



RENT STABILIZATION BOARD
Regular Meeting
Thursday, December 15, 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/83979216510?pwd=Z1ZqQ0xmVm82TjdDcjA0VFB3RGpHZz09>. 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: 839 7921 6510 and Passcode: 395740. 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 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** – Chair Simon-Weisberg called the meeting to order at 7:02 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Eberhart, Ehlinger, Kim, Mueller, Williams and City Clerk Mark Numainville

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 read aloud.

3. **Approval of Agenda** – M/S/C (Alpert/Walker) APPROVE THE AGENDA AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None.
Carried: 9-0-0-0.

4. **Public Comment** – *non*-agendized items. Lilana Spindler spoke about property taxes paid by owners.

5. **Public Comment** – items on the agenda. Mayor Arreguín spoke about the service of former Rent Board Commissioners Chang, Laverde, Mendonca, and Selawsky, and congratulated the new Commissioners. Noah Levy spoke about issues with his property and assessed penalties.

6. SPECIAL ORDER OF BUSINESS

- a. Oath of Office of Commissioners-elect:
City Clerk Mark Numainville administered the Oath of Office to Commissioners-elect Elgstrand, Marrero, Martinac, and Mizell.
- b. Comments from new Commissioners: The new commissioners formally introduced themselves and said a few words about their roles.

7. SPECIAL ORDER OF BUSINESS

- a. Election of Rent Board Chair:

The General Counsel reviewed the Board's procedure for this order of business, and opened the floor for nominations for Board Chair. Commissioner Kelley nominated Commissioner Simon-Weisberg, and she accepted. There were no other nominations.

ELECT LEAH SIMON-WEISBERG AS BOARD CHAIR. Roll call vote.
YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- b. Election of Rent Board Vice-Chair:

Chair Simon-Weisberg opened the floor for nominations for Board Vice-Chair. Commissioner Mizell nominated Commissioner Alpert, and he accepted. There were no other nominations.

ELECT SOLI ALPERT AS BOARD VICE-CHAIR. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- c. Comments from the newly-elected Chair, Vice-Chair and Commissioners: The newly-elected Chair and Vice-Chair each said a few words about their roles and the issues facing the Board in the year ahead.

8. CONSENT ITEMS

- a. Approval of the November 17, 2022 regular meeting minutes

The following resolutions were read aloud and discussed at the November 17, 2022 Rent Board meeting but no vote occurred. The Board voted to approve all four resolutions respectively.

- b. Resolution 22-28 acknowledging James Chang's years of service as a Rent Board Commissioner

- c. Resolution 22-29 acknowledging Paola Laverde's years of service as a Rent Board Commissioner
- d. Resolution 22-30 acknowledging Mari Mendonca's years of service as a Rent Board Commissioner
- e. Resolution 22-31 acknowledging John Selawsky's years of service as a Rent Board Commissioner
- f. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

1531 FAIRVIEW
2615 PARKER
2631 REGENT ST
1937 DELAWARE ST
1949 MILVIA
1717 LA LOMA #3
2414 BYRON
1517 WALNUT
1519 WALNUT
1110 UNIVERSITY
2836 REGENT
1716 DELAWARE #2
809 FOLGER AVE
811 FOLGER AVE
815 FOLGER AVE
814 DELAWARE
1520 LINCOLN
813 FOLGER
1104/1106 EUCLID
1035 EUCLID
1515 DWIGHT WAY

Discretionary Waivers

Waiver No. Property Address

W5064	1850 ARCH
W5065	1536 CARLETON ST
W5066	1802 CEDAR
W5067	1222 SHATTUCK
W5068	1910 FRANCISCO

M/S/C (Kelley/Elgstrand) MOVE ALL CONSENT ITEMS AS WRITTEN, EXCEPT MOVE MINISTERIAL WAIVER FOR 1104 AND 1106 EUCLID TO ACTION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. 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 – No speakers.

The ministerial waiver for 1104 and 1106 Euclid was moved to Action by a prior vote of the Board.

M/S/C (Kelley/Martinac) RECLASSIFY THE WAIVER FOR WAIVER FOR 1104 AND 1106 EUCLID AS A DISCRETIONARY WAIVER SO STAFF CAN PROVIDE A REPORT TO THE BOARD AT THEIR NEXT MEETING. Roll call vote. YES: Elgstrand, Johnson, Kelley, Martinac, Simon-Weisberg; NO: Alpert, Marrero, Mizell, Walker; None; ABSTAIN: None; ABSENT: None. Carried: 5-4-0-0.

- a. Chair Update (Chair Simon-Weisberg) – No updates.
- b. Discussion and possible action regarding the possible return to in-person meetings of the Rent Board and its committees – *Verbal* (General Counsel) – Following a discussion the Board made the following motion:

M/S/C (Alpert/Simon-Weisberg) INSTRUCT STAFF TO PREPARE A REPORT AND RESOLUTION REGARDING THE BOARD CONTINUING TO MEET REMOTELY FOR AS LONG AS THE LAW PERMITS. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- c. Discussion and possible action to adopt the 2023 Regular Rent Board Meeting Schedule (Executive Director)

M/S/C (Kelley/Alpert) ADOPT THE PROPOSED 2023 MEETING SCHEDULE AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The following Commissioners stated their availability and attendance format as follows:

Chair Simon-Weisberg will attend remotely in July and August.

Commissioner Marrero will attend remotely in December.
Commissioner Martinac cannot attend the July meeting.
Commissioner Mizell will likely attend remotely in July.
Commissioner Johnson will attend remotely in July and December.
Commissioner Kelley will likely attend remotely in July and December.

- d. Discussion and recommendation that the Board convey its support for Assembly Bill 12, Haney [Tenancy: security deposits] (Commissioner Kelley & Chair Simon-Weisberg)

M/S/C (Johnson/Marrero) DIRECT THE BOARD'S LEGISLATIVE ADVOCATE TO DRAFT A LETTER CONVEYING THE BOARD'S SUPPORT FOR AB 12 (HANEY). Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

10. 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. Rent Board Workplace Culture Retreat – *Verbal* (Executive Director)
- b. Announcement of date to submit agenda topics/items for January 2023's regular Rent Board meeting (Board Secretary) – The Board Secretary announced that the due date to submit agenda topics/items for the January Board meeting will be Monday, January 9th by 5:00 p.m.

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Chair TBA)
Next regularly-scheduled meeting: TBA
- b. Eviction/Section 8/Foreclosure Committee (Chair TBA)
Next regularly-scheduled meeting: TBA
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair)
Next regularly-scheduled meeting: TBA
- d. Outreach Committee (Chair TBA)
Next regularly-scheduled meeting: TBA
- 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)
Next regularly-scheduled meeting: Wed., December 14th at 2:30 p.m.

November 30th agenda packet

December 14th agenda packet

- g. Ad Hoc Committee on Rent Board Technology Issues (Chair TBA)
Next meeting date: TBA
- h. Updates and Announcements – Commissioner Elgstrand met with the director of the Berkeley Housing Authority, who expressed an interest in working collaboratively with the Rent Board.
- i. Discussion of items for possible placement on future agenda

12. ADJOURNMENT – M/S/C (Johnson/Kelley) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The meeting adjourned at 9:20 p.m.