



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, October 20, 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/89390391286?pwd=LzZlVEh3T0FMWDdGWXdMS1lTZjA2UT09>. 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: 893 9039 1286 and Passcode: 936779. 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.

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7:00 p.m.

Regular Meeting Minutes - *Approved*

- 1. Roll call** – Vice-Chair Alpert called the meeting to order at 7:06 p.m.
Commissioners present: Alpert, Chang, Johnson, Kelley (logged on at 9:39 p.m.),
Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg (logged on at 8:07 p.m.)
Commissioners Absent: None
Staff Present: Brown, Eberhart, Ehlinger, Kim, Mueller, Williams

CLOSED SESSION: Pursuant to California Government Code Section 54956.9(a), the Board convened in closed session for an update on litigation:

Williams, et al. v. Alameda County, Alameda County Board of Supervisors, City of Oakland, Oakland City Council (United States District Court for the Northern District of California Case # 3:22-cv-01274-LB) – amicus brief

Andrew Marowitz v. Berkeley Rent Stabilization Board (Alameda County Superior Court Case # RG19042977)

Athan Magganas and Maxaco, LLC v. City of Berkeley Rent Stabilization Board (Alameda County Superior Court Case # 22CV011758)

NCR Properties, LLC v. City of Berkeley (California Court of Appeal, First District, Division Three Case # A163003)

Following the Board’s return from Closed Session, Vice-Chair Alpert 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 (Laverde/Johnson) APPROVE THE AGENDA AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Laverde, Mendonca, Selawsky, Walker; NO: None; ABSTAIN: None; ABSENT: Kelley, Simon-Weisberg. Carried: 7-0-0-2.
4. **Public Comment** – for *non*-agendized items. There were no speakers.
5. **Public Comment** – for items on the agenda. Diana Christensen spoke about assessed fees and penalties for her property related to her waiver request.
6. **CONSENT ITEMS**
 - a. Approval of the September 15, 2022 regular meeting minutes
 - b. Recommendation to adopt Resolution 22-23 modifying the Staffing Model to add a 1.0 FTE in the Administrative and Fiscal Services Manager classification (Budget & Personnel Committee and Executive Director)
 - c. Recommendation to adopt Resolution 22-24 authorizing the Executive Director to increase the purchase order with ACRO Service Corp. by an amount not to exceed \$115,500 to hire three temporary staff to assist the Registration Unit with the 3Di data cleanup project (Budget & Personnel Committee and Executive Director)
 - 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

1219 DWIGHT
1625 HARMON
2924 FLORENCE
2935 MLK JR WAY
2645 SHASTA
2251 HILGARD
2647 STUART
770 HILLDALE
2601 ETNA
1801 DERBY

Discretionary Waivers

Waiver No. Property Address

W5051	1210 PERALTA
W5052	1418 HOLLY
W5053	2226 9TH ST
W5054	2817 8TH STREET
W5055	1708 EOLA ST
W5056	515 COLUSA
W5057	3216 BOISE ST
W5058	1134 KEELER
W5059	2760 MABEL ST
W5060	1350 SCENIC
W5061	2551 HILGARD
W5062	2337 BROWNING
W5063	2325 ROOSEVELT

M/S/C (Laverde/Johnson) APPROVE ALL CONSENT ITEMS AS WRITTEN.
Roll call vote. YES: Alpert, Chang, Johnson, Laverde, Mendonca, Selawsky,
Walker; NO: None; ABSTAIN: None; ABSENT: Kelley, Simon-Weisberg.
Carried: 7-0-0-2.

7. **APPEAL** – **Case No. T-5929** (2208 MLK Jr. Way, #6)

Parties present:

Yun (Sheldon) Mao, Appellant
Michael Cohn, Respondent

M/S/C (Johnson/Selawsky) AFFIRM THE HEARING EXAMINER’S DECISION.
YES: Alpert, Chang, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg;
NO: None; ABSTAIN: None; ABSENT: Kelley. Carried: 8-0-0-1.

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. There were no public speakers.

- a. Chair Update (Chair Simon-Weisberg) – The Chair provided an update on the status of the Demolition Ordinance update process. No action was taken.
- b. Recommendation to adopt Resolution 22-25 authorizing the Executive Director to modify the scope of the contract with Kinnectics, LLC, and add \$30,000 for the current fiscal year (Budget & Personnel Committee and Executive Director)

M/S/C (Johnson/Selawsky) ADOPT RESOLUTION 22-25 AS WRITTEN.

Roll call vote. YES: Alpert, Chang, Johnson, Laverde, Mendonca, Selawsky, Walker; NO: None; ABSTAIN: None; ABSENT: Kelley, Simon-Weisberg.
Carried: 7-0-0-2.

- c. Recommendation to adopt Resolution 22-26 confirming the 2023 Annual General Adjustment (AGA) of 4.4 percent and order that the 2023 AGA be published as Regulation 1145 (General Counsel)

M/S/C (Selawsky/Chang) ADOPT RESOLUTION 22-26 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Mendonca, Selawsky, Walker; NO: None; ABSTAIN: Laverde; ABSENT: Kelley, Simon-Weisberg.
Carried: 6-0-1-2.

- d. Recommendation to adopt Resolution 22-27 confirming that the 2023 relocation assistance payments for Owner Move-in and Ellis Act evictions shall increase by 6.8 percent effective January 1, 2023, and publishing the 2023 relocation payment amounts (General Counsel)

M/S/C (Walker/Selawsky) ADOPT RESOLUTION 22-27 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Laverde, Mendonca, Selawsky, Walker; NO: None; ABSTAIN: Simon-Weisberg; ABSENT: Kelley. Carried: 7-0-1-1.

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 Rent Board providing mediation services and technical assistance to the Town of Fairfax – *Verbal* (Executive Director)
- b. Summary of Ellis Act Evictions through June 1, 2022 (Eviction/Section 8/Foreclosure Committee)
- c. Owner Move-in Eviction Tracking Report (July 2019 - June 2022) (Eviction/Section 8/Foreclosure Committee)
- d. Commissioner attendance at Board and Committee meetings updated through the 3rd quarter of 2022 (Board Secretary)
- e. Rent Board staff to participate in the City of Berkeley’s Harvest Festival/Community Day on Saturday, October 15, 2022 from 11:00 a.m. - 4:00 p.m. in Cedar Rose Park (1300 Rose Street) – *Verbal* (Executive Director)
- f. September 30, 2022 *Berkeleyside* article by Supriya Yelimeli titled, “Residents return to North Berkeley apartments after local land trust buys back building”

(Chair Simon-Weisberg)

<https://www.berkeleyside.org/2022/09/30/solano-avenue-ellis-act-eviction-north-berkeley>

- g. Date to submit agenda topics/items for November's regular Rent Board meeting: **Friday, November 4th 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 reported that the Committee discussed the staffing model and employee evaluation processes.

Next regularly-scheduled meeting: Monday, Nov. 7th at 5:30 p.m.

October 11th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair)
Next regularly-scheduled meeting: Thursday, Oct. 27th at 5:30 p.m.

September 22nd agenda

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair)
Next regularly-scheduled meeting: TBA

September 21st agenda

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde provided a tenant survey update, and confirmed that the Committee will look into ways to ensure the full Board is aware of outreach events they can participate in.

Next regularly-scheduled meeting: Wednesday, Oct. 19th at 5:30 p.m.

September 21st agenda

October 19th 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 provided an update on the Committee's work related to the Habitability Plan, and briefly addressed questions about the Elevator Ordinance.

(Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)
Next regularly-scheduled meeting: Wednesday, Oct. 26th at 3:00 p.m.

September 28th 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 inquired about whether AB 1482 expanded a local city’s authority to increase the time window that rent control could apply.

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

Upon returning from closed session, the Chair reported that the Board took no reportable action.

11. ADJOURNMENT – M/S/C (Laverde/Alpert) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Selawsky. Carried: 8-0-0-1.

The meeting adjourned at 10:39 p.m.