To Be Delivered

BERKELEY RENT BOARD

RENT STABILIZATION BOARD

Regular Meeting

Thursday, September 17, 2026 – 7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley, CA 94702

Teleconference location: 651 Addison Street, Apt. 215, Berkeley, CA 94710

Teleconference location: Prudential Properties Unit 11- Potworks, St. James Parish, Nevis, KN1102

Public participation

This meeting will be conducted in a hybrid model with both in-person and remote participation, and 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 of the Rent Board, at 510-981-7368 (981-RENT). The Board may take action related to any subject listed on the Agenda.

To access this meeting by Zoom

Join the meeting from a PC, Mac, iPad, iPhone, or Android device. If you do not want your name to appear on the screen, 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, enter Webinar ID: 853 8339 6793 and Passcode: 505132. To comment during the public comment part of the agenda, Press *9 and wait to be recognized by the Chair.

Email comments

Email comments must be submitted to doliver@berkeleyca.gov **by 4:00 p.m.** on the day of the meeting in order to be considered by the Board and included in the public record. Format your subject line: “RENT BOARD MEETING PUBLIC COMMENT ITEM.” Please observe a 150-word limit. Time limits on public comments will apply.

Decorum

All rules of procedure and decorum apply for both in-person attendees and those participating remotely. Attendees at public meetings are reminded that other attendees may be sensitive to various scents. Please help the City respect these needs.

Communications 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.

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Minutes – *Approved*

Prior to Roll call, Commissioner Kelley announced that he would be participating remotely under the Just Cause provision of the Brown Act due to a foot injury.

1. **Roll call** – Chair Alpert called the meeting to order at 7:11 p.m.
   Aimee Mueller called roll.
   Commissioners present: Elgstrand, Johnson, Kelley (via Zoom), Marrero (via Zoom), Martinac, Mizell, Twu, Walker (via Zoom; logged on at 7:32 p.m.), Alpert
   Commissioners absent: None
   Staff present: Brown, Kim, Lecky, Mueller, Williams

2. **Approval of Agenda** – M/S/C (Twu/Johnson) APPROVE AGENDA WITH THE FOLLOWING CHANGES: CONTINUE ITEMS 6.a., 6.b., 8.d. AND 9.a. TO THE NEXT MEETING. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

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 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 Acknowledgment Statement was played aloud.

4. **Public Comment for Unions representing Rent Board staff** – No speakers.

5. **Public Comment** – Donna, a tenant at 2124 Parker Street, spoke about an enforcement letter issued by the Rent Board and the unmitigated issues at the property. Derek Wallace spoke about mold exposure and other habitability issues at Evans Manor as well as concerns that the building is being targeted for theft. "Anonymous" asked about what a

landlord can do to enforce timely rent payments in cases where tenants repeatedly pay late but below the threshold, and whether the Board views this as an enforcement gap.

6. **Consent Items**

   a. Approval of the July 16th regular meeting minutes – *Item tabled to next meeting.*

   b. Recommendation to adopt Resolution 26-31 amending the Rent Board's Records Retention Schedule to include updated retention code descriptions and periods for enhanced records management (Executive Director) *TO BE DELIVERED – *Item tabled to next meeting.*

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

      M/S/C (Elgstrand/Martinac) APPROVE CONSENT ITEM 6.c. ONLY. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Alpert; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

7. **Appeal in Case No. T-6171 (2020 Kittredge St. #404)**
   Parties present: None

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

8. **Action Items**

   a. **Chair Update 1:** Ordinance Update – Measure X (Chair Alpert)
   Update only; no action taken.

   b. **Chair Update 2:** Eviction Emergency Legislation (Chair Alpert)
   Update only; no action taken.

   c. **Chair Update 3:** Letter to Superior Court of California, Civil Division, Department 511 at the Hayward Hall of Justice (Chair Alpert)
   Update only; no action taken.

   d. Recommendation to adopt Resolution 26-26 in appreciation of Moni Law in honor of her retirement and for fifteen years of outstanding service to the Berkeley Rent Stabilization Board and the City of Berkeley (Chair Alpert) – *Item tabled to next meeting*.

   e. State Legislative Report: Presentation, discussion and possible action to adopt a position on pending housing legislation – *Legislative Advocate Brian Augusta presented and took questions from the Board. No action was taken.*

   f. Recommendation to adopt Resolution 26-27 approving adjustment to compensation package for Executive Director DéSeana Williams (Chair Alpert and Vice-Chair Walker)

M/S/C (Twu/Mizell) ADOPT RESOLUTION 26-27 AS WRITTEN. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

g. Recommendation to adopt Resolution 26-28 approving adjustment to compensation package for General Counsel Matt Brown (Chair Alpert & Vice-Chair Walker)

M/S/C (Johnson/Martinac) ADOPT RESOLUTION 26-28 AS WRITTEN. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

h. Recommendation to adopt Resolution 26-29 approving the Rent Board Executive Evaluation Process (Chair Alpert & Vice-Chair Walker)

M/S/C (Kelley/Elgstrand) ADOPT RESOLUTION 26-29 AS WRITTEN. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

i. Recommendation to adopt Resolution 26-30 approving the employment agreement extension with General Counsel Matt Brown (Chair Alpert)

M/S/C (Kelley/Mizell) ADOPT RESOLUTION 26-30 AS WRITTEN. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

9. **Information, Announcements and Articles/Media**
ALL ITEMS BELOW WERE MENTIONED OR BRIEFLY DISCUSSED. UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.

a. San Francisco Empty Homes Tax Litigation and Implications for Berkeley's Empty Homes Tax Program (Matt Brown, General Counsel)

b. Updated Regulation 1266 [Self Labor] with current Consumer Price Index (CPI) information; Updated Appendix B of Rent Board Regulations, Chapter 12 – US Bureau of Labor Statistics CPI Information; and Updated Appendix C of Rent Board Regulations, Chapter 12 – US Department of Housing and Urban Development Lower Income Limits (General Counsel)

c. Deadline to submit agenda items/topics for the October regular Rent Board meeting: Monday, October 5th by 5:00 p.m. – Verbal (Board Secretary)

10. **Committee/Board Meeting Updates and Announcements**

a. Budget & Personnel Committee (Vice-Chair Walker, Chair) – Committee did not meet.

b. Climate Resilience & Habitability Committee (Commissioner Martinac, Chair) – Committee did not meet.

c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)

d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Chair Alpert, Chair) – The Committee met to discuss some regulations that will come before the Board next month related to keys in rooming houses and the deadline for filing petitions for rent increases for space and services.

e. Outreach & Accessibility Committee (Commissioner Kelley, Chair) – Committee did not meet.

f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero, Chair) – Committee did not meet.

g. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board (Councilmember Lunaparra & Chair Alpert, Co-Chairs) – This Committee met regarding Measure "X" and will be meeting tomorrow to discuss emergency eviction legislation and an item submitted by Commissioner Twu about habitability inspection scoring that some other cities have. The Committee will also discuss the Housing Dept. proposal regarding when the Relocation Assistance Program is triggered.

h. Updates and Announcements – Commissioner Mizell announced there would be a hearing about tear gas that was postponed. Council is slated to appoint a new Director of Police Accountability. Commissioner Kelley said that the Alameda County Planning Commission has two important tenant-related items on their Monday agenda: a Mobile Home Ordinance that aims to prevent displacement at mobile homes and includes a Tenant Opportunity to Purchase Act (TOPA) element; and the Commission will hold their first informational hearing on a proposal to adopt an inclusionary housing requirement.

i. Discussion of items for possible placement on future agenda

11. **Adjournment** – M/S/C (Johnson/Twu) ADJOURN TONIGHT'S MEETING IN REMEMBRANCE OF DOLLY PARTON. Roll call vote. YES: Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Twu, Walker, Alpert; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The meeting adjourned at 8:22 p.m.