



**RENT STABILIZATION BOARD
Regular Meeting**

Thursday, April 20, 2023 – 6:30 p.m.

School District Board Room – 1231 Addison Street, Berkeley, CA 94702

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/86985625124?pwd=UXJZMjRwM3FXQkJOSSWMrTzhJYjhnQT09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-444-9171 and enter Webinar ID: 869 8562 5124 and Passcode: 917780. 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@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 4:30 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, 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 (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.

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Regular Meeting

Thursday, April 20, 2023

6:30 p.m.

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Minutes - *Approved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 6:33 p.m.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg
Staff present: Bethany, Brown, Bursell, Cole, Dahl, Eberhart, Ehlinger, Mueller, Williams
2. **CLOSED SESSION** – Pursuant to California Government Code Section 54956.9(a), the Board convened in closed session for an update on litigation:

Athan Magganas and Maxaco, LLC v. City of Berkeley Rent Stabilization Board
(Alameda County Superior Court Case #22CV011758)

Potential litigation: *Alan Wofsy & Associates, a California corporation (dba Hearst Commons), on behalf of itself and all others similarly situated v. City of Berkeley Rent Stabilization Board* (unfiled)

Williams, et al. v. Alameda County, Alameda County Board of Supervisors, City of Oakland, Oakland City Council (United States District Court for the Northern District of California Case # 3:22-cv-01274-LB) – amicus brief

Upon return from closed session, the Chair announced that the Board approved a motion to begin prelitigation in the *Alan Wofsy & Associates, a California corporation (dba Hearst Commons), on behalf of itself and all others similarly situated v. City of Berkeley Rent Stabilization Board* case. No other reportable action was taken.

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 Statement was read aloud.

4. Approval of Agenda

M/S/C (Kelley/Alpert) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEMS 9.c. AND 9.d. TO CONSENT. Voice vote. Carried: 9-0-0-0.

5. Introduction of Rent Board staff: Shamika Cole and Kaleia Bethany introduced themselves to the Commissioners.

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

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

8. CONSENT ITEMS

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

- a. Approval of the March 16th regular meeting and public hearing minutes
- b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

893 NEILSON
1230 BURNETT
1305 KAINS
455 ARLINGTON
1136-1138 KEELER
1737 PARKER
2303-2309 CALIFORNIA
1505-1507 DERBY
1767 EUCLID #1
2217 8TH ST
1560 SCENIC

Discretionary Waivers

Waiver No. Property Address

W5079 2225 8TH

W5080 2601 COLLEGE AVE #203
W5081 2304 DERBY

M/S/C (Alpert/Johnson) APPROVE ALL CONSENT ITEMS AS WRITTEN, INCLUDING ACTION ITEMS 9.c. AND 9.d. Voice vote. Carried: 9-0-0-0.

9. 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.

Action items 9.c. and 9.d. were moved to consent by a prior vote of the Board.

- a. Chair Update (Chair Simon-Weisberg) – No update.
- b. Special presentation on housing legislation by Brian Augusta, Rent Board Legislative Advocate – Mr. Augusta presented and took questions from the Board.
 - (1) State Legislative Report with discussion and possible Board action regarding several state legislative bills

M/S/C (Kelley/Marrero) SEND A LETTER OF SUPPORT FOR THE FOLLOWING BILLS: ASSEMBLY BILL (AB) 846 (BONTA), SUPPORT RENT INCREASE CAP FOR LOW-INCOME HOUSING TAX CREDIT PROPERTIES FOR INCREASES OF UP TO 3%; SENATE BILL (SB) 712 (PORTANTINO), PROVIDED THAT THERE ARE NO ADDITIONAL STORAGE CHARGES; SB 567 (DURAZO); SB 594 (DURAZO); SB 569 (GLAZER); AND AB 1620 (ZBUR). Voice vote. Carried: 9-0-0-0.

- c. Recommendation to adopt Resolution 23-10 authorizing the pass-through of a portion of the Fiscal Year 2023-2024 registration fee for fully-controlled rental units to certain tenants (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- d. Recommendation to adopt Resolution 23-11 authorizing the Executive Director to increase the purchase order with ACRO Service Corporation by an additional amount not to exceed \$40,000 for full-time temporary support for administrative tasks related to changes to the Eviction Moratorium (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- e. Recommendation to adopt proposed amendments to Regulations 883 and 884 to streamline the waiver process – *First reading* (LIRA Committee)

M/S/C (Mizell/Kelley) ADOPT THE PROPOSED AMENDMENTS TO

REGULATIONS 883 AND 884 AS WRITTEN. Voice vote. Carried: 9-0-0-0.

- f. Update and possible action on the waiver recommendation for Discretionary Waiver Number W5078 for 1951 Chestnut Street (Registration Unit Manager)

M/S/C (Simon-Weisberg/Kelley) ADOPT THE STAFF RECOMMENDATION FOR WAIVER W5078. Voice vote. Carried: 9-0-0-0.

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 COMMENTS.**

- a. Eviction Moratorium Communication Plan update (Website, Tenant/Landlord mailing/Workshop) – *Verbal* (Executive Director)
- b. Updated Commissioner attendance at Board and Committee meetings, including unanticipated remote participation, through the 1st quarter of 2023 (Board Secretary)
- c. Date to submit agenda topics/items for May’s regular Rent Board meeting: **Monday, May 8th by 5:00 p.m.** (Board Secretary)

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker did not have an update, but mentioned the next meeting date. Next regularly-scheduled meeting: Thursday, May 4th at 5:30 p.m.
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand reported that the Committee adopted its workplan. Next regularly-scheduled meeting: Tuesday, June 13th at 6:00 p.m.

April 11th agenda

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley mentioned the regulation changes passed on first reading earlier, and said that the Committee will be looking at legislative and Ordinance improvements. Next regularly-scheduled meeting: Tuesday, May 2nd at 5:30 p.m.

April 3rd agenda

- d. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert discussed the eviction moratorium outreach plan, and said the Committee is

expecting an update on the tenant survey results and will further discuss tracking and metrics.

Next regularly-scheduled meeting: Monday, May 8th at 5:30 p.m.

April 10th agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg mentioned the next meeting date.
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: Tuesday, May 2nd at 3:00 p.m.
- f. Ad Hoc Committee on Environmental Sustainability (Chair TBA)
Next meeting date: Wednesday, May 3rd at 5:30 p.m.
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – The Executive Director will confirm the first meeting date, which will likely be in early May.
Regularly-scheduled meeting date: TBA
- h. Updates and Announcements – Commissioner Elgstrand mentioned that it's likely that the Land Use Committee will discuss the Tenant Habitability Plan and Relocation Ordinance at a May 1st meeting. Chair Simon-Weisberg announced ACE outreach in Sacramento around trying to amend AB 1482. Commissioner Marrero mentioned supporting the Pajaro community. Executive Director Williams gave a reminder that the Rent Board will have a table at the Bay Festival on April 22nd.
- i. Discussion of items for possible placement on future agenda

12. ADJOURNMENT

M/S/C (Alpert/Kelley) ADJOURN THE MEETING. Voice vote. Carried 9-0-0-0.

The meeting adjourned at 9:27 p.m.