



RENT STABILIZATION BOARD
Regular Meeting
Thursday, September 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/84816025186?pwd=cU5laFFxdTFNRTFZaFdMYzFTcERxQT09>. 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: 848 1602 5186 and Passcode: 262696. 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 7:03 p.m. Aimee Mueller called roll.
Commissioners present: Alpert, Chang, Johnson (signed on at 7:09 p.m.), Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Ehlinger, 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 (Kelley/Laverde) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: ADJOURN THE MEETING IN HONOR OF HISPANIC AND LATINO HERITAGE MONTH, AND COUNCILMEMBER YING LEE; MOVE INFORMATION ITEM 10.c. TO THE ACTION CALENDAR. Roll call vote.
YES: Alpert, Chang, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg;
NO: None; ABSTAIN: None; ABSENT: Johnson. Carried: 8-0-0-1.

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

5. **Public Comment** – items on the agenda. “Dan” spoke regarding the Ellis Act.

6. **SPECIAL ORDER OF BUSINESS** – Presentation of honorary resolution to former Rent Board Staff Attorney, Matthew Siegel, for his more than 27 years of service.

Chair Simon-Weisberg read aloud Resolution 22-22 in appreciation of Mr. Siegel’s 27 years of public service at the Rent Board. Prior to the reading of the resolution, Mr. Siegel addressed the Board and the commissioners. The Executive Director and General Counsel expressed their gratitude and admiration for Mr. Siegel’s work.

M/S/C (Simon-Weisberg/Selawsky) MOTION TO ADOPT RESOLUTION 22-22 AS WRITTEN. 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.

7. **CONSENT ITEMS**

- a. Approval of the July 21, 2022 regular meeting 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

2390 MCGEE
1922 WOOLSEY
2171 ALLSTON
2130 BROWNING
1730 HIGHLAND #4
3025 DANA ST
2016 9TH
1409 CYPRESS
2803 REGENT
1902-06 RUSSELL

Discretionary Waivers

Waiver No. Property Address

W5050 2918 STANTON

M/S/C (Alpert/Chang) APPROVE ITEMS 7.a. AND 7.b. AS WRITTEN. 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.

8. APPEAL – Case No. T-5946 (2226 7th Street, Unit D)

Appearances:

Gershon Luria, Appellant
Deloris O’Neal, Respondent
Liat O’Neal on behalf of Respondent

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

9. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public Comment on Action Items: There were no public speakers.

Information Item 10.c. was moved to Action by an earlier vote of the Board.

Item 10.c.: M/S/C (Kelley/Laverde) AUTHORIZE AND REQUEST THAT THE EXECUTIVE DIRECTOR SEND A LETTER TO COUNCIL CONVEYING THE BOARD’S SUPPORT FOR THE COMMISSION ON DISABILITY’S DRAFT ELEVATOR ORDINANCE REFERRAL. 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.

- a. Chair Update (Chair Simon-Weisberg) – Chair Simon-Weisberg reminded committee chairs of the importance of holding monthly meetings, and reminded all commissioners to utilize their technology stipend. No action was taken.

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.**

Information item 10.c. was moved to action by an earlier vote of the Board.

- a. Screening of the film, “Push!” at the Grand Lake Theater in Oakland on September 26, 2022 at 6:30 p.m. – *Verbal* (Chair Simon-Weisberg)
- b. Update regarding Ellis Act prohibition in the Eviction Moratorium and update regarding recent Ellis Eviction cases filed in Berkeley – *Verbal* (General Counsel)

- c. Elevator Ordinance Referral item from the Commission on Disability (General Counsel) – MOVED TO ACTION BY AN EARLIER VOTE OF THE BOARD.
- d. Update on Rent Board staff outreach at National Night Out on August 2, 2022 – *Verbal* (Executive Director)
- e. Update on Rent Board staff outreach at the Solano Stroll on September 11, 2022 – *Verbal* (Executive Director)
- f. July 27, 2022 *Berkeleyside* article by Manuela Tobias titled, “This new website will help you respond to an eviction notice” (Executive Director)
<https://www.berkeleyside.org/2022/07/27/website-california-tenants-eviction>
- g. August 10, 2022 *The Daily Californian* article by Rae Wymer titled, “‘It was pretty brutal’: Tenants share experiences renting in Berkeley” (General Counsel)
<https://www.dailycal.org/2022/08/10/it-was-pretty-brutal-tenants-share-experiences-renting-in-berkeley/>
- h. Date to submit agenda topics/items for October’s regular Rent Board meeting: **Friday, October 7th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

Information Items carried over from the June 16, 2022 regular Rent Board meeting:

- i. April 28, 2022 Owner Move-in Eviction Tracking Report (January 2019 - December 2021) (Eviction/Section 8/Foreclosure Committee & Executive Director) – The Board requested that staff share the Owner Move-in Eviction Report (OMI) more broadly. The Chair asked Eviction/Section 8/Foreclosure Committee Chair Mendonca to add this to the Committee’s next agenda.
- j. Rent Board’s participation in the 35th Annual Berkeley Juneteenth Festival on Sunday, June 19th from 11:00 a.m. to 7:00 p.m. – *Verbal* (Executive Director)
- k. Update on the Rent Board’s presentation at the May 20, 2022 “Rent Stabilization: Lessons Learned from Implementing Rent Stabilization Policies” webinar (Minneapolis/St. Paul) from 9:00 a.m. - 11:00 a.m. Pacific Time – *Verbal* (General Counsel)

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Chang, Chair) – Committee Chair Chang reported that the Committee received updates on staffing and registration-related activities at their last meeting.
Next regularly-scheduled meeting: Monday, Sept. 12th at 5:30 p.m.

September 12th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – Committee Chair Mendonca said the Committee will consider the question raised tonight about sharing the OMI Evictions report more broadly, and will be following the lawsuit against Alameda County’s eviction moratorium. Next regularly-scheduled meeting: Thursday, Sept. 22nd at 5:30 p.m.

July 28th agenda

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley stated that the next meeting is September 21. The Committee will start brainstorming agenda items for next year. Next regularly-scheduled meeting: TBA
- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reported that the tenant survey will be launching soon. Next regularly-scheduled meeting: Wednesday, Sept. 21st at 5:30 p.m.

August 10th 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 – Chair Simon-Weisberg shared the Committee’s next meeting date. The Committee will continue discussions about habitability plans, and receive a housing code update. (Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs) Next regularly-scheduled meeting: Wednesday, Sept. 28th at 3:00 p.m.
- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair) Next meeting date: TBA
- h. Updates and Announcements – Commissioner Kelley said that Councilmember Hahn’s office has submitted an item to Council proposing a Land Acknowledgement statement. Commissioner Laverde shared that tenant groups from unincorporated areas of Alameda County are holding a work session on September 27 with some county Supervisors on tenant protection measures.
- i. Discussion of items for possible placement on future agenda – Vice-Chair Alpert requested a closed session to receive updates on lawsuits concerning pandemic-related eviction moratoriums. The Chair requested information on the number of

Ellis Act Evictions, and on a particular 16-unit building.

12. ADJOURNMENT

M/S/C (Laverde/Johnson) ADJOURN THE MEETING IN HONOR OF HISPANIC AND LATINO HERITAGE MONTH, AND COUNCILMEMBER YING LEE. 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 8:55 p.m.