



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting Minutes
(Approved)

Maudelle Shirek Building
2134 Martin Luther King Jr. Way
Council Chambers, Second Floor
Broadcast Live on KPFB – 89.3 and BTV Cable Channel 33
Live Webcasting at www.cityofberkeley.info/rent

Monday, January 27, 2014
7:00 p.m.

1. **Roll call** – Chair Stephens called the meeting to order at 7:09 p.m.
Aimee Mueller called roll.
Commissioners present: Blake, Dodsworth (arrived 7:16), Harr, Hunt, Shelton, Soto-Vigil, Stephens, Townley (arrived 7:12), Webster
Commissioners absent: None
Staff present: Brown, Kelekian, Law (in audience), Mueller
2. **Approval of Agenda** – M/S/C (Hunt/Blake) APPROVE AGENDA. Voice vote. Carried: 7-0-0-2. ABSENT: Dodsworth, Townley.
3. **Public Forum** – There was one speaker: Jim Beatty regarding a rent increase on his Section 8 unit.
4. **Approval of the December 16, 2013 Regular Meeting minutes** – M/S/C (Townley/Webster) APPROVE MINUTES WITH THE FOLLOWING CHANGE: AMEND ITEM 7.a.(5) ON EMINENT DOMAIN TO REFLECT THAT COMMISSIONER HUNT SUGGESTED THAT THE BOARD WOULD BENEFIT FROM A PRESENTATION BY MR. PATRICK LYNCH ON THE SUBJECT OF EMINENT DOMAIN IN RICHMOND; COMMISSIONERS SOTO-VIGIL, TOWNLEY AND WEBSTER SPOKE IN FAVOR OF THIS. AFTER DISCUSSION, IT WAS AGREED THAT THE BOARD WOULD PURSUE THIS. Voice vote.
Carried: 9-0-0-0.

In order to accommodate the Appeal Time Certain of 8:00 p.m., the Board moved to begin hearing Action Items at this point. All Action Items were heard prior to Item 5.

5. **Appeal Time Certain – 8:00 p.m.**

Appeal T-5359 (1275 Bonita Avenue, #302)

Parties present: Tim Lenz (Appellant) and Polo Garcia (Building Manager, on behalf of the Respondent)

M/S/C (Soto-Vigil/Townley) DENY THE REQUEST FOR A CONTINUANCE. Voice vote. Carried: 8-0-1-0. ABSTAIN: Dodsworth.

It is noted for the record that Commissioner Soto-Vigil made this motion to deny a Continuance because Mr. Lenz received the CD (i.e., the audio transcript of the hearing on this case) from the Rent Board in November of 2013.

M/S/C (Soto-Vigil/Blake) UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Blake, Harr, Hunt, Shelton, Soto-Vigil, Townley, Webster, Stephens; NO: Dodsworth; ABSENT/ABSTAIN: None. Carried: 8-1-0-0.

It is also noted for the record that Commissioner Soto-Vigil requested that the Appellant, Mr. Lenz, keep the Board apprised of any developments in his dealings with Lipnosky Real Estate (former property owner of 1275 Bonita Avenue).

6. Action Items

a. From Board Members, Executive Director and Committees

- (1) Discussion and possible action on item before the City Council to temporarily relocate meetings to another location until the Maudelle Shirek building is seismically retrofitted Commissioner Harr explained her reasons for agendaizing this item. Following discussion, the Board took the following action:

M/S/C (Harr/Soto-Vigil) REFER TO THE BUDGET & PERSONNEL COMMITTEE TO CONSIDER THIS ITEM FOR INCLUSION IN THE BOARD'S FISCAL YEAR 2016 BUDGET; AND DISCUSS CRAFTING A COMMUNICATION TO COUNCIL FOR THE BOARD'S REVIEW. Voice vote. Carried: 9-0-0-0.

- (2) Discussion and possible action to increase the purchase order with Volt Employment Services for temporary staffing to an amount not to exceed \$30,000 (Executive Director)

M/S/C (Blake/Webster) INCREASE THE PURCHASE ORDER WITH VOLT EMPLOYMENT SERVICES FOR TEMPORARY STAFFING TO AN AMOUNT NOT TO EXCEED \$30,000. Voice vote. Carried: 8-1-0-0. NO: Hunt.

- (3) Recommendation to disband the Ad Hoc Committee on Smoke-Free Housing (Chair Stephens)

M/S/C (Soto-Vigil/Blake) DISBAND THE AD HOC COMMITTEE ON SMOKE-FREE HOUSING. Voice vote. Carried: 9-0-0-0.

- (4) Proposal to approve staff recommendation on the following request for waiver of late registration penalties (Executive Director)

Ministerial Waiver

<u>Waiver No.</u>	<u>Property Address</u>
4322	2740 Fulton Street
4323	2332 9 th Street
4324	2919 Fulton Street
4326	3128 King Street
4328	1412 9 th Street
4329	2315 Durant Avenue
4331	1505 Derby Street

Discretionary Waiver

<u>Waiver No.</u>	<u>Property Address</u>
4332	1310 Burnett Street
4335	1616 Russell Street
4336	1521 Ashby Avenue
4337	1500 Stuart Street
4339	2118 Spaulding Avenue

M/S/C (Townley/Webster) APPROVE THE STAFF RECOMMENDATION FOR ALL MINISTERIAL AND ALL DISCRETIONARY WAIVERS. Voice vote. Carried: 9-0-0-0.

7. Information and Announcements

Please Note: The Board may move Information Items to the Action Calendar.

a. Reports from Board Members/Staff

- (1) January 3, 2014 report to the Eviction/Section 8/Foreclosure Committee titled Distressed Properties/Foreclosure Report (Executive Director) Commissioner Harr said although it appears that foreclosures are trending down, 115 foreclosures is still too many.
- (2) Update on Tobacco-Free Multi-Unit Housing Ordinance The Executive Director said that prior to, and since the ordinance was adopted by Council in December, Rent Board staff have been working with Housing and Public Health on language and procedures for implementation of the Ordinance, including outreach on smoking cessation classes. The Rent Board staff will be sending information to owners and tenants as part of our Apparent Lawful Rent Ceiling mailing in mid-February, as well as getting the word out in other ways so that owners and tenants are clear on the rules around this new Ordinance which take effect on May 1st.

- (3) Updated Commissioner Attendance Records through Q4 of 2013 (Executive Director)
These records are also available on the Rent Board's website.
- (4) Updated Appendices B, C, and D of the Rent Board Regulations (Executive Director)
In packet and self-explanatory.
- (5) Update on Rent Board office renovations The Executive Director was pleased to report that the cost to the Rent Board for the renovations was nominal. He suggested that folks come and take a look.
- (6) Update on staff assistance to victims of fires at 2121 Blake St and 2526 Shattuck Avenue The Executive Director reported that, in the past few weeks, there have been two fires on Blake Street and Rent Board staff were onsite shortly after each one. Rent Board staff were able to meet with and provide informal mediation to tenants and owners, and offered solutions that saved property owners money and provided better options for displaced tenants. It was acknowledged that the response of the Berkeley Fire Department was amazing, and their cooperation with Rent Board staff enabled us to provide information and support in real time to those affected. Commissioner Dodsworth suggested that perhaps, going forward, Rent Board who are at the scene could wear specialized jackets (windbreakers) to make them more visible.
- (7) January 21, 2014 City Council Action Item referring to the City Manager the exemption of fire-damaged buildings from the Affordable Housing Mitigation Fee
The Executive Director mentioned that this item was in the Board's December agenda packet, but the item was pulled at the Council meeting, and then pulled at the subsequent meeting.
- (8) December 11, 2013 letter to the Board from displaced renter, Renée Benmeleh, concerning requiring that prospective tenants be notified that their unit is a "Golden Duplex" and they may be subject to uncontrolled rent increases This item was discussed extensively and Commissioner Blake requested that staff contact the tenant and inform her of any recourse she may have.
- (9) "State Legislative Update & Court Watch" prepared by Tenants Together (Commissioner Harr) Commissioner Harr announced that Tenants Together are sponsoring a Tenant Day of Action in Sacramento on February 18th.
- (10) "New Laws for 2014" prepared by the East Bay Rental Housing Association (Commissioner Harr) In packet and self-explanatory.
- (11) Article by Elizabeth Gudrais from the January/February issue of Harvard magazine titled "Eviction: A Plague on America's Poor" Chair Stephens thanked the Executive Director and Matt Brown for providing this article, and the importance of recognizing that poverty doesn't cause evictions – evictions cause poverty. She read an excerpt from the article and encouraged everyone to read it as well; Matt Brown added that the author took a very interesting approach by providing demographics of the people who are affected disproportionately by evictions.

- (12) Oxfam Briefing Paper 178, dated January 20, 2014, titled “Working for the Few – Political Capture and Economic Inequality” Chair Stephens said that this paper highlights how the inequality in income and wealth is rampant across the world. She read quite a few striking statistics from this paper and highly recommended reading it.

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel – Committee Chair Stephens said the Committee is still in discussion about most of their items, and their next meeting is scheduled for this Wednesday, January 29th.
 - a. December 19th agenda
- (2) Outreach – Committee Chair Webster updated the Board on the Committee’s recent work including signage and the discussion of City e-mail addresses for Commissioners.
 - a. January 17th agenda
- (3) IRA/AGA and Habitability – Committee Chair Stephens said the Committee has not met.
- (4) Eviction/Section 8/Foreclosure – Committee Chair Harr said there’s been some movement on the state level to reform the Ellis Act; she added that the Committee will be checking in with staff on numbers in Berkeley and should have an Ellis report for the full Board in a few months.
 - a. January 3rd agenda
- (5) Safe & Sustainable Housing – Committee Chair Townley said the Committee hopes to have an item in the next packet on the creation of a Multi-Unit Housing Emergency Preparedness Program. Commissioner Soto-Vigil added that he hopes to see a disaster preparedness plan for the administration at the Rent Board.
 - a. December 12th minutes
 - b. January 7th agenda
- (6) Waivers Committee – Committee Chair Dodsworth said the Committee is waiting for the new RTS (Rent Tracking System) to go online and then they’ll see how that’s working in terms of the waiver process.
- (7) Ad Hoc Committee on Smoke-Free Housing
- (8) 4 x 4 City Council/RSB Housing Committee – Chair Stephens said this Committee was scheduled to meet on January 9th but the Mayor cancelled the meeting. There has been no movement to reschedule.
- (9) Future Special Meetings

- c. Discussion of items for possible placement on future agenda – Commissioner Townley asked if the Board would be hearing a presentation from Patrick Lynch of the City of Richmond. It was agreed that Commissioners Soto-Vigil and Harr have taken the lead on coordinating this.

8. Adjournment M/S/C (Townley/Hunt) ADJOURN THE MEETING AT 9:50 P.M. Voice vote.
Carried: 8-0-0-1. ABSENT: Blake.