



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, April 21, 2022
7:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and City of Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the **Rent Board** will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. **Therefore, there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/85958143310?pwd=b01BUHRCV3NjM1M2aXpYeGo0dndhZz09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-408-638-0968 and enter Meeting ID: 859 5814 3310 and Passcode: 803311. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit an e-mail comment, email amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

Please be mindful that this meeting will be recorded, and all other rules of procedure and decorum will apply for Rent Board meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

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Minutes – Approved

1. **Roll call** – The Chair called the meeting to order at 7:03 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang (logged on at 7:42 p.m.) Johnson, Kelley, Laverde (logged on at 7:05 p.m.), Mendonca, Selawsky, Walker, Simon-Weisberg
Absent: None
Staff present: Brown, Bursell, Dahl, Mueller, Siegel, Williams

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

The land acknowledgement statement was played aloud.

3. **Introduction of recently-hired Rent Board staff** – Public Information Unit Manager Nate Dahl introduced himself and shared his background.

4. **Approval of Agenda**

M/S/C (Kelley/Alpert) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES:
MOVE ACTION ITEMS 8.a., 8.b., 8.c. AND 8.d. TO CONSENT. Roll call vote.
YES: Alpert, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg;
NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.

5. **Public Comment** – *non*-agendized items. There were no speakers.

6. **Public Comment** – items on the agenda. There were no speakers.

7. CONSENT ITEMS

Items 8.a., 8.b., 8.c. and 8.d. were moved to Consent by a prior vote of the Board.

- a. Approval of the March 17, 2022 regular meeting minutes
- b. Approval of the April 11, 2022 special meeting minutes
- c. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit staff)

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
--	900 BANCROFT WAY
--	2016 9th ST
--	3028 DEAKIN ST
--	1402/1398 CURTIS ST
--	1909 9TH ST
--	1301 BONITA AVE UNIT 1

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
None	1513 WOOLSEY ST
5021	1235 CARRISON ST

M/S/C (Selawsky/Johnson) APPROVE ALL CONSENT ITEMS, INCLUDING ITEMS 8.a., 8.b., 8.c. AND 8.d. AS WRITTEN. Roll call vote. YES: Alpert, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.

8. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

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

- a. Recommendation to adopt Resolution 22-06 setting the Annual Registration Fee for fully-covered rental units for Fiscal Year (FY) 2022-2023, due on July 1, 2022 (Budget & Personnel Committee) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.
- b. Recommendation to adopt Resolutions 22-07 and 22-08 setting the Annual Registration Fee for rental units subject to Measure MM registration requirements for FY 2022-2023, and setting a lower per-unit Annual Registration Fee for Measure MM units in affordable housing projects, both due on July 1, 2022 (Budget & Personnel

Committee) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

- c. Recommendation to adopt Resolution 22-09 setting the Summer Rental Registration Fee for qualifying sororities and fraternities (Budget & Personnel Committee) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.
- d. Recommendation to adopt Resolution 22-10 authorizing the pass-through of a portion of the FY 2022-2023 Annual Registration Fee for fully-covered rental units to certain tenants (Budget & Personnel Committee) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

9. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

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

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

- a. Update on remote meeting possibilities for future public meetings – *Verbal* (General Counsel) – General Counsel Brown updated the Board on the status of legislation related to public meetings held during the COVID-19 State of Emergency, as well as Council’s actions and the Board’s options.
- b. Update on City Manager’s communication regarding more staff returning to onsite work the week of May 9, 2022 – *Verbal* (Executive Director) – Executive Director Williams updated the Board on preparations for more staff returning to the office on May 9th.
- c. Update on the City’s Website Reinvention Project timeline and the Rent Board’s content migration – *Verbal* (Executive Director/Board Secretary) – The Board Secretary informed the Board that April 29th launch date for the City’s new website appears to be firm. Until the new site launches, Rent Board staff will be maintaining the current site and the new site on two different platforms.
- d. Copy of March 21, 2022 Compliance Notice mailing to owners of selected Measure MM units (Executive Director)
- e. Copy of April 11, 2022 letter conveying the Board’s position on Assembly Bill 2386 (Bloom) Planning and zoning: tenancy in common subject to an exclusive occupancy agreement (Chair Simon-Weisberg)
- f. Copy of April 11, 2022 letter conveying the Board’s position on Assembly Bill 2469 (Wicks) Housing: Statewide Rental Registry (Chair Simon-Weisberg)

- g. Commissioner attendance at Board and Committee meetings updated through the 1st quarter of 2022 (Board Secretary)
- h. Date to submit agenda topics/items for May's regular Rent Board meeting: **Monday, May 9th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Chang, Chair) – Committee Chair Chang said the Committee has worked on setting registration fees and staffing.

Next regularly-scheduled meeting: Tuesday, May 10th at 5:00 p.m.

March 29th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – Committee Chair Mendonca said Anne Omura of the Eviction Defense Center (EDC) gave the Committee an update on the status of eviction cases. The Committee would like EDC and the East Bay Community Law Center to present to the full Board.

Next regularly-scheduled meeting: Thursday, April 28th at 5:30 p.m.

March 24th agenda

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley said that most of the Committee's work has already come before the Board. There may be additional items related to amendments to the Rent Ordinance.

Next regularly-scheduled meeting: TBA

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reported the Committee discussed social media and the status of the tenant survey.

Next regularly-scheduled meeting: Wednesday, April 20th at 5:15 p.m.

April 20th agenda

- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA)

Regularly-scheduled meeting date: TBA

- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg reported on the Committee's actions regarding the Demolition Ordinance. (Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)

Next regularly-scheduled meeting: Monday, April 18th at 3:00 p.m.

April 18th agenda packet

- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair)
Next meeting date: TBA
- h. Ad Hoc Committee on the Status of Virtual Meetings (Chair TBA)
Next meeting date: TBA
- i. Updates and Announcements – Commissioners announced the following: May 9th Fair Chance Ordinance Webinar for Housing Providers; Friends of Adeline are sponsoring the “Health is Wealth” Fair at this Saturday’s Ashby Flea Market where the month’s theme is housing.
- j. Discussion of items for possible placement on future agenda

11. ADJOURNMENT

M/S/C (Laverde/Mendonca) ADJOURN IN HONOR OF THE HISTORIC APPOINTMENT OF KETANJI BROWN JACKSON TO THE SUPREME COURT. Roll call vote.

YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The meeting adjourned at 8:16 p.m.