



RENT STABILIZATION BOARD
Regular Meeting
Thursday, January 19, 2023
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/89067745635?pwd=T2FMMkdpZG05VC91YXVFRWVZZGxwZz09>. 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 1-408-638-0968 and enter Meeting ID: 890 6774 5635 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
Staff present: Brown, Dahl, Eberhart, Law, 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/Alpert) APPROVE THE AGENDA WITH THE FOLLOWING CHANGE: MOVE ACTION ITEM 7.a.(2) TO CONSENT. 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. There were no speakers.

5. **Public Comment** – items on the agenda. Moni Law spoke about the City’s Draft Housing Element and the Tenant Opportunity to Purchase Act. Elana spoke about the University of California’s agreement with Blackstone’s Real Estate Income Trust Inc. Fund (REIT). Negeene Mosaed spoke about University of California’s agreement with Blackstone’s REIT. Jonah Gottlieb spoke about University of California’s agreement with Blackstone’s REIT. Paola Laverde spoke about University of California’s agreement with Blackstone’s REIT and the rights of student workers.

6. CONSENT ITEMS

Item 7.a.(2) was moved to consent by a prior vote of the Board.

- a. Approval of the December 15, 2022 regular meeting minutes
- b. Recommendation to adopt 2023 Committee Assignments and establish a Sustainability Committee (Chair Simon-Weisberg)
- c. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

1630 ASHBY
1609 DERBY
1426 SPRUCE
2425 EUNICE
2437 8TH
2629 PIEDMONT
2217 9TH
2140 WOOLSEY
1442 6TH ST
2429 SAN PABLO
2433 SAN PABLO
2747 SAN PABLO
1430 GRIZZLY
905 CRESTON
800 EUCLID
1312 CARELTON
1354 LINCOLN ST
2010 10TH STREET

Discretionary Waivers

Waiver No. Property Address

W5069 2016 A GRANT ST
W5070 3251 IDAHO

M/S/C (Johnson/Kelley) MOTION TO APPROVE ALL CONSENT ITEMS AS WRITTEN, INCLUDING ITEM 7.a.(2). 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.

7. **ACTION ITEMS**

from Board Members, Committees, Executive Director or Staff

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

Action item 7.a.(2) was moved to Consent by a prior vote of the Board.

a. Chair Update (Chair Simon-Weisberg)

- (1) Discussion and possible action to send a letter to the University of California regarding its property agreement with Blackstone's Real Estate Income Trust Inc. Fund (REIT)

<https://www.reuters.com/business/finance/university-california-invest-4-bln-blackstones-reit-2023-01-03/>

<https://www.swfinstitute.org/news/95291/university-of-california-endowment-and-pension-money-to-invest-4-billion-in-blackstone-real-estate-income-trust>

M/S/C (Simon-Weisberg/Walker) SEND A LETTER TO THE UNIVERSITY OF CALIFORNIA REGARDING ITS PROPERTY AGREEMENT WITH BLACKSTONE'S REAL ESTATE INCOME TRUST INC. FUND (REIT). 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.

- (2) Recommendation to disband the Ad Hoc Committee on Rent Board Technology Issues – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

b. Discussion and possible action to adopt Resolution 23-01 to allow the Board to continue to meet exclusively by teleconference throughout the remainder of the state of emergency associated with the COVID-19 pandemic (General Counsel)

M/S/C (Kelley/Johnson) APPROVE RESOLUTION 23-01 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.

8. **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. Updated Regulation 1266 [Self Labor] with current Consumer Price Index (CPI) information (General Counsel)
- b. Updated Commissioner attendance at Board and Committee meetings through the 4th quarter of 2022 (Board Secretary)
- c. Date to submit agenda topics/items for February's regular Rent Board meeting is **Monday, February 6th by 5:00 p.m.** (Board Secretary)

9. 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, Co-Chairs)
Next regularly-scheduled meeting: TBA

December 14, 2022 agenda packet

- g. Ad Hoc Committee on Rent Board Technology Issues (Chair TBA)
Next meeting date: TBA
- h. Updates and Announcements: Executive Director Williams announced a change in how information related to waivers is presented. Board Secretary Mueller explained why commissioners had only received invitations for the January and February Regular Board meetings, and when they can expect invitations for the rest of the year's meetings. Chair Simon-Weisberg announced that the Alameda County Board of Supervisors would be considering the eviction moratorium, good cause for unincorporated areas, and a fair chance ordinance. Commissioner Kelley and Rent Board staff member Moni Law talked about the deadline for the tenant

survey.

- i. Discussion of items for possible placement on future agenda

10. ADJOURNMENT – M/S/C (Alpert/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 8:01 p.m.