

**BERKELEY CITY COUNCIL LAND USE, HOUSING, & ECONOMIC
DEVELOPMENT COMMITTEE
REGULAR MEETING MINUTES**

**Thursday, February 16, 2023
10:30 AM**

Committee Members:

Councilmembers Ben Bartlett, Rigel Robinson, and Mark Humbert
Alternate: Councilmember Kate Harrison

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH
VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council Land Use, Housing, & Economic Development Committee will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://cityofberkeley-info.zoomgov.com/j/1605017520>. 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 on the screen.

To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter Meeting ID: **160 501 7520**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Land Use, Housing, & Economic Development Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

MINUTES

Roll Call: 10:32 a.m. Present: Bartlett, Humbert, Robinson

Public Comment on Non-Agenda Matters: 1 speaker.

1. Election of Chair

Action: M/S/C (Bartlett/Humbert) to elect Councilmember Robinson as Chairperson of the Land Use, Housing, & Economic Development Committee.

Vote: All Ayes.

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

2. Minutes - July 7, 2022, July 19, 2022, and November 22, 2022

Action: M/S/C (Robinson/ Bartlett) to approve the minutes of July 7, 2022, July 19, 2022, and November 22, 2022.

Vote: All Ayes.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

3. Discussion and possible action on new proposed regular meeting time: First Monday of the month, 10:00 AM

Action: 1 speaker. Discussion held. M/S/C (Robinson/ Bartlett) to approve the item changing the regular meeting time to the first Monday of the month at 10:00 a.m.

Vote: All Ayes.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

4. Referral to City Manager: Tenant Habitability Plan and Amendments to Relocation Ordinance

From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)

Referred: October 31, 2022

Due: May 14, 2023

Recommendation: 1. Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions.

2. Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

5. Amending BMC Chapter 13.84 to Expand Relocation Assistance and Conflict Resolution for Tenants

From: Councilmember Taplin (Author)

Referred: February 8, 2022

Due: July 6, 2023

Recommendation: Adopt a first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.84 enacting the following changes to the City's Relocation Ordinance:

1. Section 13.84.010 – Delete language referring to “Relocation Services”; 2. Section 13.84.020 – Create definition of Emergency Relocation to establish process and expectation for owner to provide relocation money for emergency events; 3. Section 13.84.030 – 1) Change title to clarify that tenants are entitled to payments when Relocation applies, rather than “Services or Assistance”. 2) Clarify the type of determination notices that parties would receive from City officials; 4. Section 13.84.040 – Create different procedures for “Planned Relocation” and “Emergency Relocation”. Move “Owner Responsibilities” content to other sections; 5. Section 13.84.050 – 1) Change title to clarify that it is about procedure and not payments. 2) Add Notice and Order to “Determination Notice”. 3) Move Section B and C to Appeals Section; 6. Section 13.84.060 – 1) Change title to clarify Relocation Prompted by owner. 2) Include language to indicate that Relocation can also be requested by owner when there is no building permit application. 3) Clarify in Section E that the “Owner must provide” proof of notice; 7. Section 13.84.070.A – 1) Include Moving and Storage to Short term Relocation entitlements if applicable to the situation. 2) Section 13.84.070.A.3 regarding a tenant's ability to pay costs up front. 3) 13.84.070.A.4.b – meal allowances. 4) 13.84.070.B.2.b – reimbursement for moving and storage costs changed to pay up front. 5) 13.84.070.B.3 – Changing how Rent Differential is calculated 6) Section 13.84.070.B.4 – Consider specifying different utility costs, such as disconnection and reconnection. 7) 13.84.070.N1 – Consider meals Per Diem rates for what is appropriate for the region. 8) Add Section to speak to replacement unit reservation costs and potential cancellation costs if move back notice is given earlier than expected; 8. Section 13.84.080 – Remove; 9. Section 13.84.100 1) Change Title 2) Change process for receiving notification that Relocation is or is not required. 3) 13.84.100.A.4 Change HAC to Hearing Officer. 3) Section 13.84.100.A.5 - Change appeal timeline from 5 to 10 days. 4) Section 13.84.100.B – Change Language to mirror HAC Process outlined in 19.44.

Financial Implications: Staff time.

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

6. Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals

From: Councilmember Harrison (Author)

Referred: July 28, 2020

Due: April 25, 2023

Recommendation: Amend Berkeley Municipal Code 23C.22: Short Term Rentals to clarify the ordinance and insure adequate host responsibilities, tenant protections and remedies for violating the ordinance.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

7. **Amendments to BMC Chapter 13.110 COVID-19 Emergency Response Ordinance**
From: Councilmember Wengraf (Author), Councilmember Harrison (Author)
Referred: November 14, 2022
Due: May 8, 2023
Recommendation: Adopt the first reading of an ordinance to approve the proposed amendments to BMC Chapter 13.110 COVID EMERGENCY RESPONSE ORDINANCE.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Items for Future Agendas

None

Adjournment

Action: M/S/C (Robinson/Humbert) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 10:42 a.m.

I hereby certify that the foregoing is a true and correct record of the Land Use, Housing, & Economic Development Committee meeting held on February 16, 2023.

Neetu Salwan, Assistant City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@cityofberkeley.info.