



## RENT STABILIZATION BOARD

### Regular Meeting

Thursday, September 21, 2023 – 7:00 p.m.

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

#### **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/81315510979?pwd=LytGV2RZUDNrNVl4NHRJWkhHcVhSUT09>. 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: 813 1551 0979 and Passcode: 101882. 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](mailto: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 5:00 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.

# RENT STABILIZATION BOARD

## Regular Meeting

Thursday, September 21, 2023

7:00 p.m.

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

### Minutes – *Approved*

*Prior to roll call, General Counsel Brown announced that Commissioner Kelley asked to participate in the meeting remotely under the Emergency Circumstances provisions of the Brown Act due to illness, which requires an authorizing vote.*

M/S/C (Alpert/Simon-Weisberg) AUTHORIZE UNANTICIPATED REMOTE PARTICIPATION FOR COMMISSIONER KELLEY UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(f)(2)(A)(ii). Roll call vote. YES: Alpert, Elgstrand, Johnson, Marrero, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mizell. Carried: 7-0-0-1.\*

\*As the commissioner seeking approval for unanticipated remote participation, Commissioner Kelley was not included in the vote.

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:06 p.m. Aimee Mueller called roll.  
Commissioners present: Alpert, Elgstrand, Kelley (via Zoom), Johnson, Marrero, Martinac, Mizell (arrived at 7:11 p.m.), Walker, Simon-Weisberg  
Staff present: Brown, Dahl, Eberhart, Ehlinger, Kim, 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 (Alpert/Johnson) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: CONTINUE THE DISCRETIONARY WAIVER CONTAINED IN ITEM 8.f., AND ITEM 9., TO A FUTURE MEETING. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mizell. Carried: 8-0-0-1.

M/S/C (Simon-Weisberg/Marrero) MOTION TO RECONSIDER AND TO MAKE THE FOLLOWING ADDITIONAL CHANGE TO THE AGENDA: MOVE ITEM 7. TO ACTION. 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. Paola Laverde appreciated the Chair and Vice-Chair’s comments about a recent landlord event.
5. **Public Comment** – items on the agenda. Paola Laverde commented on the 2022 Tenant Survey report and thanked the Board and staff for their work to complete it.
6. **SPECIAL PRESENTATION: 2022 Berkeley Tenant Survey Summary Report** by Laura Gil-Trejo, Director, Social Science Research Center, CSU Fullerton

Rent Board staff Nathan Dahl and Moni Law introduced this item. Laura Gil-Trejo presented and took questions from the Board.

7. **SPECIAL PRESENTATION: State Legislative Report** by Brian Augusta, Public Interest Advocates – MOVED TO ACTION BY A PRIOR VOTE OF THE BOARD.
8. **CONSENT ITEMS**
  - a. Approval of the July 20<sup>th</sup> regular meeting minutes
  - b. Recommendation to adopt Resolution 23-23 authorizing the Executive Director to amend the existing contract with Goldfarb & Lipman, LLP to increase the contract by \$30,000 for a total not to exceed the amount of \$80,000 through June 30, 2024 (General Counsel)
  - c. Recommendation to adopt Resolution 23-24 authorizing the Executive Director to execute a contract with Ferdman Consulting for a total not to exceed the amount of \$30,000 through June 30, 2024 (Executive Director)
  - d. Recommendation to create the “Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November general election” (Chair Simon-Weisberg)
  - e. Recommendation to change the Ad Hoc Committee on Environmental Sustainability to a standing committee (Chair Simon-Weisberg)

- f. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

**Ministerial Waivers**

Property Address

2916 NEWBURY  
2801 COLLEGE  
2443 WOOLSEY  
1205 PERALTA  
1601 CHANNING  
2000 PRINCE ST  
2137 PARKER

**Discretionary Waivers**

Waiver No.    Property Address

W5087            2020 KITTREDGE

M/S/C (Alpert/Johnson) APPROVE ALL CONSENT ITEMS AS WRITTEN EXCEPT THE DISCRETIONARY WAIVER CONTAINED IN ITEM 8.f., WHICH WAS CONTINUED TO A FUTURE MEETING BY A PRIOR VOTE OF THE BOARD. 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.

9. **APPEAL** – Case No. T-6014 (2425 Fulton Street, Unit 4): CONTINUED TO A FUTURE MEETING BY A PRIOR VOTE OF THE BOARD.

**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 comments.**

***Item 7. was moved to Action by a prior vote of the Board.***

Item 7: The Board’s Legislative Advocate, Brian Augusta, presented and took questions from the Board. No action was taken.

- a. Chair Update (Chair Simon-Weisberg) – No update.

**11. 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. Eviction Moratorium outreach update – *Verbal* (Public Information Unit Manager) – Nathan Dahl provided data on the total number of eviction notices and unlawful detainer lawsuits received by the Rent Board during the transition period of the moratorium, and data on the number of eviction notices and unlawful detainer lawsuits received by the Rent Board since the moratorium expired.
- b. Copy of August 28, 2023 final Eviction Moratorium mailing sent to Berkeley landlords, property managers and tenants (Public Information Unit Manager)
- c. Update on recent Rent Board outreach events – *Verbal* (Public Information Unit Manager)
- d. Presentation on Appeal Opinion and California Supreme Court Order denying review in *NCR Properties, LLC v. City of Berkeley et al.* (Legal Unit)
- e. August 22, 2023 *LAist.com* article by David Wagner titled, “As LA Evictions Rise, City Controller Releases Map Showing Where Renters Are Getting Pushed Out” (Chair Simon-Weisberg)  
<https://laist.com/news/housing-homelessness/los-angeles-city-eviction-map-controller-mejia-data-housing-homelessness-landlord-renter>
- f. Date to submit agenda topics/items for October’s regular Rent Board meeting: **Friday, October 6<sup>th</sup> by 5:00 p.m.** (Board Secretary)

**12. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

- a. Budget & Personnel Committee (Commissioner Walker, Chair)  
Next regularly-scheduled meeting: To Be Announced (TBA)
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand reported that the Committee rescheduled its meeting to September 26, and will discuss the Owner Move-In and Ellis Act reports.  
Next regularly-scheduled meeting: TBA
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley reported that the Committee will consider the Annual General Adjustment increase and bring it to the Board’s October meeting.  
Next regularly-scheduled meeting: Tuesday, October 3<sup>rd</sup> at 5:30 p.m.

July 24<sup>th</sup> agenda

- d. Outreach Committee (Vice-Chair Alpert, Chair) – Commissioner Kelley highlighted staff’s efforts to enhance client services.

Next regularly-scheduled meeting: Monday, October 16<sup>th</sup> at 6:00 p.m.

Sept. 11<sup>th</sup> agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg mentioned that the Committee will discuss the Demolition Ordinance.

(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)

Next regularly-scheduled meeting: Wednesday, Sept. 27<sup>th</sup> at 3:00 p.m.

- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – Commissioner Marrero reported that the Committee is working on a targeted plan of collaboration and implementation around mutual issues.

Next meeting date: Monday, Sept. 25<sup>th</sup> at 5:30 p.m.

- g. Ad Hoc Committee on Environmental Sustainability (Commissioner Martinac, Chair) – Committee Chair Martinac reported on the Committee’s discussions including the possibility of working with landlords who pay for gas and/or electricity for their buildings to encourage sustainability measures.

Next meeting date: TBA

Sept. 6<sup>th</sup> agenda

- h. Updates and Announcements – The Chair announced that the Regular Board Meeting scheduled for October 19, 2023 will likely be rescheduled for October 23, 2023. Commissioner Alpert reported that the General Counsel and several commissioners attended the Local Progress Convention in St. Louis. Commissioner Marrero announced she’s been appointed to the Regional Advisory Committee of the West and invited stakeholders to speak with her about educational resource needs.

- i. Discussion of items for possible placement on future agenda – Commissioner Kelley mentioned his intention to draft a letter for the Board’s consideration regarding eviction notices served by Satellite Affordable Housing Associates.

### **13. ADJOURNMENT**

M/S/C (Elgstrand/Marrero) 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 10:20 p.m.