



RENT STABILIZATION BOARD

Regular Meeting

Thursday, November 21, 2024 – 6:30 p.m.

Rent Stabilization Board office – 2000 Center Street, 4th Floor, Berkeley, CA

Teleconference location(s): 1418-A 67th 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 1-669-444-9171 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 3:00 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** – Chair Simon-Weisberg called the meeting to order at 6:51 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley (via Zoom), Marrero, Martinac, Mizell, Simon-Weisberg
Commissioners absent: Walker
Staff present: Brown, Eberhart, Ehlinger, Kim, Mueller, Williams
2. **Closed Session**: Public Employee contract discussion pursuant to California Government Code Section 54957(b)(1):

Title: Executive Director

The Board adjourned and reconvened in closed session. Upon the Board's return from closed session, Chair Simon-Weisberg announced that the Board agreed on the terms of the Executive Director's new contract, and the Executive Director accepted those terms.

3. **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 read aloud.

4. **Approval of Agenda** – M/S/C (Alpert/Elgstrand) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ITEMS 9 AND 10 TO BE HEARD BEFORE ITEM 8; DEFER ITEM 14 TO A FUTURE MEETING. Roll call vote. YES: Alpert,

Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Simon-Weisberg; NO: None;
ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

5. **Public Comment** – There were no speakers.

6. **CONSENT ITEMS** –

- a. Approval of the October 17th regular meeting minutes
- b. Recommendation to amend the Rent Stabilization Board Meeting Procedures to allow an allotted amount of time for a designated union representative to speak at full Board meetings (LIRA Committee)
- c. Recommendation to approve the stipend deduction reimbursement request for Commissioner Marrero for a committee meeting absence (Vice-Chair Alpert)
- d. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

982 University Ave
2319 Jefferson Ave
2412 6th St
836 Channing Way
1711 Milvia St #B
2415 California St
2535 Ridge Rd #A
2707 Parker St
1201 Evelyn Ave
1253 Carrison Ave
1640 Fairview St
2922 Otis St
1425 Harmon St
1169 Miller Ave
2853 Sacramento St
1320 Ordway St #A
1321 Bonita Ave #A
2908 Deakin St. #C
1531 Alcatraz Ave
2615 Telegraph Ave #307
2615 Telegraph Ave #306
1900 7th St
2709 McGee Ave
3218 Ellis St

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
5128	2431 Ellsworth St
5129	1797 Shattuck Ave
5130	2008 Shattuck Ave
5131	2001 Allston Way
5132	3000 San Pablo
5133	2628 Shattuck Ave

M/S/C (Alpert/Kelley) APPROVE ALL CONSENT ITEMS AS WRITTEN, WITH VICE-CHAIR ALPERT NOTING THAT A REVISED VERSION OF ITEM 6.b. WAS POSTED ON THE RENT BOARD’S WEBSITE. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

7. Special Presentation: *State Legislative Update*

Presenter: Brian Augusta, Public Interest Advocates

Brian Augusta presented and took questions from the Board.

8. Special Presentation: *Registration 365*

Presenter: Amanda Eberhart, Registration Unit Manager

Amanda Eberhart presented and took questions from the Board.

9. Appeal – Case No. T-6080 (1211 Parker St., Unit D)

Appearances:

Ghislaine Phan Van Thiet, Appellant

Gary Widman, on behalf of Appellant

Olga Lidia Sanchez Calderon, on behalf of Respondent

Nayelit Sanchez, on behalf of Respondent

M/S/C (Alpert/Marrero) UPHOLD THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Marrero, Martinac; NO: None; ABSTAIN: Kelley, Mizell, Simon-Weisberg; ABSENT: Walker. Carried: 5-0-3-1.

10. Appeal – Case No. T-6084 (2732 MLK Jr. Way, No. 8)

Appearances:

Tracey Quezada, Appellant

Jason Mazetis, on behalf of Appellant

M/S/C (Mizell/Alpert) MOTION TO UPHOLD THE HEARING EXAMINER’S

DECISION REGARDING THE EXTERIOR CLUTTER, AND MODIFY THE HEARING EXAMINER'S DECISION TO AWARD A FORTY PERCENT RENT REDUCTION BASED ON THE INABILITY OF THE TENANT TO PREPARE FOOD IN THE KITCHEN, IMPAIRED USE OF THE BATHROOM, AND THE OVERALL IMPACTS OF THE DRAIN FLY INFESTATION. Roll call vote. YES: Alpert, Johnson, Kelley, Marrero, Martinac, Mizell, Simon-Weisberg; NO: None; ABSTAIN: Elgstrand; ABSENT: Walker. Carried: 7-0-1-1.

11. 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.

- a. Recommendation to adopt Resolution 24-22 in appreciation of Leah Simon-Weisberg for eight years of outstanding service to the Berkeley Rent Stabilization Board and the City of Berkeley (Vice-Chair Alpert)

Vice-Chair Alpert read Resolution 24-22 aloud. Commissioners and staff expressed their appreciation for Chair Simon-Weisberg's years of service to the Board and those it serves.

M/S/C (Alpert/Martinac) ADOPT RESOLUTION 24-22 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

At this point, the Board moved to adjourn the meeting. So, Items 11.b. through 13.i. were not heard.

- b. Chair Update (Chair Simon-Weisberg)

(1) Measure BB and election update – *Verbal* – This item was not heard.

- c. State Legislative Report: Discussion and possible action to adopt a position on pending housing legislation (Chair Simon-Weisberg & Vice-Chair Alpert) – This item was not heard.

12. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

NONE OF THE ITEMS BELOW WERE HEARD.

- a. Updated Commissioner attendance at Board and Committee meetings through September 2024 (Board Secretary).

- b. Copy of 2025 Annual General Adjustment (AGA) and Security Deposit Interest postcard mailed to property owners and tenants (Executive Director)
- c. November 14, 2024 *Los Angeles Times* article by Andrew Khouri titled, “Could L.A.’s rezoning plan to boost housing supply cause more tenant displacement?” (Chair Simon-Weisberg)
<https://www.latimes.com/california/story/2024-11-14/los-angeles-housing-goals-demolition>
- d. Deadline to submit agenda items/topics for the December regular Rent Board meeting: **Friday, December 6th by 5:00 p.m.** (Board Secretary)

13. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair)
Next regularly-scheduled meeting: To Be Announced (TBA)

November 12th agenda
- 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

November 12th agenda
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair)
Next regularly-scheduled meeting: TBA
- e. Outreach Committee (Vice-Chair Alpert, Chair)
Next regularly-scheduled meeting: Monday, November 18th at 6:15 p.m.

November 18th agenda
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Commissioner Marrero, Co-Chair)
Next meeting date: Monday, November 18th at 5:00 p.m.

November 18th agenda
- g. 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

h. Updates and Announcements

i. Discussion of items for possible placement on future agenda

- 14. 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)

THIS ITEM WAS DEFERRED TO A FUTURE MEETING BY A PRIOR MOTION OF THE BOARD.

15. Adjournment

M/S/C (Alpert/Martinac) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

The meeting adjourned at 10:51 p.m.