____
DéSeana Williams, Executive Director

Legal Department

MEMORANDUM

DATE: February 19, 2026

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Chair Soli Alpert

By: Matt Brown, General Counsel
Omar Calimbas, Hearing Examiner
Hannah Kim, Staff Attorney

SUBJECT: Proposed Amendments to Regulations 525, 1205, 1210, and 1242

Recommendation

That the Board review staff's proposal to amend Regulations 525[1], 1205[2], 1210[3], and 1242[4] to allow for service via e-mail and recommend such changes to the Board.

Background

The City Manager, acting as the Director of Emergency Services, declared a local State of Emergency based on COVID-19, which the City Council ratified on March 10, 2020. Staff began remote work and many tenants and landlords more frequently used e-mail for communications with staff and other parties, including submitting petitions and notices pursuant to Regulations 525, 1205, and 1210. Staff also began using e-mail for communications with parties, including notices under Regulation 1242.

After nearly six years of such practices, the Rent Board staff concludes that permitting e-mail service pursuant to certain guidelines (e.g. verifying validity of an e-mail address) reflects

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[1] Regulation 525 outlines the procedure for challenging tenant(s) occupancy status.

[2] Regulation 1205 outlines the procedure for filing rent increase petitions relating to regulations: 1214, (Advisory Implementation), 1262-1265 (Maintenance of Net Operating Income), 1267 (Capital Improvement), 1268 (Recent Rent Changes), 1269 (Change in Space or Services/Code Violations), 1270 (Increase in Occupancy), 1276 (Debt Service), 1278 and 1278.5 (Restoration of Annual General Adjustment), and 1280 (Historically Low Rent), 702 (Payment of Interest on Security Deposit), 1269 (Change in Space or Services/Code Violations), 1270 (Occupancy Level), 1271 (Overcharges) and Rent Withholding Petitions pursuant to Chapter 15.

[3] Regulation 1210 outlines the procedure for noticing opposing parties as well as the Board.

[4] Regulation 1242 outlines the procedure for serving parties with the legal staff recommendation for appeal.

the Rent Board's current best practices[5] and should continue irrespective of a State of Emergency based on COVID-19.

Proposed Amendments

Regulation	Issue	Proposed Fix
525	Reg. 525 does not allow for e-mail service of petitions relating to challenging tenant occupancy status.	Explicitly allow for e-mail service in accordance with Regulations 1205 and 1210.
1205	Reg. 1205 does not allow for e-mail service of rent increase petitions.	Explicitly allow for e-mail service if the serving party confirms the validity of the e-mail address.
1210	Reg. 1210 does not allow for e-mail service of notices to opposing parties and the Rent Board staff.	Explicitly allow for e-mail service unless a party provides notice on a Board-approved form that it declines to receive service in such manner.
1242	Section G of Reg. 1242 requires the Board to serve by mail the hearing notice and staff recommendation to the parties.	Remove the mailing requirement.

Regulation 525

Staff recommends amending **Regulation 525(A)** as follows:

"(A) The landlord of any rental unit who seeks a determination that the unit is not being occupied by a tenant in occupancy may file a petition on a form provided by the Board. The petition shall include a brief explanation of the basis for the petition, including a statement that the unit is not occupied by any subtenants. (See Regulation 1013 (O) and California Civil Code Section 1954.53 (d) et. seq. for the status of units occupied by subtenants, where the original occupant(s) no longer permanently reside(s) in the unit.) Proof that the petition has been served on all tenants claiming a right to possession of the unit shall be submitted with the petition. Service shall be *in accordance with Regulations 1205 and 1210* ~~by personal service or service by mail to the unit and any other address provided to the owner by the tenant in writing~~. Concurrent with or anytime after the filing of the petition, the landlord may give legal notice of a rent increase that exceeds the limitations of Berkeley Municipal Code Sections 13.76.110 and 13.76.120, however, the noticed increase shall remain inoperative until a decision is rendered on the landlord's petition."

Regulation 1205

Staff recommends amending **Regulation 1205(A)(3)** to include the following italicized language:

[5] E-mail service allows Rent Board staff to review, respond to, and manage petitions and notices in a much more efficient manner than US Mail alone.

"The landlord shall file with the Board the petition, copies of the documentation required by Regulation 1201 and by the Regulation pursuant to which the Petition is filed, and a proof of service by first-class mail, *by email if the landlord confirms on a Board-approved form that the respondent's email address is valid,* or in person of the petition and documentation on each affected tenant. The landlord may also file an Agreement of Parties and/or Waiver of Right to Hearing."

In addition, staff recommends amending **Regulation 1205(B)(3)** to include the following italicized language:

"The tenant shall file with the Board the petition, copies of the documentation required by Regulation 1201 and by the Regulation pursuant to which the petition is filed, and proof of service by first-class mail, *by email if the tenant confirms on a Board-approved form that the respondent's email address is valid,* or in person of the petition and documentation."

Should the Board adopt these proposed amendments, staff will prepare the Board-approved form, which will be included in the petition packet.

Regulation 1210

Staff recommends amending **Regulation 1210(A)** to include the following underlined and italicized language:

"Manner of Notice. Notice(s) to opposing parties shall be served by first-class or certified mail, *email,* or by personal service on the party or the party's representative of record. Personal service shall be performed according to state law. Notices to the Board shall include a proof of service that proper notice was given to the opposing parties, by means of a written declaration by the server under penalty of perjury, stating the names and addresses of parties served and the date and manner of such service, *unless service was by email, in which case the parties served may be identified as the recipients in the email header.*"

In addition, staff recommends amending Regulation 1210 to add **Section 1210(D),** which will state:

"(D) Email. Where the Board or a party is required to serve a document under this Chapter, service may be affected by email delivery unless a party provides notice on a Board-approved form that it declines to receive service by email. A party may not decline to be served by email if the party uses email for serving documents."

Should the Board adopt these proposed amendments, staff will prepare the Board-approved form, which will be included in the petition packet.

Regulation 1242

Staff recommends amending **Regulation 1242(G)** as follows:

"At least 14 days prior to the date set for Board action, all parties shall be notified ~~by mail~~ of the date, time and place set for Board action on the appeal. Copies of the staff recommendation shall be ~~mailed to~~ *served* on all parties and their representatives at least 14 days prior to the Board action. Copies of the official record and the staff recommendation shall be available for public review at the Public Information Unit of the Board at least 14 days prior to the date set for

Board action. Parties may submit written comments to the Board up to 6 days prior to the Board action.

Conclusion

Staff would like to continue use of e-mail service for petitions and certain notices and recommends the above amendments to memorialize current best practices. Staff has also heard from the public that they appreciate the convenience of allowing for more access to the Board's services through email.

Financial Impact

None.

Contact Person

Matt Brown, General Counsel
mbrown@berkeleyca.gov

Attachments

525 REG Proposed Redlined
1205 REG Proposed Redlined
1210 REG Proposed Redlined
1242 REG Proposed Redlined

525. Procedure for Challenging Tenant in Occupancy Status.

(A) The landlord of any rental unit who seeks a determination that the unit is not being occupied by a tenant in occupancy may file a petition on a form provided by the Board. The petition shall include a brief explanation of the basis for the petition, including a statement that the unit is not occupied by any subtenants. (See Regulation 1013 (O) and California Civil Code Section 1954.53 (d) et. seq. for the status of units occupied by subtenants, where the original occupant(s) no longer permanently reside(s) in the unit.) Proof that the petition has been served on all tenants claiming a right to possession of the unit shall be submitted with the petition. Service shall be ~~by personal service or service by mail to the unit~~ in accordance with Regulations 1205 and ~~any other address provided to the owner by the tenant in writing~~ 1210. Concurrent with or anytime after the filing of the petition, the landlord may give legal notice of a rent increase that exceeds the limitations of Berkeley Municipal Code Sections 13.76.110 and 13.76.120, however, the noticed increase shall remain inoperative until a decision is rendered on the landlord's petition.

(B) Petitions filed under this section shall be expedited so that a hearing on the petition is held within 30 days of filing and a decision rendered within 30 days of the hearing. The parties shall be given at least 15 days notice of the hearing.

(C) Except as provided in subsection (B), proceedings on petitions filed under this section shall be conducted according to all provisions of Chapter 12, Subchapter B. A determination that a tenant is not a tenant in occupancy must be supported by a preponderance of the evidence presented to the hearing examiner. If the owner makes a prima facie showing that the unit is not continuously occupied by the individual as a residence, the burden of proving that the unit is the usual place of return and not a secondary residence or used primarily for commercial, office, or storage, except as provided in Section 524(D), shall shift to the tenant. If the hearing examiner determines that the tenant is not a tenant in occupancy, any rent increase noticed by the landlord shall become effective on the date specified in the notice or the date on which rent is next due following service of the hearing examiner's decision, whichever is later.

1205. Filing the Petition

(A) For rent increase petitions, the following procedure applies:

(1) Rent increase petitions may be filed under the following regulations: 1214, (Advisory Implementation), 1262-1265 (Maintenance of Net Operating Income), 1267 (Capital Improvement), 1268 (Recent Rent Changes), 1269 (Change in Space or Services/Code Violations), 1270 (Increase in Occupancy), 1276 (Debt Service), 1278 and 1278.5 (Restoration of Annual General Adjustment), and 1280 (Historically Low Rent).

(2) A copy of the rent increase petition and, except as provided in Regulation 1267 (Capital Improvements), supporting documentation must be served on the tenants of all units affected by the petition.

(3) The landlord shall file with the Board the petition, copies of the documentation required by Regulation 1201 and by the Regulation pursuant to which the Petition is filed, and a proof of service by first-class mail, by email if the landlord confirms on a Board-approved form that the respondent's email address is valid, or in person of the petition and documentation on each affected tenant. The landlord may also file an Agreement of Parties and/or Waiver of Right to Hearing.

(4) Board staff shall review the petition and supporting documentation for conformance to Board regulations and within five working days shall either mail notice of the petition's unacceptability (pursuant to Regulation 1207) to the landlord, or mail Notice to Opposing Parties to the tenants, as provided in Regulation 1210. For petitions filed pursuant to Regulations 1262-1265 (MNOI), the review period shall be 15 working days. If a petition is unacceptable, the landlord may refile at any time but the Board will administratively close the file after fourteen days. Acceptance of a petition by Board staff does not mean that the petitioner has submitted adequate documentation to support a decision in petitioner's favor. A landlord may, at any time prior to submission of the matter for an administrative decision, request that a hearing be held.

(5) The notice to the tenant shall include a notice that the tenant has a right to object to the petition, and that if the tenant does not object within twenty days of the mailing of the notice, or if the tenant's objection does not specify one or more grounds listed in the notice, the rent for the tenant's unit may be increased by the applicable amount, based on the information in the landlord's petition and the Board's files. Failure to file an objection may constitute a waiver of the right to a hearing on objections to the petition.

(6) A hearing shall be held on the petition and objections thereto, in accordance with Regulation 1221, unless no tenant files an objection within the time allowed, the landlord has not requested a hearing and the hearing examiner determines

that a decision may be rendered on the petition without hearing live testimony. Notwithstanding any other provision of these regulations, Board staff may, upon notice to all parties, request further documentation and/or schedule a hearing on the petition.

(B) For tenant petitions, the following procedure applies:

(1) Tenant petitions may be filed pursuant to Regulations 702 (Payment of Interest on Security Deposit), 1269 (Change in Space or Services/Code Violations), 1270 (Occupancy Level), 1271 (Overcharges) and Rent Withholding Petitions pursuant to Chapter 15.

(2) A copy of the tenant petition and supporting documentation must be served on the petitioner's landlord.

(3) The tenant shall file with the Board the petition, copies of the documentation required by Regulation 1201 and by the Regulation pursuant to which the petition is filed, and proof of service by first-class mail, by email if the tenant confirms on a Board-approved form that the respondent's email address is valid, or in person of the petition and documentation.

(4) Board staff shall review the petition and supporting documentation for conformance to Board regulations and within five working days shall either mail notice of the petition's unacceptability (pursuant to Regulation 1207) to the tenant, or mail notice to the landlord, as provided in Regulation 1210. If a petition is unacceptable, the tenant may refile at any time but the Board will administratively close the file after fourteen days. Acceptance of a petition by Board staff does not mean that the petitioner has submitted adequate documentation to support a decision in petitioner's favor.

(5) The notice to the landlord shall include a notice that the landlord has a right to object to the petition, and that if the landlord does not object within twenty days of the mailing of the notice, or the landlord's objection does not specify one or more grounds listed in the notice, the rent for the tenant's unit may be decreased by the applicable amount, based on the information in the tenant's petition and the Board's files. Failure to file an objection may constitute a waiver of the right to a hearing on objections to the petition

(6) A hearing shall be held on the petition and objections thereto, in accordance with Regulation 1221, unless the landlord does not file objection within the time allowed, the tenant does not request a hearing and the hearing examiner determines that a decision may be rendered on the petition without hearing live testimony. Notwithstanding any other provision of these regulations, Board staff may, upon notice to all parties, request further documentation and/or schedule a hearing on the petition.

(C) The time limits set forth in this section will prevail over any other time limits set out elsewhere in these regulations.

[Amendments effective April 11, 1997, January 8, 2000; amended Sections (A)(3) and (B)(3) to make clear that petitioners need only file the petition and need not file two copies of the documentation required by Regulation 1201 – 9/19/19]

1210. Notices to Opposing Parties and Board

(A) Manner of Notice. Notice(s) to opposing parties shall be served by first-class or certified mail, email, or by personal service on the party or the party's representative of record. Personal service shall be performed according to state law. Notices to the Board shall include a proof of service that proper notice was given to the opposing parties, by means of a written declaration by the server under penalty of perjury, stating the names and addresses of parties served and the date and manner of such service, unless service was by email, in which case the parties served may be identified as the recipients in the email header.

(B) Notice after Petition Filed. The Board shall notify the opposing party(ies) of the filing of a petition and send each opposing party a response form that includes notice that the party has a right to object to the petition, a statement of possible objections, notice that the ~~party's~~ party's failure to object within the time specified may constitute a waiver of the right to have a hearing on objections to the petition, and a brief description of the hearing process.

(C) Other Notices. The Board shall send a copy of all notices, and parties shall send a copy of all documents or communications filed with the Board after the filing of the initial petition, except for documents or communications which are filed during the hearing or are confidential, to each party.

(D) Email. Where the Board or a party is required to serve a document under this Chapter, service may be affected by email delivery unless a party provides notice on a Board-approved form that it declines to receive service by email. A party may not decline to be served by email if the party uses email for serving documents.

[Amendment to section (B) effective January 8, 2000]

1242. **Appeal**

(A) Any party may appeal to the Board. On appeal, the Board may affirm, reverse, remand or modify the decision of the hearing examiner. The Board may conduct a new hearing or may act solely on the basis of the official record before the hearing examiner. The decision on appeal shall be the final decision of the Board, and the Board shall send a notice of the decision to all parties to the appeal, which shall include a statement of their right to judicial review. Decisions remanded to the hearing examiner shall be limited to instances where additional findings of fact are required.

(B) Any appeal shall be filed on a form provided by the Board no later than 30 days after receipt of the notice of the hearing examiner's decision. A party is presumed to receive the decision five (5) days after it is mailed. Appeals that are not timely filed shall be dismissed by legal staff without further Board review. A party may file an appeal to the executive director regarding legal staff's dismissal but must include good cause as to why the appeal was not timely filed. Such good cause may include, but is not limited to, the failure of a party to receive the notice of decision, the illness of a party, or other emergency which makes it impossible for a party to have timely filed. The executive director shall grant or deny the request to consider the late-filed appeal. Should the request be granted, the Board will consider the appeal according to the terms outlined by this regulation.

(C) The appeal must contain a statement of the specific grounds on which the appeal is based. The Board will not consider an appeal that fails to state any facts or arguments in support of the grounds alleged in the appeal. Except as provided in subdivision (F), no other documents in support of the appeal will be accepted after the appeal deadline unless specifically requested by the Board. The appeal shall be sent to the Board and opposing parties and their representative. Additionally, appellant(s) shall send a copy of the appeal to the hearing examiner whose decision is being appealed. The Board or staff may order that appeals relating to the same building or property, or different properties of the same landlord, be consolidated. The opposing party shall file any response to the appeal within 15 days from the date the appeal is filed.

(D) At the time of filing the appeal, appellant(s) shall pay an appeal fee in the amount of $100 for each unit for which an appeal is brought, up to a maximum of $500. The appeal fee may be waived in accordance with Regulation 1204.

(E) In accordance with the Constitution of the State of California, the hearing examiner's decision shall be stayed pending appeal. In its decision, the Board shall order the appropriate party to make retroactive payments over a reasonably appropriate period to restore the parties to the positions they would have occupied had the examiner's decision been the same as that of the Board or had not been stayed.

(F) The Board will consider appeals of hearing examiners' decisions. At least 14 days prior to the date set for Board action on the appeal, a staff report shall be prepared recommending that the decision of the hearing examiner be affirmed, modified, reversed or remanded to the examiner for further hearing. Staff may supplement the record by including matters of which the Board may take official notice, provided that the parties are notified of such matters at least 14 days prior to the date set for Board action. Any objection to a staff request for official notice shall be filed no later than six days prior to the date set for Board action.

(G) At least 14 days prior to the date set for Board action, all parties shall be notified ~~by mail~~ of the date, time and place set for Board action on the appeal. Copies of the staff recommendation shall be ~~mailed to~~ served on all parties and their representatives at least 14 days prior to the Board action. Copies of the official record and the staff recommendation shall be available for public review at the Public Information Unit of the Board at least 14 days prior to the date set for Board action. Parties may submit written comments to the Board up to 6 days prior to the Board action.

(H) At the Board meeting at which action on the appeals is scheduled, each party or their representative will be allowed seven minutes to address the Board at the beginning of the hearing in the following order: appellant for five minutes, respondent for seven minutes, appellant for two minutes.

(I) Unless the Board determines that a de novo hearing is required, the Board's decision will be based exclusively on the record before the hearing examiner. Parties shall be instructed not to discuss or comment upon factual matters or evidence that were not presented to the hearing examiner or officially noticed. Parties may discuss or comment upon the legal matters in question and any other pertinent issues raised by the appeal. The Board shall disregard any discussion or comment regarding factual matters that were not in the record before the hearing examiner or officially noticed. The vote of five Commissioners is required to affirm, modify, remand or reverse the decision of the hearing examiner. If the Board has not acted on the appeal at two consecutive Board meetings, the appeal is deemed denied.

(J) The Board's decision to affirm, modify, remand or reverse the decision of the hearing examiner shall be supported by written findings of fact and conclusions of law. When the Board votes to adopt the staff recommendation unchanged, the parties to the appeal will be notified only of the Board's decision. When the Board does not adopt the staff recommendation as written, a written decision of the Board shall be mailed to the parties or their representative of record.

(K) Continuances. Continuances of dates set for Board action on appeals shall be

granted by a majority of the Board or by the Director only for good cause shown. A written request and the reasons for it must be received by the Rent Stabilization Board at least 2 business days prior to the scheduled hearing, unless good cause is shown for later request. The written request must contain the reasons for the continuance, an explanation of what efforts were made to ascertain the position of the other parties regarding the request for a continuance, and mutually acceptable alternative dates. Copies of this written request must be sent immediately to all other parties and proof of service must accompany the written request filed with the Board.

(L) Reconsideration.

(1) At the discretion of the executive director or his or her designee, an appeal may be treated as a request for reconsideration and referred back to the hearing examiner for such reconsideration only if it is claimed by the appellant that:

(a) there was good cause for a failure to respond to a petition;

(b) there was good cause for a failure to appear at a settlement conference or hearing;

(c) he or she wishes to present relevant evidence that could not, with reasonable diligence, have been discovered and produced at the hearing; or

(d) the decision resulted from a clearly inaccurate application of the law; hearings staff discovered a problem with the record; the underlying legal standard upon which the decision is based changed before final disposition of the case, including matters subject to a pending petition for writ of administrative mandamus; or any other reason the case should be remanded for reconsideration for administrative efficiency.

(2) In the event that reconsideration under subsection (L)(1) is ordered, the parties will be so notified within 60 days of the filing of the appeal and, thereafter, all correspondence shall be directed to the hearing examiner. The threshold issue on reconsideration shall be whether a preponderance of the evidence supports the assertion that good cause existed for the failure to respond to a petition or to appear at a settlement conference or hearing or that the newly offered evidence could not, with reasonable diligence, have been discovered and produced at the hearing. Only if good cause for the failure is found, may the hearing examiner reconsider the merits of the petition.

(3) If the matter is reconsidered by the hearing examiner and the appellant

does not then wish to appeal the new decision, the appellant may, within 30 days of receipt of the decision after reconsideration, request refund of the appeal filing fee and, upon such timely request, the filing fee shall be refunded. If the appellant wishes to contest the decision following reconsideration, he or she may file a supplemental appeal, so stating within 30 days after receipt of the decision after reconsideration. No filing fee shall be required for such supplemental appeal. Any other party may also appeal the decision after reconsideration within 30 days after its receipt.

[Amended Regulation 1242 effective April 9, 1993; Amended subdivisions B, D, E, G & H August 5, 2002; Amended Section (B) to redefine procedures for appeals that are not timely filed, Updated Appeal Fee, added subdivision (d) to new Section (L) to include several other reasons cases may be remanded, and increased the time legal staff has to notify parties of remand for reconsideration (amended on January 22, 2018).]

Commissioner Attendance at Rent Stabilization Board Meetings
Through Q4 of 2025

2025	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Alfred TWU	Dominique WALKER
January 16	Present	Present	Present	Present	Present	Present	Absent*	Present	Present
February 20	Present	Present	Absent*	Present	Present	Present	Present	Present	Present
March 20	Present	Present	Present	Present	Absent*	Present	Present	Present	Absent*
April 17	Present	Present	Present	Present	Present	Present	Present	Present	Present
May 15	Present	Present	Present	Present	Present	Absent*	Present	Present	Present
June 19	Present	Present	Present	Present	Present	Present	Present	Present	Present
July 17	Present	Present	Present	Present	Present	Present	Present	Present	Absent*
August 21 (Cancelled)	NA	NA	NA	NA	NA	NA	NA	NA	NA
September 18	Present	Present	Present	Present	Present	Present	Present	Present	Present
October 10 (Special Meeting)	Present	Present	Absent	Present	Present	Present	Present	Present	Absent
October 16	Present	Present	Present	Present	Present	Present	Absent*	Present	Present
November 20	Present	Present	Present	Present	Present	Present	Present	Present	Present
December 18	Present	Present	Present	Present	Present	Present	Absent*	Present	Absent*
Red = absent without notice									

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

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

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Alfred TWU	Dominique WALKER
Budget & Personnel									
Tuesday, February 18, 2025	Present			Present			Present		Present
Tuesday, March 11, 2025	Present			Present			Present		Absent
Climate Resilience & Habitability									
This Committee did not meet this quarter.									
Eviction / Section 8 / Foreclosure									
This Committee did not meet this quarter.									
LIRA									
Thursday, March 6, 2025	Present	Present				Present	Present		
Outreach									
Monday, February 10, 2025				Present	Present	Present		Present	
Monday, March 10, 2025				Present	Present	Present		Present	
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
This Committee did not meet this quarter.									
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									
Monday, March 3, 2025	Present				Present				

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

= Not a member of this Committee at this time

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

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Alfred TWU	Dominique WALKER
Budget & Personnel									
Thursday May 1, 2025	Present			Present			Present		Present
Tuesday, June 3, 2025	Present			Present			Present		Present
Climate Resilience Committee									
Monday, May 5, 2025					Present	Present		Present	Present
Eviction / Section 8 / Foreclosure									
Tuesday, May 13, 2025		Present	Present				Present		
LIRA									
Thursday April 10, 2025	Present	Present				Present	Present		
Thursday May 8, 2025	Present	Present				Present	Present		
Outreach									
Monday, May 12, 2025 - CANCELLED									
Monday, June 9, 2025				Absent	Present	Present		Present	
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
Friday, May 16, 2025	Present		Present		Absent			Present	
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									
Monday, May 5, 2025 - CANCELLED									

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

= Not a member of this Committee at this time

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

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Alfred TWU	Dominique WALKER
Budget & Personnel									
Climate Resilience Committee									
Eviction / Section 8 / Foreclosure									
Tuesday, July 8, 2025		Present	Present				Present		
Tuesday, Septemeber 9, 2025		Present	Present				Present		
LIRA									
Tuesday, July 22, 2025	Present	Present				Absent	Present		
Outreach									
Monday, July 14, 2025				Present	Present	Present		Present	
Monday, September 8, 2025				Present	Absent	Present		Present	
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									
Monday, September 29, 2025	Present				Present				

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

= Not a member of this Committee at this time

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

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Alfred TWU	Dominique WALKER
Ad Hoc									
Monday, October 27, 2025	Present	Present						Present	
Wednesday, November 19, 2025	Present	Present						Present	
Budget & Personnel									
Thursday, October 30, 2025	Present			Present			Present		Present
Tuesday, December 2, 2025	Present			Present			Present		Present
Climate Resilience & Habitability									
Thursday, October 2nd - No Quorum									
Eviction / Section 8 / Foreclosure									
LIRA									
Thursday, October 9, 2025	Present	Present				Present	Present		
Wednesday, December 3, 2025	Present	Present				Present	Present		
Outreach									
Friday, November 7, 2025				Present	Present	Present		Present	
Thursday, December 4, 2025				Present	Present	Present		Present	
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
Friday, November 7, 2025	Present		Present		Present			Present	
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									

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

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Alfred TWU	Dominique WALKER

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

= Not a member of this Committee at this time

BERKELEY RENT BOARD

BUDGET & PERSONNEL COMMITTEE MEETING

Tuesday, January 20, 2026 – 5:30 p.m.

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

Public Participation

This meeting will be conducted in a hybrid model with both in-person and remote participation, and 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.

To access this meeting by Zoom

Join from a PC, Mac, iPad, iPhone, or Android device. If you do not want your name to appear on the screen, 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, enter Webinar ID: 884 9595 0189 and Passcode: 292265. To comment during the public comment part of the agenda, Press *9 and wait to be recognized by the Committee Chair.

Email comments

Email comments must be submitted to DeWilliams@berkeleyca.gov **by 3:30 p.m.** on the day of the meeting in order to be considered by the Committee and included in the public record. Format your subject line: “PUBLIC COMMENT ITEM FOR BUDGET & PERSONNEL COMMITTEE.” Please observe a 150-word limit. Time limits on public comments will apply.

Decorum

All rules of procedure and decorum apply for both in-person attendees and those participating remotely. Attendees at public meetings are reminded that other attendees may be sensitive to various scents. Please help the City respect these needs.

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AGENDA: BUDGET & PERSONNEL COMMITTEE MEETING

Tuesday, January 20, 2026 – 5:30 p.m.

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

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 December 2, 2025, meeting minutes (attached to agenda)

6. FY 26/27 Fee Model Discussion. Presentation (Finance Director)

7. Update on Project Data System -RFP. Verbal (Executive Director)

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.

BERKELEY RENT BOARD

BUDGET & PERSONNEL COMMITTEE MEETING

Tuesday, February 3, 2026 – 5:30 p.m.

Berkeley Rent Board Conference Room B – 2000 Center Street, Ste. 400 (4th floor), Berkeley, CA

Public Participation

This meeting will be conducted in a hybrid model with both in-person and remote participation, and 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.

To access this meeting by Zoom

Join from a PC, Mac, iPad, iPhone, or Android device. If you do not want your name to appear on the screen, 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, enter Webinar ID: 896 0781 0748 and Passcode: 258694. To comment during the public comment part of the agenda, Press *9 and wait to be recognized by the Committee Chair.

Email comments

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Decorum

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AGENDA: BUDGET & PERSONNEL COMMITTEE MEETING

Tuesday, February 3, 2026 – 5:30 p.m.

Berkeley Rent Board Conference Room B – 2000 Center Street, Ste. 400 (4th floor), Berkeley, CA

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 January 20, 2026, meeting minutes (attached to agenda)
6. FY 26/27 Fee Model Discussion. Presentation (Finance Director)
7. Discussion and possible action to set Fiscal Year 2027 Registration Fee. Report attached (Finance Director)
8. Discussion and possible action to recommend a Rent Board Operating Reserve Policy (Executive Director) Report attached
9. Update on Project Data System RFP - Verbal (Executive Director)
10. Future agenda items
11. Discussion and possible action to set the next meeting
12. Adjournment

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

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

BERKELEY
RENT BOARD

OUTREACH COMMITTEE MEETING

Wednesday, January 28, 2026 – 6:30 p.m.

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

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

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To join by phone
Dial 1-669-900-6833, enter Webinar ID: 817 7083 4077 and Passcode: 936805. To comment during the public comment part of the agenda, Press *9 and wait to be recognized by the Committee Chair.

Email comments
Email comments must be submitted to corozco@berkeleyca.gov **by 4:30 p.m.** on the day of the meeting in order to be considered by the Committee and included in the public record. Format your subject line: “PUBLIC COMMENT ITEM FOR OUTREACH COMMITTEE.” Please observe a 150-word limit. Time limits on public comments will apply.

Decorum
All rules of procedure and decorum apply for both in-person attendees and those participating remotely. Attendees at public meetings are reminded that other attendees may be sensitive to various scents. Please help the City respect these needs.

Communications 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.

AGENDA: OUTREACH COMMITTEE MEETING

Wednesday, January 28, 2026 – 6:30 p.m.

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

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 Amended December 4, 2025 Minutes, and January 9, 2026 Minutes (5 min.)
   (See attached these minutes including previously approved December 4, 2025, Meeting Minutes)

5. Public Comment (5 min.)

6. Rent Board Outreach Staff Report (10 min.)

7. Recommendation to adopt Resolution *Advancing Justice: Ensuring Access and Inclusion for All* (15min.)
   (See attached report along with staff analysis)

8. Discussion and possible action of a Recommendation of Rent Board Language Access Policy (15min.)
   (See attached report along with staff analysis including cost)

9. Next Meeting Date – February 25, 2026 (2 min.)

10. Future Agenda Items (3 min.)

11. Adjournment (2 min.)

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

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

City Council/Rent Board

4 X 4 JOINT TASK FORCE ON HOUSING

CITY COUNCIL/RENT BOARD

Friday, January 23, 2026 – 11:00 a.m.

2180 Milvia Street, 1st floor, Cypress Room, Berkeley, CA

Public participation

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

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To join by phone

Dial 1-669-254-5252, enter Webinar ID: 161 785 7476 and Passcode: 456921. To comment during the public comment part of the agenda, Press *9 and wait to be recognized by the Committee Chair.

Email comments

Email comments must be submitted to HKim@berkeleyca.gov **by 9:00 a.m.** on the day of the meeting in order to be considered by the Committee and included in the public record. Format your subject line: “PUBLIC COMMENT ITEM FOR 4x4 COMMITTEE.” Please observe a 150-word limit. Time limits on public comments will apply.

Decorum

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Communications access information

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City Council/Rent Board

AGENDA: 4 X 4 JOINT TASKFORCE ON HOUSING
CITY COUNCIL/RENT BOARD
Friday, January 23, 2026 – 11:00 a.m.
2180 Milvia Street, 1st floor, Cypress Room, Berkeley, CA

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. Non-agenda public comment

5. Approval of November 7, 2025 meeting minutes

6. Discussion and possible recommendations on removing on-site manager exemption loophole for certain muti-family properties that are adjacent and/or share the same common area (requested by Councilmember Tregub)

    a. Agenda materials attached

7. Discussion and possible recommendation on additional fees imposed on partially covered units (requested by Chair Alpert)

8. Discussion and possible recommendations on potential resolution supporting Minneapolis City Council in instating a temporary eviction moratorium (requested by Co-Chairs Alpert and Lunaparra)

9. Discussions of possible future agenda items

    a. Proactive Housing Standards Enforcement

b. Non-profit affordable housing providers eviction patterns

c. City of Berkeley ICE employees hiring policy

10. Confirm next meeting date/set regular meeting date

11. Adjournment

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 Alfred Twu

Item 5.

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

Friday, November 7, 2025 – 3:00 p.m.
2000 Center Street, 4th Floor, Conference Room, Berkeley, CA

Minutes to be Approved

1. Roll call: RB Chair Alpert called the meeting to order at 3:10 p.m.
   Present: RB Chair Alpert, RBC Johnson, CM Lunaparra, RBC Marrero, CM Tregub, RBC Twu.
   Absent: CM Bartlett, CM Blackaby.
   Staff present: Bolotina, Brown, A. Chang, J. Chang, Ehlinger, Fabish, Gottlieb, Kim, 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 played aloud.

3. Approval of Agenda: M/S/C (Twu/Johnson) Approve the agenda as written. Voice vote. Carried: 6-0-0-2. ABSENT: Blackaby, Bartlett.

4. Non-agenda Public Comment: None.

5. Approval of May 16, 2025, Committee Meeting Minutes: M/S/C (Alpert/Tregub) Approve the minutes as written. Voice vote. Carried: 6-0-0-2. ABSENT: Blackaby, Bartlett.

6. Discussion and possible action regarding possible options to protect tenants related to federal funding, immigration, and natural disasters. (Requested by Co-Chairs Alpert and Lunaparra): M/S/C (Tregub/Marrero) Request that City staff and Rent Board staff explore a state of emergency declaration and legal options for protecting tenants related to the federal government shut down and ongoing immigration actions. Roll call vote. YES: Alpert, Johnson, Lunaparra, Marrero, Tregub, Twu; NO: None; ABSTAIN: None; ABSENT: Blackaby, Bartlett. Carried: 6-0-0-2.

7. Discussion and possible action for cooling standards. (Requested by Commissioner Twu): Commissioner Twu will prepare a written item, and CM Lunaparra's office will request Planning Department staff attend the next meeting to provide feedback.

8. Update on the status of the Right to Organize efforts. (Requested by Co-Chair Lunaparra): Avery Arbaugh of the Tenant Right to Organize Task Force presented and took questions from the committee.

9. Discussion of possible future agenda items: Commissioner Tregub requested that the committee take up a prior proposal related to loopholes for property managers.

    a. Eviction practices by non-profit affordable housing providers
    b. Proactive Housing Standards Enforcement

10. Confirm next meeting date/set regular meeting date: The next meeting is tentatively scheduled for January 23, 2026.

11. Adjournment: M/S/C (Tregub/Johnson) Adjourn the meeting. Voice vote. Carried: 6-0-0-2. ABSENT: Blackaby, Bartlett. The meeting adjourned at 4:33 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 Alfred Twu

Internal

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)

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7140 ● E-Mail: *itregub@berkeleyca.gov*

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.

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

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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.

CONTACT PERSON

Igor Tregub, Councilmember District 4

Olga Bolotina, Chief of Staff, Council District 4

Phone: 510-981-7140

Email: ITregub@Berkeleyca.gov

OBolotina@Berkeleyca.gov