



RENT STABILIZATION BOARD
Regular Meeting
Thursday, November 17, 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/89877012106?pwd=Y3VzSEFZb1FIWXdRT1JrUE1PQXQ2Zz09>. 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: 898 7701 2106 and Passcode: 793808. 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.

RENT STABILIZATION BOARD
Regular Meeting
Thursday, November 17, 2022
7:00 p.m.

Regular Meeting Minutes - *Approved*

- 1. Roll call** – Vice-Chair Alpert called the meeting to order at 7:02 p.m.
Board Secretary Aimee Mueller called roll.
Commissioners present: Alpert, Chang, Johnson (logged on at 7:03 p.m.), Kelley (logged on at 7:03 p.m.), Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg (logged on at 7:13 p.m.)
Staff present: Brown, Dahl, Eberhart, Ehlinger, Kim, Mueller, Williams

CLOSED SESSION: Pursuant to California Government Code Section 54957(b)(1), the Board convened in closed session for a Public Employee Evaluation of Performance:

Title: General Counsel

Following the Board's return from closed session, Chair Simon-Weisberg announced that the Board took no reportable action.

- 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 AS WRITTEN. Roll call vote. YES: Alpert, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang.
Carried: 8-0-0-1.

4. **Public Comment** – *non*-agendized items. Moni Law spoke about seniors, low-income tenants, and information available at the Rent Board. Matthew Lewis spoke about the eviction moratorium.

5. **Public Comment** – items on the agenda. Matthew Lewis spoke again about the eviction moratorium, and thanked the outgoing commissioners for their service. Ms. Omowale Fowles spoke about the annual general adjustment increase and how it intersects with the eviction moratorium. Former councilmember Cheryl Davila expressed her appreciation for outgoing Commissioners Laverde and Mendonca, and commented on the length of the tenant survey. Ms. Omowale Fowles spoke in appreciation of outgoing Commissioners Laverde and Mendonca. Moni Law thanked outgoing Commissioners Chang, Laverde, Selawsky, and Mendonca for their service. Negeene Mosaed thanked the outgoing commissioners for their service, highlighting Commissioners Laverde and Mendonca. Nathan Mizell thanked the outgoing commissioners and expressed his hopes for joining the Board if he is elected. Ida Martinac expressed her gratitude to several commissioners for their help during her campaign, and for their service and humanity. Krista Gulbransen, Executive Director of the Berkeley Property Owners Association, expressed her appreciation for the service of the outgoing commissioners and wished them the best.

6. **CONSENT ITEMS**

- a. Approval of the October 20, 2022 regular meeting minutes

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

7. **SPECIAL ORDER OF BUSINESS**

- a. Presentation of honorary Resolution 22-28 and gift to Commissioner James Chang (To be delivered at the meeting)

Vice-Chair Alpert read aloud Resolution 22-28 in appreciation of James Chang's years of service.

- b. Presentation of honorary Resolution 22-29 and gift to Commissioner Paola Laverde (To be delivered at the meeting)

Commissioner Kelley read aloud Resolution 22-29 in appreciation of Paola Laverde's years of service.

- c. Presentation of honorary Resolution 22-30 and gift to Commissioner Mari Mendonca (To be delivered at the meeting)

Chair Simon-Weisberg read aloud Resolution 22-30 in appreciation of Mari Mendonca's years of service.

- d. Presentation of honorary Resolution 22-31 and gift to Commissioner John Selawsky (To be delivered at the meeting)

Commissioner Johnson read aloud Resolution 22-31 in appreciation of John Selawsky's years of service.

Following statements by Commissioners Chang, Laverde, Mendonca, and Selawsky, commissioners and staff expressed their memories of and appreciation for the outgoing commissioners' dedicated service to the Board. The Board Secretary showed an example of the gifts that had been custom-engraved for each outgoing commissioner.

8. 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.

- a. Chair Update (Chair Simon-Weisberg) – Chair Simon-Weisberg announced that there are many community members on strike due to unaffordable housing for Cal Employees and students. She also mentioned that legislation will be going to Council in the near future, including the Habitability Plan, Demolition Ordinance, and Relocation Ordinance. No action was taken.
- b. Discussion and possible action regarding outreach efforts for the Tenant Survey (Commissioner Kelley & Commissioner Laverde)

M/S/C (Laverde/Kelley) APPROVE RESOLUTION 22-32 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.

9. 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. Update on changes to the eviction moratorium – B.M.C. Section 13.110 – Verbal (General Counsel) – The Board had an extensive discussion on this item following an update from General Counsel Brown and Staff Attorney Ehlinger.

- b. Update on Council's recent action to adopt a Land Acknowledgement Recognizing Berkeley as the Ancestral, Unceded Home of the Ohlone People (Executive Director)
- c. COVID Amnesty and Administrative Correction Cycle report (Executive Director/Registration Unit Manager)
- d. Copy of 2023 Annual General Adjustment (AGA) and Security Deposit postcard to landlords and tenants (Executive Director)
- e. Date to submit agenda topics/items for December's regular Rent Board meeting: **Monday, December 5th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Chang, Chair) – Committee Chair Chang said that the Committee's work on the budget has already been discussed.

Next regularly-scheduled meeting: TBA

November 7th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – Committee Chair Mendonca said that most of the Committee's membership is leaving the Board, and hopes that the 4 x 4 Committee can continue some of her Committee's work until the new Board is seated.

Next regularly-scheduled meeting: TBA

October 27th agenda

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley announced that the next meeting is scheduled for December 14.

Next regularly-scheduled meeting: Wed., December 14th at 5:00 p.m.

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reported that the Committee heard a presentation on the tenant survey. The Committee may not meet again until February after the new Board is seated.

Next regularly-scheduled meeting: Wed., November 16th at 5:30 p.m.

November 16th 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 announced that the Committee will be meeting on November 30. (Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)
Next regularly-scheduled meeting: TBA

October 26th agenda packet (Revised)

- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair)
Next meeting date: TBA
- h. Updates and Announcements
- i. Discussion of items for possible placement on future agenda – Commissioner Johnson announced that he plans to do some outreach with community groups to address potential issues with single family homes being rented to LGBTQ+ residents.

11. ADJOURNMENT – M/S/C (Kelley/Laverde) ADJOURN THE MEETING IN HONOR AND RECOGNITION OF COMMISSIONERS CHANG, LAVERDE, SELAWSKY, AND MENDONCA, AND IN SUPPORT OF THOSE ON STRIKE. 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 11:05 p.m.