



RENT STABILIZATION BOARD
Regular Meeting
Thursday, February 20, 2025 – 6:30 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/87123301507?pwd=UDg5s5XuNL5F06UWa919MazzVPBa5V.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 1-669-900-6833 and enter Webinar ID: 871 2330 1507 and Passcode: 495852. 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 3:30 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.

RENT STABILIZATION BOARD

Regular Meeting

Thursday, February 20, 2025

6:30 p.m.

School District Board Room – 1231 Addison Street, Berkeley, CA

Minutes - *Approved*

1. **Roll call** – Chair Alpert called the meeting to order at 6:35 p.m.
Aimee Mueller called roll.
Commissioners present: Elgstrand, Kelley, Marrero, Martinac (arrived at 7:06 p.m.), Mizell, Twu, Walker, Alpert
Commissioners absent: Johnson
Staff present: Brown, Kim, Lecky, Mueller, Oliver, Williams
2. **Approval of Agenda** – M/S/C (Twu/Elgstrand) APPROVE THE AGENDA AS WRITTEN WITH ONE EXCEPTION: MOVE WAIVER W5140 FROM CONSENT TO ACTION. Roll call vote. YES: Alpert, Elgstrand, Kelley, Marrero, Mizell, Twu, Walker; NO: None; ABSTAIN: None; ABSENT: Johnson, Martinac. Carried: 7-0-0-2.
3. **Closed Session**: Pursuant to California Government Code Section 54956.9(a), the Board will convene in closed session for an update on litigation:

ALAN WOFSY & ASSOCIATES, a California corporation (dba Hearst Commons), on behalf of itself and all others similarly situated VS. BERKELEY RENT STABILIZATION BOARD (Alameda County Superior Court Case No. 23CV043503)

FOLLOWING THE BOARD’S RETURN FROM CLOSED SESSION, THE CHAIR ANNOUNCED THAT THE BOARD TOOK NO REPORTABLE ACTION.

4. **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 Acknowledgment Statement was played aloud.

5. **Public Comment**: There were no speakers.
6. **Public Comment for Unions representing Rent Board staff**: There were no speakers.
7. **CONSENT ITEMS**

Discretionary Waiver W5140 was moved to Action by an earlier vote of the Board.

- a. Approval of the January 16th 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

2435 Jefferson Ave
1730 Parker St
914 Delaware St
2727 Stuart St
775 Colusa Ave
1518 Harmon St
2632 Warring St #8
1788 Sonoma Ave
1205 Bancroft Way
1849 Arch St #B
2555 Sacramento St
716 Cragmont Ave
2626 Hillegass St #A
2910 California St

Discretionary Waivers

Waiver No. Property Address

W5140	2020 Berkeley Way
W5141	2828 College Ave
W5142	1685 San Lorenzo Ave
W5143	1025 Heinz Ave
W5144	1545 Dwight Way

M/S/C (Twu/Kelley) APPROVE ALL CONSENT ITEMS AS WRITTEN WITH THE EXCEPTION OF WAIVER W5140 WHICH WAS MOVED TO ACTION BY A PRIOR VOTE OF THE BOARD. Voice vote. Carried: 8-0-0-1.

8. **APPEAL – Case No. T-6020 (Compliance Decision) / T-6086 (2410 Stuart St., Unit D)**

Parties present:

Eugene Hightower, Appellant

Matt Hastings, on behalf of Respondent

M/S/C (Marrero/Mizell) MOTION TO UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Elgstrand, Kelley, Marrero, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-1.

9. **APPEAL – Case No. T-6079 (2810 Derby Street, Unit A)**

Parties present:

Ilene Lee, Appellant

Andrew Mittler, on behalf of Respondent

M/S/C (Mizell/Kelley) MOTION TO UPHOLD THE HEARING EXAMINER'S DECISION WITH THE EXCEPTION OF THE LAUNDRY ISSUE WHICH SHOULD INCREASE FROM FOUR PERCENT TO SIX PERCENT FOR THE PERIOD IT WAS FOUND TO BE DEFICIENT. Roll call vote. YES: Elgstrand, Kelley, Marrero, Martinac, Mizell, Twu, Walker; NO: Alpert; ABSTAIN: None; ABSENT: Johnson. Carried: 7-1-0-1.

10. **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: There were no speakers.

Discretionary Waiver W5140 was moved to Action by an earlier vote of the Board.

Discretionary Waiver W5140: M/S/C (Alpert/Marrero) CONTINUE DISCRETIONARY WAIVER W5140 TO THE MARCH BOARD MEETING. Voice vote. Carried: 8-0-0-1.

- a. Chair Update (Chair Alpert) – Chair Alpert announced that the annual Local Progress Convention will be held in Chicago this year. Registration is open now.
- b. Recommendation to adopt Resolution 25-01 Affirming the Rent Stabilization Board's Support for and Compliance with the City of Berkeley's Sanctuary Policies (Chair Alpert & Commissioner Marrero)

M/S/C (Alpert/Walker) ADOPT RESOLUTION 25-01 AS WRITTEN. Roll call vote. YES: Elgstrand, Kelley, Marrero, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: Johnson. Carried: 8-0-0-1.

- c. Recommendation to adopt Resolution 25-02 authorizing the Executive Director to execute a contract amendment with Goldfarb & Lipman LLP in an amount not to exceed \$275,000 (General Counsel)

M/S/C (Kelley/Mizell) MOTION TO APPROVE REVISED RESOLUTION 25-20 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH GOLDFARB & LIPMAN LLP IN AN AMOUNT NOT TO EXCEED \$325,000 WHICH IS AN INCREASE OF \$250,000 INSTEAD OF THE ORIGINALLY PROPOSED \$200,000. Voice vote. YES: Elgstrand, Kelley, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: Marrero; ABSENT: Johnson. Carried: 7-0-1-1.

11. 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. Copy of Measure BB bulletin and postcards mailed to Berkeley property owners and tenants (Executive Director) – Commissioners commended the Executive Director for enhanced Measure BB outreach.
- b. Deadline to submit agenda items/topics for the March regular Rent Board meeting: **Monday, March 10th by 5:00 p.m.** (Board Secretary)

12. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker said the Committee met on February 18th and heard a report on the mid-year budget and staffing model modification, as well as a presentation on the registration fee for fully-covered Measure MM units. She said the Committee's next meeting is March 11th at 5:30 p.m.
Next regularly-scheduled meeting: Tuesday, March 11th at 5:30 p.m.

March 11th agenda

- b. Climate Resilience & Habitability Committee (Chair TBA)
Next regularly-scheduled meeting date: TBA
- c. Eviction/Section 8/Foreclosure Committee (Chair TBA) Next regularly-scheduled meeting: TBA
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Chair TBA)
Next regularly-scheduled meeting: TBA

- e. Outreach Committee (Commissioner Kelley, Chair) – Committee Chair Kelley thanked Carla Orozco for her efforts and emphasized the importance of ongoing Measure BB outreach to keep the public updated.
Next regularly-scheduled meeting: Monday, March 10th at 6:30 p.m.

March 10th agenda

- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Co-Chair TBA) – Committee Chair Marrero said the Committee met on March 3rd.
Next meeting date: Monday, March 3rd at 5:00 p.m.
- g. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board (Chair and Co-Chair TBA) – Chair Alpert asked Committee members to send him proposed agenda items. He has several discussion items for the next agenda including rental assistance funding, addressing eviction issues that may result from the federal government’s recent actions, and preparing for the possibility of reduced funding for Section 8 and the City’s Amnesty Program and ensuring it doesn’t impact rent control statuses.
Next regularly-scheduled meeting: TBA
- h. Updates and Announcements – Commissioner Twu announced that the state legislative session is underway. Commissioner Marrero announced that she’s been working with the Education Law Center related to the executive orders that President Trump has been putting forward. She will send the slide show to the Board Secretary to forward to the Board.
- i. Discussion of items for possible placement on future agenda – Commissioner Kelley requested a staff briefing of the Hearing Examiner process.

13. CLOSED SESSION: Pursuant to California Government Code Section 54957(b)(1), the Board will convene in closed session for a Public Employee contract discussion:

Title: General Counsel

FOLLOWING THE BOARD’S RETURN FROM CLOSED SESSION, THE CHAIR ANNOUNCED THAT THE BOARD VOTED TO DIRECT AN ADJUSTMENT TO THE GENERAL COUNSEL’S SALARY.

14. ADJOURNMENT

M/S/C (Marrero/Mizell) ADJOURN THE MEETING. Voice vote. Carried: 8-0-0-1.

The meeting adjourned at 10:57 p.m.