



RENT STABILIZATION BOARD
Regular Meeting
Thursday, December 19, 2024 – 7:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley, CA

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/86351823870?pwd=StV8iv1VnftDeahcLsszUQPN5RdeeE.1>. 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 Webinar ID: 863 5182 3870 and Passcode: 662299. 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@berkeleyca.gov 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 4:00 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 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting at the posted location(s). 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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Minutes - *Approved*

1. **Roll call** – Commissioner Alpert called the meeting to order at 7:07 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker
Commissioners absent: None
Staff present: Brown, Bursell, 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 uncended 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. **SPECIAL ORDER OF BUSINESS**

- a. **Oath of Office of Commissioners-elect**:
City Clerk Mark Numainville administered the Oath of Office to Commissioners-elect Twu, Johnson, Kelley, and Walker.
- b. Introduction of and comments from Commissioners-elect

4. **SPECIAL ORDER OF BUSINESS**

- a. Election of Rent Board Chair:
The General Counsel conducted the election for the Board’s Chair.

Commissioner Johnson nominated Commissioner Alpert and he accepted.
Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None.
Carried: 9-0-0-0.

Commissioner Alpert was elected Board Chair.

b. Election of Rent Board Vice-Chair:

Chair Alpert conducted the election for the Board's Vice-Chair.

Commissioner Kelley nominated Commissioner Walker and she accepted.
Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None.
Carried: 9-0-0-0.

Commissioner Walker was elected Board Vice-Chair.

c. Comments from the newly-elected Chair and Vice-Chair

5. Approval of Agenda

M/S/C (Kelley/Walker) APPROVE THE AGENDA AS WRITTEN. Voice vote. Carried: 9-0-0-0.

6. Public Comment – None.

7. CONSENT ITEMS

- a. Approval of the November 21st 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

2710 Claremont Blvd
1819 Carleton St
1403 Carleton St
1626 Russell St
1701 62nd St
1221 Shattuck Ave
1440 67th St
2529 Etna St
1700 Francisco St
1280 Delaware St

1822 Berkeley Way #3
2523 10th St
2133 California St
1519 6th St
1331 Dwight Way
3001 Deakin St
2509 Dana St
2811 Dohr St

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
W5134	1802 Cedar St
W5135	1370 University Ave
W5136	956 Euclid Ave

M/S/C (Kelley/Marrero) APPROVE ALL CONSENT ITEMS AS WRITTEN.
Voice vote. Carried: 9-0-0-0.

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 – None.

- a. Recommendation to adopt Resolution 24-23 approving the new employment agreement with Executive Director DéSeana Williams (Commissioner Alpert)

Prior to the vote, the following statement was read aloud: A motion has been made and seconded regarding the appointment and approval of an employment agreement for Executive Director to the Berkeley Rent Stabilization Board. Pursuant to Government Code 54953(c)(3), a summary of the compensation must be orally reported prior to taking final action. Pursuant to the employment agreement, the Executive Director is to receive an annual salary of \$298,760 and employee benefits consistent with the City of Berkeley's unrepresented employee manual for employees in Unit Z1. The term of the employment agreement is for five years. A copy of the employment agreement has been included in the agenda packet.

M/S/C (Walker/Kelley) ADOPT RESOLUTION 24-23 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- b. Recommendation to adopt substantive changes to the following existing Regulations to incorporate Rent Ordinance amendments from Measure BB: 801 [Proper Filing of the Rent Registration Statement], 1000 [Base Rent

Determination for Previously Exempted Units], 1012 [Separate Agreements], and 1269 [Change in Space or Services] – All First Reading (General Counsel)

M/S/C (Twu/Mizell) APPROVE THE ITEM AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- c. Recommendation to adopt the following new Regulations to incorporate Rent Ordinance amendments from Measure BB: 410 [Government-subsidized Rental Units], 411 [Property Management Company; definition], and 1209.5 [Parties in a Petition Subject to a Tenant-based Government Subsidy] – All First Reading (General Counsel)

M/S/C (Kelley/Walker) APPROVE THE ITEM AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- d. Recommendation to repeal Regulation 807 [Exemption from Registration for units with tenants receiving monthly assistance through the Section 8 Program or the Shelter Plus Care Program or equivalent rent subsidy program] – First Reading (General Counsel)

M/S/C (Marrero/Elgstrand) REPEAL REGULATION 807. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- e. Recommendation to adopt Resolution 24-24 establishing the elected Rent Board's Regular Meeting Schedule for 2025 (Executive Director)

M/S/C (Elgstrand/Johnson) ADOPT RESOLUTION 24-24 AS WRITTEN. Voice vote. Carried: 9-0-0-0.

Commissioners stated their availability for 2025 Rent Board Meetings for the record as follows:

Commissioner Johnson: Unavailable in July.
Commissioner Marrero: Unavailable in January; remote in June.
Commissioner Kelley: Unavailable in December.
Commissioner Mizell: Unavailable in January and July.
Commissioner Martinac: Unavailable in April.
Commissioner Walker: Unavailable in March and June.

- f. Demolition Ordinance and Demolition projects status update (Senior Planner Lief Bursell) – Lief Bursell presented and took questions from the Board.

9. 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. Deadline to submit agenda items/topics for January's regular Rent Board meeting:
Will be announced following adoption of the Board's 2025 Regular Meeting Schedule (Board Secretary)

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair)
Next regularly-scheduled meeting: To Be Announced (TBA)
- b. Climate Resilience Committee (Commissioner Martinac, Chair)
Next regularly-scheduled meeting date: TBA
- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)
Next regularly-scheduled meeting: TBA
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair)
Next regularly-scheduled meeting: TBA

December 12th agenda

- e. Outreach Committee (Vice-Chair Alpert, Chair)
Next regularly-scheduled meeting: TBA
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Commissioner Marrero, Co-Chair)
Next meeting date: TBA
- g. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – (Chair and Co-Chair TBA)
Next regularly-scheduled meeting: TBA
- h. Updates and Announcements – Commissioner Marrero announced that (1) the U.S. Department of Justice, Civil Rights Office and the U.S. Department of Education, Office of Civil Rights have created guidance around discrimination based on national origin and immigration status; (2) Attorney General Bonta has also issued guidance related to immigrant communities; and (3) FEMA is having a webinar on January 29. Executive Director Williams announced PIU Manager Nate Dahl's departure from the Rent Board.

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

11. Adjournment

M/S/C (Kelley/Two) ADJOURN THE MEETING. Voice vote. Carried: 9-0-0-0. The meeting adjourned at 7:58 p.m.