



RENT STABILIZATION BOARD
Regular Meeting
Thursday, January 16, 2025 – 6:30 p.m.
School District Board Room – 1231 Addison Street, Berkeley, CA

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/82670190040?pwd=HSb6sizSBP3v3psGZbSVHCeT00spvE.1>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 826 7019 0040 and Passcode: 633275. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit a written communication for the Board's consideration and inclusion in the public record, please email amueller@berkeleyca.gov with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 3:30 p.m. on the day of the meeting in order to be included.**

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

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



COMMUNICATION ACCESS INFORMATION:

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

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

RENT STABILIZATION BOARD

Regular Meeting

Thursday, January 16, 2025

6:30 p.m.

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

Minutes - *Approved*

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

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

2. **Approval of Agenda**

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

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

ALAN WOFYSY & ASSOCIATES, a California corporation (dba Hearst Commons), on behalf of itself and all others similarly situated VS. BERKELEY RENT STABILIZATION BOARD (Alameda County Superior Court Case No. 23CV043503)

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

4. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun- (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this uncended stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws

regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

The Land Acknowledgement Statement was played aloud.

5. **Introduction of new Rent Board Staff:** Katrina Lapira and Desireé Oliver – New Associate Planner Katrina Lapira and Executive Administrative Staff Assistant Desireé Oliver introduced themselves to the Board.
6. **Public Comment** – There were no speakers.
7. **Public Comment for Unions representing Rent Board staff** – There were no speakers.
8. **Special Presentation:** *Finance 365*
Presenter: Shamika Cole, Rent Board Finance Director

Rent Board Finance Director Shamika Cole presented and took comments from the Board.
9. **Special Presentation:** *Amendments to the Rent Stabilization Ordinance in Measure BB*
Presenters: Rent Board Legal Unit

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

10. **CONSENT ITEMS**

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

- a. Approval of the December 19th regular meeting minutes
- b. Recommendation to adopt substantive changes to the following existing Regulations to incorporate Rent Ordinance amendments from Measure BB: 801 [Proper Filing of the Rent Registration Statement], 1000 [Base Rent Determination for Previously Exempted Units], 1012 [Separate Agreements], and 1269 [Change in Space or Services] – All Second Reading (General Counsel)
- c. Recommendation to adopt the following new Regulations to incorporate Rent Ordinance amendments from Measure BB: 410 [Government-subsidized Rental Units], 411 [Property Management Company; definition], and 1209.5 [Parties in a Petition Subject to a Tenant-based Government Subsidy] – All Second Reading (General Counsel) – MOVED TO ACTION BY A PRIOR VOTE OF THE BOARD.
- d. Recommendation to repeal Regulation 807 [Exemption from Registration for units with tenants receiving monthly assistance through the Section 8 Program or

the Shelter Plus Care Program or equivalent rent subsidy program] – *Second Reading* (General Counsel)

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

Ministerial Waivers

Property Address

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

Discretionary Waivers

Waiver No. Property Address

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

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

11. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board's vote on each action item listed below – There were no speakers.

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

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

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

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

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

Commissioners stated their availability as follows:

Kelley: Not available in June

Johnson: Not available in February

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

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

12. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

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

- a. Commissioner attendance records for Board and Committee meetings updated through December 2024 (Board Secretary)
- b. Deadline to submit agenda items/topics for the February regular Rent Board meeting: **Friday, February 7th by 5:00 p.m.** (Board Secretary)

13. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair)
Next regularly-scheduled meeting: To Be Announced (TBA)

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

14. Adjournment

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