



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, July 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/81553526289?pwd=SjJQbVVRWG5RMFNzdy9qdTFzLy91UT09>. 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 Meeting ID: 815 5352 6289 and Passcode: 247686. 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, send it to 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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Regular Meeting Minutes - *Approved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:06 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg
Commissioners absent: Mendonca
Staff present: Brown, Dahl, Eberhart, Kim, Mueller, Williams

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

The land acknowledgement statement was played aloud.

3. **Approval of Agenda**

M/S/C (Alpert/Selawsky) APPROVE THE AGENDA WITH THE FOLLOWING CHANGE: MOVE ACTION ITEM 9.a. TO CONSENT. ***Friendly amendment by Simon-Weisberg (approved):*** MOVE ACTION ITEM 9.b. TO CONSENT. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

M/S/C (Simon-Weisberg/Kelley) RECONSIDER VOTE ON APPROVAL OF THE AGENDA AND MOVE CONSENT ITEM 8.b. TO ACTION. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

4. **Introduction of recently-hired Rent Board staff** – Recently-hired staff attorneys Hannah Kim and Oliver Ehlinger (who begins work at the Rent Board on July 25, 2022) introduced themselves and were welcomed by the Board.
5. **Public Comment** – *non*-agendized items. Moni T. Law spoke about her role as a Rent Board housing counselor and the accomplishments of her fellow housing counselors.
6. **Public Comment** – items on the agenda. David Korman spoke about his waiver request.
7. **APPEAL** – Case No. E-99 (1146-1160 Hearst Avenue)

Appearances: Alan Wofsy on behalf of Appellant.

M/S/C (Alpert/Johnson) UPHOLD THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

8. **CONSENT ITEMS**

Consent item 8.b was moved to action, and action items 9.a. and 9.b. were moved to consent by an earlier vote of the board.

- a. Approval of the June 16, 2022 regular meeting minutes

M/S/C (Selawsky/Kelley) APPROVE ITEMS 8.a., 9.a.. AND 9.b. AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

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

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
	66 MENLO
	2116 ROOSEVELT
	2398 BANCROFT WAY
	1411 SPRUCE
	2958 HILLEGASS
	2313 6TH STREET
	1437 VIRGINIA
	1767 EUCLID #6
	2022 EMERSON
	2530 DWIGHT
	2112 MCKINLEY #C

1620 MILVIA ST
1717 BLAKE
1641 ALLSTON WAY
2711 FOREST AVE
1323 SANTA FE
2422 BONAR
1221 CURTIS
1523 PRINCE ST
1921 HARMON
367 VASSAR
2326 LE CONTE
2215 MARIN AVE
3205 CALIFORNIA ST
1659 JULIA
2325 ROOSEVELT
2218 ASHBY AVE
1916 CEDAR
1614 FRANCISCO
2335 RUSSELL
2636 WARRING ST
2724 GARBER
2711 CALIFORNIA
1919A RUSSELL
2734 MILVIA
1009 KEITH
2021 HEARST

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
W5031	3025 DEAKIN
W5032	2112 VIRGINIA
W5033	2721 CHANNING
W5034	1240 ORDWAY
W5035	1203 SHATTUCK #B
W5036	1655 BELVEDERE
W5037	1204 EVELYN AVE
W5038	2383 VIRGINIA ST
W5039	2204 MCGEE
W5040	2644 DWIGHT
W5041	1612 PARKER
W5042	1636 MLK JR WAY
W5043	1780 SPRUCE
W5044	2501 HILGARD
W5045	2733, 2727 & 2729 STUART

W5046 1602 ASHBY
W5047 1449 CEDAR
W5048 1350 ACTON

ITEM 8.b. WAS MOVED TO ACTION BY AN EARLIER VOTE OF THE BOARD.

9. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Consent item 8.b was moved to action by a prior vote of the Board.

M/S/C (Alpert/Laverde) APPROVE THE STAFF RECOMMENDATION FOR ALL WAIVERS. ***Friendly amendment by Kelley (approved):*** REMOVE THE MINISTERIAL WAIVER FOR 2325 ROOSEVELT FROM THIS ITEM AND REMAND TO STAFF AS A DISCRETIONARY WAIVER. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Simon-Weisberg; NO: Walker; ABSTAIN: None; ABSENT: Mendonca. Carried: 7-1-0-1.

Action items 9.a. and 9.b. were moved to Consent by a prior vote of the Board.

- a. Recommendation to adopt Resolution 22-21 to establish a COVID-19 and one-time Administrative Correction Cycle amnesty period of 90 days for fully covered and Measure MM units to automatically waive penalties associated with late payment of Registration Fees for those landlords that were not able to pay the fees due to financial hardship associated with COVID-19 or the requirement of an administrative correction (Budget & Personnel Committee and Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- b. Discussion and possible action to amend the Board’s 2022 Regular Meeting Schedule by canceling the regular meeting scheduled for August 18, 2022 (Chair Simon-Weisberg) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

10. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

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

- a. Update on the Tenant Survey project – *Verbal* (Executive Director) – Public Information Unit Manager Nate Dahl updated the Board on the status of the project and shared some of the proposed survey questions.

- b. 2022-2023 Year Over Year Registration Fee Collection Comparison report (Executive Director/Registration Unit Manager) – Registration Unit Manager Amanda Eberhart provided an overview.
- c. Updated Commissioner attendance at Board and Committee meetings through the 2nd quarter of 2022 (Board Secretary)
- d. Updated Appendix B of Rent Board Regulations, Chapter 12 (Executive Director)
- e. Updated Appendix C of Rent Board Regulations, Chapter 12 (Executive Director)
- f. June 2022 report by the *Tech, Bias, and Housing Initiative* titled, “Sold to the Highest Bidder – How Tech is Cashing in on the American Dream” (Chair Simon-Weisberg)
- g. July 13, 2022 *California Department of Justice Division of Law Enforcement Information Bulletin*: “Protecting Tenants Against Unlawful Lockouts and Other “Self-Help Evictions” (Chair Simon-Weisberg)
- h. Date to submit agenda topics/items for September’s regular Rent Board meeting: **Friday, September 2nd at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Chang, Chair) – Commissioner Chang thanked the Committee and staff for bringing the late registration fee penalty amnesty period item voted on by the Board tonight.

Next regularly-scheduled meeting: Monday, Sept. 12th at 5:30 p.m.

July 12th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – Commissioner Selawsky mentioned the upcoming meeting date.

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

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley mentioned that proposed ballot measures related to amending the Rent Ordinance are being considered by Council at its July 28th meeting.

Next regularly-scheduled meeting: TBA

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reviewed the Committee’s work on the tenant survey.

Next regularly-scheduled meeting: Wednesday, August 10th at 5:30 p.m.

July 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 Task Force Committee on Housing: City Council/Rent Board (Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs) – Chair Simon-Weisberg provided an update on the committee’s habitability plan discussion, and thanked staff for their research.

Next regularly-scheduled meeting: Wednesday, Sept. 28th at 3:00 p.m.

July 12th 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) – Chair Simon-Weisberg dissolved this committee and transferred its purview to the Outreach Committee.
Next meeting date: TBA
- i. Updates and Announcements – Commissioner Laverde invited Commissioners and the public to visit the Rent Board’s tent at National Night Out in August, and Solano Stroll in November.
- j. Discussion of items for possible placement on future agenda

12. ADJOURNMENT

M/S/C (Laverde/Alpert) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

The meeting adjourned at 8:54 p.m.