



**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, June 17, 2021**  
**7:00 p.m.**

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City of Berkeley Rent Stabilization Board (Rent Board) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **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://zoom.us/j/93352509109?pwd=QUNOd2ovZUphWEYxL2xxRmhTM1FKdz09>. 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: 933 5250 9109 and Passcode: 650166. 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 to be read aloud during public comment, email [amueller@cityofberkeley.info](mailto:amueller@cityofberkeley.info) with the Subject Line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150 word limit. Time limits on public comments will apply. 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.**

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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 Matt Brown, Acting Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

**RENT STABILIZATION BOARD**  
**Regular Meeting**  
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<b>AGENDA</b>
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\*Times allotted for each item are approximate and may be changed at the Board's discretion during the course of this meeting.

1. **Roll call** – 1 min.\*
2. **Approval of Agenda** – 1 min.\*
3. **Public Comment** – 2 min. per speaker for *non*-agendized items\*
4. **CONSENT ITEMS** – 1 min.\*
  - a. Approval of the May 6<sup>th</sup> regular meeting minutes
  - b. Recommendation to adopt Resolution 21-12 Condemning the Illegal Evictions of Palestinians by the Israeli Government (Vice Chair Alpert, Chair Simon-Weisberg, Commissioner Laverde and Commissioner Walker)
5. **Public Comment** – 2 min. per speaker for items on the agenda\*
6. **ACTION ITEMS**
  - a. **From Board Members, Committees, and Executive Director**
    - (1) Recommendation to adopt Resolution 21-13 approving the Fiscal Year (FY) 2021-2022 Line-Item Budget, Staffing Model and Expenditure Level (Budget & Personnel Committee and Acting Executive Director) – 35 min.\*
    - (2) Recommendation to adopt Resolutions 21-14 and 21-15 authorizing the Acting Executive Director to modify the contract with the Eviction Defense Center by an amount not to exceed \$150,000 for FY 2021-2022, and to modify the contract with the East Bay Community Law Center by an amount not to exceed \$150,000 for FY 2021-2022 (Eviction/Section 8/Foreclosure Committee and Acting Executive Director) – 5 min.\*
    - (3) Recommendation to adopt Resolution 21-16 authorizing the Acting Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy by an amount not to exceed \$60,000 for FY 2021-2022 (Budget & Personnel Committee and Acting Executive Director) – 5 min.\*

- (4) Recommendation to adopt Resolution 21-17 authorizing the Acting Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Board meetings by an amount not to exceed \$22,000 for FY 2021-2022 (Budget & Personnel Committee and Acting Executive Director) – 5 min.\*
- (5) Recommendation to adopt Resolution 21-18 authorizing the Acting Executive Director to modify the contract with QuickCaption, Inc. for remote closed captioning of all televised Board meetings by an amount not to exceed \$7,000 for FY 2021-2022 (Budget & Personnel Committee and Acting Executive Director) – 5 min.\*

## 7. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

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

### a. Reports from Board Members/Staff

- (1) Update on the annual registration processes for fully-covered units and Measure MM units for FY 2021-2022 – *Verbal* (Acting Executive Director) – 5 min.\*
- (2) Update on the Safe Reopening Plan for resumption of in-person services to the public – *Verbal* (Acting Executive Director) – 5 min.\*
- (3) Update on recent/upcoming Rent Board outreach events (Acting Executive Director) – 5 min.\*
  - a. [Wednesday, May 12, 2021 \(10:00 – 11:30 AM\) – Rent Board Registration 101/Registering your Berkeley Rental Property webinar](#)
- (4) May 11, 2021 letter to Assemblymember Ting and Senator Skinner conveying the Board’s support for Assembly Bill (AB) 1487 (Chair Simon-Weisberg & Vice Chair Alpert) – 2 min.\*
- (5) May 14, 2021 letter to Billi Romain and Katie Van Dyke in the Office of Energy and Sustainable Development with the Board’s comments on the Berkeley Draft Existing Buildings Electrification Strategy (Chair Simon-Weisberg) – 2 min.\*
- (6) May 5, 2021 *The Intercept* article by Rachel M. Cohen titled, “Startup Alternative to Rental Security Deposits Gets Legal Backing in Baltimore” (Vice-Chair Alpert) – 1 min.\*  
<https://theintercept.com/2021/05/05/rhino-rent-security-deposits-baltimore/>
- (7) May 25, 2021 report by Bay Area Regional Health Inequities Initiative, Housing Now!, and Policy Link titled, “Preventing an Eviction and Debt Epidemic: Delivering Effective Emergency COVID-19 Rental Assistance in California” (Chair Simon-Weisberg) – 1 min.\*  
[https://d3n8a8pro7vhmx.cloudfront.net/makebankspay/pages/6889/attachments/original/1621965464/Preventing\\_an\\_Eviction\\_Epidemic.pdf?1621965464](https://d3n8a8pro7vhmx.cloudfront.net/makebankspay/pages/6889/attachments/original/1621965464/Preventing_an_Eviction_Epidemic.pdf?1621965464)

- (8) May 26, 2021 *KQED.org* article by Joe Fitzgerald Rodriguez titled, “Tenants Group Sues Property Firm Mosser in Test of Oakland Pandemic Protections” (Chair Simon-Weisberg) – 1 min.\*  
<https://www.kqed.org/news/11875215/tenants-group-sues-property-firm-mosser-in-test-of-oakland-pandemic-protections>
- (9) May 28, 2021 *The Oaklandside* article by Natalie Orenstein titled, “Does Oakland need a rental housing registry?” (Acting Executive Director) – 1 min.\*  
<https://oaklandside.org/2021/05/28/does-oakland-need-a-rental-housing-registry/>
- (10) June 8, 2021 *The Daily Californian* op-ed by Concerned Community Members of UC Berkeley and the City of Berkeley titled, “UC Berkeley should reconsider its proposed student housing plans at People’s Park, 1921 Walnut St.” (Commissioner Laverde) – 1 min.\*  
<https://www.dailycal.org/2021/06/08/uc-berkeley-should-reconsider-its-proposed-student-housing-plans-at-peoples-park-1921-walnut-st/>
- (11) Date to submit agenda topics/items for the July 15, 2021 Rent Board meeting:  
**Friday, July 2<sup>nd</sup>** (due to the Monday, July 4<sup>th</sup> holiday)

## **8. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

- a. Budget and Personnel Committee (Commissioner Selawsky, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Thursday, July 8<sup>th</sup> at 5:00 p.m.
  - (1) June 1<sup>st</sup> agenda
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Thursday, June 24<sup>th</sup> at 5:30 p.m.
  - (1) May 13<sup>th</sup> agenda
- c. IRA/AGA/Registration Committee (Commissioner Kelley, Chair) – 3 min.\*  
Next regularly-scheduled meeting: TBD
- d. Outreach Committee (Commissioner Laverde, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Wednesday, June 16<sup>th</sup> at 5:30 p.m.
  - (1) May 19<sup>th</sup> agenda
  - (2) June 16<sup>th</sup> agenda
- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District – 3 min.\*  
Chair: TBD  
Next regularly-scheduled meeting: TBD

- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – 10 min.\*  
Committee Co-Chairs: Mayor Arreguín and Chair Simon-Weisberg  
Next regularly-scheduled meeting: Wednesday, June 23<sup>rd</sup> at 3:00 p.m.
- g. Ad Hoc Committee on RSB Technology Issues (Chair TBD) – 3 min.\*  
Next meeting date: TBD
- h. Updates and Announcements – 3 min.\*
- i. Discussion of items for possible placement on future agenda – 3 min.\*

## 9. ADJOURNMENT

### COMMUNICATIONS DISCLAIMER:

**Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website.** Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.



**RENT STABILIZATION BOARD**  
**Regular Meeting and Public Hearing**  
**Thursday, May 6, 2021**  
**7:00 p.m.**

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**RENT STABILIZATION BOARD**  
**Regular Meeting and Public Hearing**  
**Thursday, May 6, 2021**  
**7:00 p.m.**

**Regular Meeting Minutes - *Unapproved***

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:01 p.m.  
Aimee Mueller called roll.  
Commissioners present: Alpert, Chang, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker (logged on at 7:48 p.m.), Simon-Weisberg.  
Absent: None.  
Staff present: Brown, Bursell, Fabish, Mueller, Romain, Siegel, Van Dyke.
2. **Approval of Agenda** – M/S/C (Alpert/Laverde) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE CONSENT ITEM 4.c. TO ACTION; AND CONSIDER ACTION ITEMS 7.a.(2), 7.a.(3), AND 7.a.(4) AS ONE ITEM. Roll call vote. YES: Alpert, Chang, Kelley, Johnson, Laverde, Mendonca, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.
3. **Public Comment** – for *non*-agendized items: There were no speakers.

4. **CONSENT ITEMS**

*Item 4.c. was moved to action by a prior vote of the Board.*

- a. Approval of the April 15<sup>th</sup> regular meeting minutes
- b. Recommendation to adopt Resolution 21-10 authorizing the Acting Executive Director to execute a contract with Kinnectics, LLC through June 30, 2022 in an amount not to exceed \$25,000 (Budget & Personnel Committee and Acting Executive Director)
- c. Recommendation to approve the Rent Board Office closure every 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of the month and City of Berkeley Reduced Service Days (VTO) (Acting Executive Director) – This item was heard on the action calendar by a prior vote of the Board.

M/S/C (Alpert/Laverde) MOTION TO APPROVE THE PROPOSAL TO CLOSE THE RENT BOARD OFFICE TO THE PUBLIC ON THE SECOND AND FOURTH WEDNESDAYS OF THE MONTH, AND ON VTO DAYS; AND REPORT BACK TO THE BOARD IN SIX MONTHS WITH AN ANALYSIS OF THE IMPACT THAT INCLUDES STAFF FEEDBACK. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- d. Recommendation to adopt Resolution 21-11 approving the hiring of a temporary worker to assist the Registration Unit during the Registration Period from May 17 - July 17, 2021 (Budget & Personnel Committee and Acting Executive Director)

- e. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Acting Executive Director & Registration Unit Supervisor)

**Ministerial Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4971	2014 Channing Way
4972	2326 10 <sup>th</sup> Street
4973	1310 Addison Street
4979	2948 Hillegass Avenue

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4968	1235 Carrison Street
4974	1103 Keeler Avenue
4981	2133 Parker Street

M/S/C (Laverde/Selawsky) MOTION TO APPROVE CONSENT ITEMS 4.a., 4.b., 4.d., AND 4.e. AS WRITTEN. Roll call vote. YES: Alpert, Chang, Kelley, Johnson, Laverde, Mendonca, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

**5. APPEAL – Case No. **T-5883** (2030 Essex St., Unit A)**

Appearances:

Michael Nikraves and Ron Fattal, Appellants

Winn Child-Phillips and Robert Phillips, Respondents

M/S/C (Alpert/Selawsky) MOTION TO UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None; RECUSED: Mendonca\*. Carried: 8-0-0-0-1.

\*Commissioner Mendonca recused herself because she is acquainted with one of the parties.

**6. PUBLIC HEARING on the Annual Registration Fee for Rent-Controlled Units and the Annual Registration Fee for rental units subject to Measure MM registration requirements for the 2021-2022 fiscal year (FY)**

- a. Public Comment on **agendized** items – There were three speakers. Carole Marasovic thanked Commissioner Selawsky for his comments on item 7.a.(1). Nick Griffin from RDC spoke about the language in Resolution 21-07. Sara Abramowitz-Hill spoke on item 7.a.(2).
- b. Comments from the Board, Acting Executive Director and Committees – The Board offered comments and feedback, and staff answered questions from Commissioners.

## 7. ACTION ITEMS

*Item 4.c. was moved to action, and items 7.a.(2), 7.a.(3), and 7.a.(4) were considered as one item by a prior vote of the Board.*

a. From Board Members, Committees, and Executive Director

- (1) Presentation and possible action regarding the *Draft Berkeley Existing Buildings Electrification Strategy* by Billi Romain, Manager, Office of Energy and Sustainable Development (OESD), and Katie Van Dyke, OESD Climate Action Program Manager/Chief Resilience Officer

M/S/C (Simon-Weisberg/Chang) MOTION TO EMPOWER COMMISSIONERS KELLEY AND SELAWSKY, AND CHAIR SIMON-WEISBERG TO WORK WITH STAFF TO DRAFT COMMENTS INCLUDING A DESCRIPTION OF HOW CAPITAL IMPROVEMENT PASS-THROUGHS WORK, HABITABILITY PLANS, AND SUGGESTED CHANGES TO THE RELOCATION ORDINANCE; AND CAPTURING OTHER COMMENTS BY COMMISSIONERS ON THE DRAFT EXISTING BUILDINGS ELECTRIFICATION STRATEGY WITH AN EQUITY AND INCLUSION LENS. Roll call vote. YES: Alpert, Chang, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- (2) Recommendation to adopt Resolution 21-05 setting the Annual Registration Fee for rent-controlled units for FY 2021-2022, due on July 1, 2021; and Resolutions 21-06 and 21-07 setting the Annual Registration Fee for rental units subject to Measure MM registration requirements for FY 2021-2022, due on July 1, 2021 (Budget & Personnel Committee and Acting Executive Director)  
*Items 7.a.(2), 7.a.(3), and 7.a.(4) were considered as one item by a prior vote of the Board.*
- (3) Recommendation to adopt Resolution 21-08 setting the Summer Rental Registration Fee for qualifying sororities and fraternities for FY 2020-2021 (Budget & Personnel Committee and Acting Executive Director)  
*Items 7.a.(2), 7.a.(3), and 7.a.(4) were considered as one item by a prior vote of the Board.*
- (4) Recommendation to adopt Resolution 21-09 authorizing the pass-through of a portion of the FY 2021-2022 Annual Registration Fee for rent-controlled units to certain tenants (Budget & Personnel Committee and Acting Executive Director)  
*Items 7.a.(2), 7.a.(3), and 7.a.(4) were considered as one item by a prior vote of the Board.*

M/S/C (Selawsky/Chang) MOTION ON ITEMS 7.a.(2), 7.a.(3), and 7.a.(4): ADOPT RESOLUTIONS 21-05, 21-06, 21-08, AND 21-09 AS WRITTEN, AND RESOLUTION 21-07 AS MODIFIED AND READ ALOUD AT THE MEETING. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde,

Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None;  
ABSENT: None. Carried: 9-0-0-0.

- (5) Update and possible action regarding the Executive Director recruitment and hiring process (Chair Simon-Weisberg)  
Chair Simon-Weisberg updated the Board on the steps she's taken and the status of the recruitment process.

## 8. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

**ALL ITEMS BELOW WERE MENTIONED OR BRIEFLY DISCUSSED.  
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.**

### a. Reports from Board Members/Staff

- (1) Update on Amicus Curiae brief in *Community Housing Improvement Program v. City of New York Rent Guidelines Board* (U.S. Court of Appeals, 2nd Cir., Case #20-3366) (Acting Executive Director)
- (2) Commissioner attendance at Board and Committee meetings through the first quarter of 2021 (Acting Executive Director)
- (3) Update on recent/upcoming Rent Board outreach events (Acting Executive Director)
  - a. Wednesday, March 24, 2021 (10:00 - 11:30 AM) – Security Deposits: Rights and Responsibilities webinar
  - b. Wednesday, April 7, 2021 (10:00 - 11:30 AM) – Buying and Selling Rental Property in Berkeley webinar
  - c. Wednesday, April 14, 2021 (10:00 – 11:30 AM) – Measure MM webinar
  - d. Wednesday, May 12, 2021 (10:00 – 11:30 AM) – Rent Board Registration 101/Registering your Berkeley Rental Property webinar
- (4) April 17, 2021 *The New York Times* article by Ron Lieber titled “Realtors Want to Sell You a Home. Their Trade Group Backs Evicting Others.” (Chair Simon-Weisberg)  
<https://www.nytimes.com/2021/04/17/your-money/realtors-pandemic-eviction-ban.html>
- (5) April 19, 2021 *The Oaklandside* article by Natalie Orenstein titled “Eviction attempts plummeted during the pandemic in Oakland” (Chair Simon-Weisberg)  
<https://oaklandside.org/2021/04/19/eviction-attempts-plummeted-during-the-pandemic-in-oakland/>
- (6) April 19, 2021 *Science Daily.com* press release from Johns Hopkins Medicine

titled, “Pandemic eviction bans found to protect entire communities from COVID-19 spread” (Chair Simon-Weisberg)

<https://www.sciencedaily.com/releases/2021/04/210419110130.htm>

- (7) April 21, 2021 *The New York Times* article by Jim Tankersley titled “Biden Administration Debating How to Overhaul a Trump-Era Tax Break” (Chair Simon-Weisberg)

<https://www.nytimes.com/2021/04/21/business/biden-trump-opportunity-zones.html>

- (8) April 22, 2021 *48 Hills.org* article by Zelda Bronstein titled, “Facebook’s housing echo chamber” (Chair Simon-Weisberg)

<https://48hills.org/2021/04/facebooks-housing-echo-chamber/>

- (9) April 23, 2021 *Reuters* article by Michelle Conlin titled, “SPECIAL REPORT: Giant U.S. landlords pursue evictions despite CDC ban” (Chair Simon-Weisberg)

<https://www.reuters.com/world/us/special-report-giant-us-landlords-pursue-evictions-despite-cdc-ban-2021-04-23/>

- (10) April 23, 2021 *The Seattle Times* article by Sydney Brownstone and Heidi Groover titled, “Washington becomes first state to guarantee lawyers for low-income tenants during evictions” (Chair Simon-Weisberg)

<https://www.seattletimes.com/seattle-news/homeless/washington-becomes-first-state-to-guarantee-lawyers-for-low-income-tenants-during-evictions/>

- (11) Date to submit agenda topics/items for the June 17, 2021 Rent Board meeting:

**Monday, June 7<sup>th</sup>**

## **9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

- a. Budget and Personnel Committee (Commissioner Selawsky, Chair)  
Next regularly-scheduled meeting: Thursday, May 27<sup>th</sup> at 5:00 p.m.

(1) April 22<sup>nd</sup> agenda

(2) April 27<sup>th</sup> agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair)  
Commissioner Mendonca reported that the Committee will be hearing proposals from the legal services providers at their next meeting.

Next regularly-scheduled meeting: Thursday, May 13<sup>th</sup> at 5:30 p.m.

- c. IRA/AGA/Registration Committee (Commissioner Kelley, Chair)  
Next regularly-scheduled meeting: Thursday, May 20<sup>th</sup> at 5:00 p.m.

- d. Outreach Committee (Commissioner Laverde, Chair)  
Next regularly-scheduled meeting: Thursday, May 19<sup>th</sup> at 5:30 p.m.

(1) April 21<sup>st</sup> agenda

e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District

Chair: TBD

Next regularly-scheduled meeting: TBD

f. 4 x 4 Joint Committee on Housing: City Council/Rent Board

Committee Co-Chairs: Mayor Arreguín and Chair Simon-Weisberg

Next regularly-scheduled meeting: Tuesday, May 4<sup>th</sup> at 3:00 p.m.

(1) May 4<sup>th</sup> agenda packet

g. Ad Hoc Committee on RSB Technology Issues (Chair TBD)

Next meeting date: TBD

h. Updates and Announcements – Commissioner Laverde announced that the Berkeley Tenants Union will be holding a workshop on SB 91 Rental Assistance and will have a Spanish translator available. Commissioner Selawsky announced that the UC Regents will be meeting about 1912 Walnut St. and comments are due soon.

i. Discussion of items for possible placement on future agenda

**10. ADJOURNMENT**—M/S/C (Selawsky/Kelley) MOTION TO ADJOURN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The meeting adjourned at 10:17 p.m.



Rent Stabilization Board

DATE: June 17, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Vice Chair Soli Alpert, Chair Leah Simon-Weisberg, Commissioner Laverde,  
and Commissioner Dominique Walker

SUBJECT: Resolution Condemning the Illegal Evictions of Palestinians By the Israeli  
Government

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**Recommendation:**

That the Berkeley Rent Stabilization Board adopt the attached resolution condemning the illegal evictions of Palestinians by the Israeli Government.

**Background:**

Ongoing efforts by Israeli settlers to evict Palestinian residents of the East Jerusalem neighborhood of Sheikh Jarrah have sparked violence throughout Israel and Palestine. These evictions are a part of a pattern of violence, displacement, and dispossession by Israeli settlers and the Israeli government against Palestinians which amount to ethnic cleansing and apartheid. The attached resolution condemns these actions and call for American tax dollars to no longer fund apartheid in Israel.

**Financial Impact:**

None.

**Name and Email Address of Contact Person:**

Vice Chair Soli Alpert, [RSBAlpert@cityofberkeley.info](mailto:RSBAlpert@cityofberkeley.info)

## **RESOLUTION 21-12**

### **CONDEMNING THE ILLEGAL EVICTIONS OF PALESTINIANS BY THE ISRAELI GOVERNMENT**

**BE IT RESOLVED** by the Rent Stabilization Board of the City of Berkeley as follows:

**WHEREAS**, the mission of the Berkeley Rent Stabilization Board and the purpose of the Rent Stabilization and Eviction for Good Cause Ordinance include the prevention of unwarranted, unjust, and illegal evictions; and

**WHEREAS**, while the Rent Board's jurisdiction is limited to the City of Berkeley, as Reverend Dr. Martin Luther King, Jr. stated, "Injustice anywhere is a threat to justice everywhere"; and

**WHEREAS**, Israeli settlers are attempting to use discriminatory laws, which permit Jews but not Palestinians to make claims on land held from before the partition of Israel and Palestine, to forcibly evict Palestinian residents of the East Jerusalem neighborhood of Sheikh Jarrah; and

**WHEREAS**, the settlers attempting to occupy these properties have never owned or lived in them, and some have moved from as far away as the United States to perpetrate this dispossession; and

**WHEREAS**, the organizations and individuals perpetrating the evictions in Sheikh Jarrah are by their own admission undertaking these actions to convert the neighborhood from majority Palestinian to majority Jewish, in what amounts to a campaign of ethnic cleansing; and

**WHEREAS**, the escalation of violence and oppression in Sheikh Jarrah and at the Al-Aqsa Mosque by Israeli Occupation Forces was the trigger for the most recent escalation of violence in Israel and Palestine; and

## **RESOLUTION 21-12**

### **CONDEMNING THE ILLEGAL EVICTIONS OF PALESTINIANS BY THE ISRAELI GOVERNMENT (Page 2)**

**WHEREAS**, militarized police forces carrying out unjust evictions is not unfamiliar to us here in the East Bay, with the Alameda County Sheriff's Department under the leadership of Sheriff Gregory Ahern deploying armored vehicles and over 30 armed agents to evict the Moms 4 Housing from their reclaimed Oakland home; and

**WHEREAS**, both international and Israeli NGOs have determined that Israel's discriminatory and anti-democratic system of law and government, which subjects millions of Palestinians to Israeli military rule, is a form of apartheid; and

**WHEREAS**, despite this clear and ongoing violation of international law and human rights, the American government continues to provide multiple billions of dollars a year in military aid to Israel, which it uses to further the dispossession, oppression, and assault of the Palestinian people; and

**WHEREAS**, Berkeley has a proud history of standing with the victims of apartheid, with the Anti-Apartheid movement in the United States in many ways beginning in Berkeley; and

**WHEREAS**, Representative Betty McCollum of Minnesota has introduced H.R.2590, a law that would promote and protect the human rights of Palestinians living under Israeli military occupation and to ensure that American tax dollars are not used by Israel to support the military detention of Palestinian children, the unlawful seizure, appropriation, and destruction of Palestinian property and forcible transfer of civilians in the West Bank, or the further annexation of Palestinian land; and

**WHEREAS**, while this law fails to concretely reduce American aid to Israel, it represents a crucial first step in ending America's unconditional support for Israeli apartheid.

**RESOLUTION 21-12**

**CONDEMNING THE ILLEGAL EVICTIONS OF PALESTINIANS BY THE ISRAELI GOVERNMENT (Page 3)**

**NOW, THEREFORE, BE IT RESOLVED**, that the Berkeley Rent Stabilization Board condemns the illegal evictions of Palestinians from Sheikh Jarrah and the continued displacement of Palestinians across Palestine; and

**BE IT FURTHER RESOLVED**, that the Berkeley Rent Stabilization board calls for the end of American funding of Israeli apartheid, starting with the passage of H.R. 2590, and calls on Congresswoman Barbara Lee to immediately cosponsor the legislation; and

**BE IT FURTHER RESOLVED**, that copies of this resolution shall be sent to Congresswoman Barbara Lee, Senator Dianne Feinstein, and Senator Alex Padilla.

Dated: June 17, 2021

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

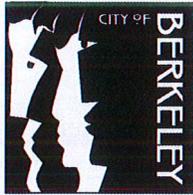
NO:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Leah Simon-Weisberg, Chairperson  
Rent Stabilization Board

Attest: \_\_\_\_\_  
Matt Brown, Acting Executive Director



**Rent Stabilization Board**

**RENT STABILIZATION BOARD**

DATE: June 17, 2021

TO: Honorable Members of Rent Stabilization Board

FROM: Honorable Members of the Budget & Personnel Committee  
 By: Matt Brown, Acting Executive Director MB  
 Lief Bursell, Senior Planner

SUBJECT: Adoption of FY 2021/22 Line-Item Budget, Staffing Model & Expenditure Level

**Recommendation:**

That the Board adopt Resolution 21-13 approving the FY 2021/22 line-item budget and staffing model of 24.55 FTE career employees (25.05 FTE including temporary employees) and authorizing an overall spending level of \$6,275,535, which includes \$213,000 in expenditures from the Board's Capital Reserve.

**Background and Need for Rent Board Action**

Legally, the Board has through the end of June to adopt a staffing model and budget with a maximum expenditure authorization for FY 2021/22. The process for adopting the annual budget is guided by the Budget and Personnel Committee, which has met six times in calendar year 2021 in order review the status of the budget, the composition of the staffing model, and the revenues and expenditures that are projected in the coming year.

When adopting its budget for the current fiscal year, the Board elected to include a formal mid-fiscal year budget review as part of the budget process for the first time. This was done in order to allow for any necessary adjustments to the budget if revenues were impacted significantly by the COVID-19 pandemic. The Board received the FY 2021/22 mid-fiscal year budget report at its February 18, 2021 meeting and, after reviewing the status of the budget, elected to amend the staffing model to add a new permanent housing counselor position to add capacity to provide additional services associated with Measure MM.

The Board also discussed its budget, as well as the projected expenditure level for next fiscal year, at its May 6, 2021 meeting. At this meeting, the Board voted to utilize some of its uncommitted reserve in order to maintain the annual registration fee at \$250 per unit and avoid raising the fee at a time when the rental housing market is still experiencing the economic impacts of the COVID-19 pandemic. The Board felt comfortable going an additional year

without adjusting the fee because of Fund 440's larger than expected uncommitted reserve balance, caused by both ongoing vacancies in several previously-budgeted positions and better than anticipated registration fee revenues.

In addition to passing the standard registration fee for fully-covered, controlled rental units, the Board considered the appropriate annual registration fee level for Measure MM units for the first time. Measure MM requires that the Board set a registration fee and imposes registration requirements on certain partially covered, rented single-family homes, condominiums, and units defined as new construction under B.M.C. Sections 13.76.040Q and 13.76.050I. The Board voted to set the Measure MM unit registration fee at a total of \$150 per unit a base fee of \$100 per unit, and an additional \$50 fee to recover FY 2020/21 implementation costs. The Board also passed a lower \$37 per unit fee for certain rental units subject to affordable housing restrictions that are required to register under Measure MM.

The Board adopted the Measure MM fee based on an estimate that 4,000 units will qualify for registration, however there is still a lot of uncertainty regarding the actual number of units that qualify for registration under these new requirements. Berkeley has not implemented a larger scale initial registration effort in nearly 40 years and staff recommend that the Board do not assume a high initial compliance rate for these units in FY 2021/22. The impact to staff capacity of providing increased services to qualifying Measure MM units is also an unknown that staff will continue to monitor.

For the reasons above, staff and the Budget & Personnel Committee recommend a somewhat conservative approach which projects a lower compliance rate of only 50% for Measure MM unit registration in this first year. The Board can then review and make any needed adjustments based on actual compliance during its formal mid-fiscal year budget review early in calendar year 2022. The mid-fiscal year budget review process was successful in allowing the board to make changes to the adopted budget in response to the passage of Measure MM. Staff recommends the Board make the mid-fiscal year review a permanent part of its annual budget process going forward to provide a formal opportunity to adjust services when actual revenues are known, and respond to any changes that take place in the first six months of the fiscal year.

### **Update on Measure MM Registration**

Earlier this year, staff sent letters to roughly 9,000 units informing them of the new Measure MM registration requirements. This resulted in a total of 1,709 units being registered as rented or available for rent (1,323 with active tenancies, and 326 vacant but available units). On May 17, the Measure MM registration fees were posted for approximately 6,100 units in about 1,825 properties. This group was comprised of 1,565 single-family homes and 258 multi-family homes. Registration bills were mailed to the properties in two batches, the second batch posted on Tuesday, May 25, 2021.

Staff and the Budget and Personnel Committee will continue to monitor the status of FY 2021/22 Measure MM registration and will provide ongoing updates to the Board after the July 1, 2020 deadline has passed.

### **Final FY 2019/20 Year-end Fund Balance**

On April 21, 2021 staff received a preliminary copy of the independent auditor's report on the Board's financial statements for FY 2019/20. The auditor's report states that the Rent Board's year-end revenue for FY 2020 was \$5,055,139 and that its year-end expenditures were \$5,130,732, resulting in an overall \$75,593 reduction to the Board's uncommitted reserve. Staff reviewed the outside auditor's calculations and they match with our internal records. Review of the audit results in an overall revenue decrease of just over \$27,000 when compared to the preliminary estimate the Board received during its mid-fiscal year budget review. The Board's actual uncommitted reserve stood at \$1,048,569 at the end of the previous fiscal year. Almost all of this \$27,000 change is due to duplicate registration fee charges that were initially counted twice and then corrected early this fiscal year.

During this past registration cycle there was a brief period where the agency's online payment's system was malfunctioning immediately after the IT Department performed a software upgrade. This problem was resolved relatively quickly and all payments were processed, but staff later learned it resulted in \$328,327 of FY 2020/21 revenue being counted incorrectly as FY 2019/20 revenue. Staff attempted to correct this error in time for it to be adjusted in the Board's official financial statements but these records cannot be amended after August, and staff had not fully verified the exact amount of this error until the fall. Extra time was needed to review each deposit and verify the exact amount of revenue incorrectly deposited into the previous year's registration fee account.

When the outside auditor's report is finalized it will show that Rent Board FY 2019/20's revenue is \$328,327 higher than shown in the attached budget documents. For budgetary purposes it is better for clarity and future planning to represent it as revenue in FY 2020/21, even though it is technically counted revenue from the previous fiscal year in the Board's official financial statements.

### **3<sup>rd</sup> Quarter Update on FY 2021 Budget Status and Year-End Projections**

The agency's Mid-Fiscal Year 2021 Budget Report projected that total FY 2020/21 expenditures will be around \$800,000 lower than what the Board authorized in its adopted budget. While this is due in part to better than anticipated revenues, it is mostly the result of decreases in expenditures that come most significantly from salary savings due to the unfilled permanent Executive Director and Deputy Director positions. Expenditures from the capital reserve for the ongoing Rent Tracking System (RTS) replacement project have also been mostly delayed until next fiscal year when it is anticipated that the agency's database will fully transition to 3Di, Inc's software platform.

At the end of the 3<sup>rd</sup> quarter of FY 2020/21 (as of March 31, 2021), the agency's total revenue was \$4,912,917 and total expenditures were \$3,669,770. Staff have updated year-end projection to account for the addition of a new housing counselor, increased costs of the additional outreach and mailings to Measure MM properties, and the hiring of a temporary worker to assist with Measure MM unit registration. Staff now project that total FY 2021 expenditures will end at around \$5,130,000, and total FY 2021 revenue projects at \$4,950,000.

Overall, the Board projects to deficit spend by around \$180,000 this fiscal year and it should start next fiscal year with an uncommitted fund balance of around \$878,000, which is over 15% of projected FY 2021/22 recurring expenditures. The Board also projects to have close to \$490,000 in its capital reserve, most of which has already been earmarked for the RTS replacement project and to scan the agency's property files.

### **Programmatic Accomplishments in FY 2021**

Responding and adjusting to the ongoing COVID-19 pandemic has made this past year uniquely challenging for both the Board and the Program. Providing all of the program's services remotely for an entire fiscal year, adjusting outreach to constant changes to state law associated with the eviction moratorium, while stretching our resources to implement the new registration requirements associated with Measure MM, are a few examples of the major challenges the Board and staff have faced. In addition to these new challenges the agency has continued to maintain its focus and energy on performing its core services to the tenants and landlords of Berkeley. The program's core services are as follows:

1. Regularly communicating with Berkeley's 50,000 plus tenants and 2,800 landlords to ensure they are aware of the protections, requirements and services under the Rent Stabilization and Eviction for Good Cause Ordinance.
2. Providing counseling and other direct services to over 1,000 clients per month who call, and email for advice and assistance. Due to the COVID-19 pandemic, we did not provide in-person counseling services this past fiscal year, but we did meet with some clients using video conferencing technology. At the Board's direction, agency staff also spent considerable time reaching out to the community through seminars and workshops, all of which were conducted remotely. The vast majority of these contacts are with Berkeley property owners and tenants.
3. Fully transitioning to remote administrative hearings and mediations using the Zoom platform on March 26, 2020, only days after the Shelter in Place Order was initially issued. Staff has held dozens of hearings through May 2021 adhering to the same pre-pandemic time frames for petition processing and scheduling.
4. Maintaining accurate records on the rents and services of over 20,000 rental units in the City of Berkeley and processing payments, changes in tenancy and exempt status, and requests for penalty waivers for all units covered by the Ordinance.
5. Guiding policy, transparency and governance: Historically 2-3 FTE are dedicated to providing policy, administrative, legal and logistical support directly for the Board and its committees. The past several years, this has increased somewhat as we address appropriate responses to the housing affordability crisis.

The vast majority of our resources are dedicated to the multitude of tasks involved in carrying out the five essential "core" areas of work listed above. Providing these services at a high level is the primary way in which we carry out the purpose and mission of the Ordinance articulated in Section 120 of the City Charter:

***"The purpose of this article is to provide for proper administration of programs to regulate residential rents; to protect tenants from unwarranted rent increases and arbitrary, discriminatory***

***or retaliatory eviction; to help maintain the diversity of the Berkeley community; and to ensure compliance with legal obligations relating to the rental of housing.”***

In addition to these “core” areas of work, the agency was tasked with two major projects this past fiscal year that took significant energy, time and focus from our staff. The first was the implementation of the new registration requirements required due to the passage of Berkeley’s Measure MM. Identifying potentially qualifying properties, developing new registration processes and procedures, and working with 3Di to create a new registration and online-payments platform has taken a substantial effort from staff, and launching the Measure MM registration portal on schedule in May was a significant accomplishment.

Before Measure MM passed in November, the agency had already contracted with 3Di, Inc. to develop an integrated software solution to replace the program’s existing RTS database. Work on this contract and requirements gathering has been ongoing throughout this entire fiscal year. Board processes for registration, fee waivers, and calculating penalties are particularly complex and have required a lot of back and forth between staff and 3Di, Inc’s project team. While the agency’s focus shifted due to Measure MM, work on the full RTS replacement project has continued to proceed in the background and will be a major focus next fiscal year.

The agency has also dedicated time to ensuring a successful transition to a new, permanent Executive Director. In October 2020, the Board hired Keren Stashower to complete an executive transition assessment. Ms. Stashower surveyed and interviewed both Board members and staff, and presented the findings of the assessment to the Board at its March 17, 2021 meeting.

The executive transition assessment identified six areas of focus for the hiring of a new, permanent Executive Director. The following three areas were identified as existing agency strengths: 1) Board development and support; 2) Protection and implementation of the Rent Stabilization Ordinance; and 3) Rent Stabilization Board advocacy. The final three areas were identified for potential agency growth/improvement: 1) Internal structure and processes; 2) Strategy and direction; and 3) People engagement and development.

On May 6, 2021 the Board authorized an additional contract with Ms. Stashower to support the agency as it looks to build on its current strengths and work on the areas for growth identified in the executive transition assessment. Staff have begun to work with Ms. Stashower to address these growth opportunities through an agency wide strategic planning effort, the prioritization of organizational trainings, and the creation of processes to improve project management. In order to allow staff time to work on these internal improvements, the Board authorized staff to close the office on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of the month.

In addition to these major internal and external projects, the agency has continued its ongoing efforts to fulfill the Board’s charge under the City Charter. The Board has continued to work with Council to promote important legislation that directly relates to the work agency staff perform to achieve the goals articulated in both the Charter and Rent Ordinance itself. Over the course of the last several years, the Board has taken a particularly holistic approach to addressing needs associated with community stability and ensuring that the most vulnerable members of the city have access to services that promote safe and decent housing. To that end, the Board has continued to increase contact with both the Council and other City departments in an effort to

streamline important services for both landlords and tenants, all the while working within the framework of the specific rights and responsibilities established by the Rent Ordinance. The Board and City Council's 4x4 Joint Task Force Committee on Housing (4x4 Committee) has also met increasingly to tackle important rental housing issues.

Below is a partial list of some of the important achievements the Board and agency have made over the past year:

- Provide remote services in all areas from counseling, registration, hearings & mediations, and public meetings due to Covid-19 Pandemic
- Enhanced building security and COVID-19 pandemic related improvements
- Plan for implementation and administration of the City's Fair Chance Ordinance which prohibits discrimination based on tenants' past criminal history
- Defend five Writ of Mandates, three of which were dismissed and two which resulted in decisions in the agencies favor.
- Provide background data and information about Berkeley's rent control ordinance to a team of City of Los Angeles attorneys who prepared an Amicus Brief in support of New York's rent control ordinance.
- Review and propose improvements to the Berkeley's Relocation Ordinance
- Provide input on proposed quadplex zoning proposal
- Review impacts of SB 330 on Demolition Ordinance
- Enact a COVID-19 hardship waiver process
- Outreach Counseling on state eviction moratorium
- Expanding counseling and mediation services to Measure MM units
- Provide feedback on the Berkeley Existing Buildings Electrification Strategy
- Provide live webinars on Measure MM requirements, state and local eviction moratorium
- Engage in a strategic planning process
- Work with 4x4 Committee and other stakeholders on potential revisions to the City's Demolition Ordinance.
- Complete for the first time a formal mid-fiscal year budget review process
- Work with EDC & EBCLC to shift the focus of their work from evictions to housing retention

Staff has done an outstanding job providing remote services throughout the pandemic, while also taking on the unique challenges of implementing Measure MM's new services and registration requirements. The Board and landlord/tenant community have come to expect the agency to deliver its core services at a high level, and the agency has managed to do so under some of the most trying circumstances in its history. The programs core services will remain important to both landlords and tenants as the economy returns to normal and the ability to evict tenants for the non-payment of rent is reinstated.

## **Goals and New Initiatives in FY 2021/22**

While the agency faced unprecedented challenges this past year, it was still able to dedicate the time needed to pursue initiatives that are beyond the provision of the agency's core services in order to improve future services to all of Berkeley's rental housing stakeholders.

Staff, the Budget & Personnel Committee, Outreach and other Board committees, have identified 20 projects that are priorities during the upcoming fiscal year. Several of the larger projects, as well as city-wide policy initiatives, carry-over from this current fiscal year:

1. Complete the initial registration of Measure MM units
2. Prepare and execute a phased office reopening and begin to provide more in-person services to clients.
3. Provide outreach and assistance to tenants and landlords on laws and requirements for evictions as state and local eviction moratoriums come to an end.
4. Fully transition from the agency's existing RTS Database to the agency's new integrated software platform being developed by 3Di.
5. Recruit, select, hire and train a new permanent Executive Director.<sup>1</sup>
6. Create and hire a new General Counsel position that reports directly to the Board.
7. Recruit, select, hire and train a new Deputy Director.<sup>2</sup>
8. Implement and administrate the City's Fair Chance Housing Ordinance.
9. Complete a survey of tenants and begin scoping a study/survey of property owners.
10. Use the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays to work on agency-wide improvement areas identified in the executive transition survey
11. Continue work to improve the Demolition Ordinance to reach the appropriate balance of allowing new construction, while protecting sitting tenants and mitigating the overall loss of housing affordability.
12. Work with the City of Berkeley to revamp and improve the Relocation Ordinance.
13. Monitor development projects including the creation of new ADUs that impact the tenancies or services to existing tenants.
14. Continue to monitor Short-Term Rental Ordinance compliance to prevent the loss of long-term rentals.
15. Provide enhanced trainings for staff and Board members
16. Continue studying and memorializing the impacts of Costa-Hawkins on Berkeley and other cities in the state.
17. Implement two-phase project to recreate all Rent Board web content (including PDFs) and transfer to new website CMS, and expand integration with the City's public records portal.

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<sup>1</sup> The agency currently employs an Acting Executive Director who is also the Senior Staff Attorney.

<sup>2</sup> It is recommended that this recruitment follow the hiring of a permanent Executive Director and that this position be revisited during the mid-year budget review.

18. Working with City Council to assist with the adoption of the Tenant Opportunity to Purchase Act (TOPA).
19. Continue working with local and regional groups to develop a coordinated and effective response to the housing crisis.
20. Work with City of Berkeley IT Department to enhance agency cyber security.

Chief among the concerns expressed by the Budget & Personnel Committee at its June 1, 2021 meeting was expanding capacity surrounding policy expertise on the Board's staff. The Deputy Director position has long remained unfilled. The committee expressed interest in specifically pursuing a candidate for this position that may be able to increase capacity to provide direction regarding several policy initiatives the Board is interested in adopting. The Deputy Director will likely be hired shortly after the Board hires a permanent Executive Director, and the Board will be able to pursue applicants with this unique skillset.

### **Administration of the Fair Chance Ordinance**

On April 14, 2020, the Berkeley City Council adopted the Ronald V. Dellums Fair Chance Access to Housing Ordinance (B.M.C. Chapter 13.106). The Ordinance prohibits housing providers from advertising, directly or indirectly, that they will not consider applicants with criminal histories except as required by state or federal law.

On December 14, 2020, the Board agreed in principle to administer the Ordinance on behalf of the City after receiving a letter from Mayor Arreguín requesting that the agency do so "subject to the negotiation of an agreement between the City administration and the Board regarding the specific roles and responsibilities in ordinance implementation".

On March 23, 2021, staff submitted an outline of responsibilities and roles the Board staff could take on in order to implement the ordinance, along with a proposed budget for both one-time start-up costs and ongoing annual staffing costs. Staff proposed that the Board be responsible for the counseling of landlords and tenants in Berkeley on the Ordinance, working with City Attorney's office to draft administrative regulations related to the implementation of the hearings process, including an administrative review process, and the holding full evidentiary hearings.

The proposed budget that was submitted to City of Berkeley administration represents staff best estimate on what how much staff time Ordinance implementation will take, and included \$10,350 in startup costs and \$105,500 in ongoing personal costs to administer the Ordinance. Staff recently learned from the City's Budget Manager that the requested allocation is being included in the City Council budget for next fiscal year. Staff are preparing to begin implementation of the Fair Chance Ordinance starting July 1<sup>st</sup>, 2021.

The transfer of \$115,850 in funds from the City of Berkeley is included as projected revenue in the proposed budget. Staff will monitor the number of hours dedicated to Fair Chance Ordinance administration and adjust the budget request to City Council accordingly for FY 2022/23.

### **Highlights of the FY 2021/22 Proposed Budget**

The proposed FY 2021/22 Budget (Attachment 3) requests new spending authorization totaling \$6,275,535.<sup>3</sup> This amount includes \$5,817,405 toward our recurring operational expenses (87% of which is for staff and office rent), \$453,130 for replacing the agency's RTS database, outside IT support and maintenance, document scanning, a tenant survey, website content rewrite, and enhanced training. The remaining \$5,000 is allocated for a temporary agency employee to assist with the initial registration of Measure MM units that was authorized by the Board at its May 6, 2021 meeting.

Several proposed FY 2021/22 line-item budget allocations are for projects that were proposed for implementation this fiscal year but were not completed due to the agency's focus on implementing Measure MM.

**\$138,000 - Database Solution** - The Board adopted a one-time \$20 adjustment to the registration fee in FY 2017/18, with the \$400,000 collected placed in the Board's Capital Reserve and earmarked for finding a sustainable long-term solution to our database needs. The agency has contracted with 3Di, Inc. to develop a new integrated software solution to replace the existing RTS database and anticipate the new platform will launch in December of 2021. Development was delayed due to the need to shift focus to Measure MM registration this past fiscal year. The 3Di, Inc. contract spreads out payment for the development of the database.

**\$80,000 – Tenant Survey** – completing a new tenant survey has been a top priority for the Outreach Committee. The Board completed its last tenant survey in 2009, which was directed by former Rent Board Deputy Director Dr. Stephen Barton. The Board will hire an outside vendor to conduct this survey, but the Outreach Committee has already proposed to consult with Dr. Barton on survey design.

**\$85,000 - Enhanced Training** - The proposed budget recommends that \$10,000 be allocated on a recurring basis to the Training line item (40-63) for ongoing enhanced training opportunities for staff. An additional one-time allocation of \$75,000 is set aside in the CIP line item for trainings, team-building exercises for both staff and the Board, as well as for the continued support of a consultant to help the agency respond to the growth opportunities identified in the executive transition assessment.

**\$75,000 - Scanning of Property Files** – Now that the majority of agency staff have worked remotely for the past year, the potential benefits of scanning all of the existing property files, and potentially additional files are even more clear. However, given the agency's focus on implementing Measure MM and completing transition to a new software and database platform in the first half of the year, staff do not anticipate beginning work on this project until the second half of FY 2021/22. Staff will provide an update on the timeline for this project with the FY 2021/22 mid-fiscal year budget report.

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<sup>3</sup> As has been described in prior communications, funding previously allocated by the Board for a specific purpose (like the \$400,000 set aside for a database solution), but unspent in the current fiscal year, will generally be carried over into the next year. These amounts are tracked independently from and not included in the total of "new" funding being requested for FY 2022.

**Website Redesign Copywriting: \$25,130** – The City of Berkeley has engaged consultants specializing in web content to rewrite its existing website content for all City of Berkeley departments as part of its comprehensive website redesign project. Staff recommend allocating \$25,130 to this purpose in order to create consistency between the Board’s webpages and the City of Berkeley’s pages, improve readability and accessibility, and reduce staff time spent on copywriting.

**Change in Staff Classification and a New Permanent Position** - These proposed changes are described in detail below. If approved, implementing this recommendation would increase personnel expenditures by around \$250,000 in both salaries and benefits.

### **Need for Proposed Staffing Changes**

The departure of several key staff members has necessitated a change to the staffing model. Also, there were several adjustments to the staffing model that were discussed with the Board prior to the resignation of the former Executive Director. The goal, as always, is to develop a model that will best assure the long-term stability and vibrancy of the services provided by our amazing staff.

We propose the following changes to existing classifications:

1. That the Board convert the Staff Attorney III to a new General Counsel position. The Budget & Personnel Committee has requested that the current Staff Attorney III position (commonly referred to as the Senior Staff Attorney) be converted to General Counsel. This position, like the Executive Director, will be hired directly by the Board and report directly to the Commissioners.<sup>4</sup> The General Counsel would be primarily responsible for managing the Board’s legal unit and would take on additional responsibility to advise the Board regarding confidential matters. The General Counsel position would not report directly to the Executive Director but will work in conjunction with them in order to accomplish the direction set by the elected Commissioners.
2. That the Board create a new permanent Associate Planner position. The Budget & Personnel Committee has requested that the Board add the necessary staff capacity to work on the planning and housing policy related projects identified in the Board’s goals for FY 2021/22. The agency currently has a staff person in a temporary Associate Planner position that is set to expire on June 30, 2021. The staff person in this temporary position has a permanent position in the City of Berkeley’s Health, Housing, and Community Services (HHCS) Department. Initially, staff were prepared to recommend that the Board extend this temporary position through December 31, 2021, however there is currently a staffing shortage in the HHCS Department and there have been several conversations about how to best navigate both the staff shortage in HHCS and the Board’s need to maintain staff capacity for the planning and housing policy projects. After discussing the

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<sup>4</sup> There are details yet to work out for the General Counsel position. Since this position will be hired directly by the Board, the agency must execute an employment contract for the position. The Budget & Personnel Committee has not yet considered the issue of salary, but the Board Chair has recommended that the salary be set at the current range of the Executive Director. The salary the General Counsel would receive would depend on the experience and unique qualifications of any candidate.

issue internally, the acting Executive Director reached a tentative agreement with the HHCS Director to have the staff person in the agency's temporary Associate Planner position split their time between the Rent Board and HHCS through the end of calendar year 2021. Extending the existing temporary Associate Planner position, even at only 50%, will allow the agency to maintain some of its capacity while it goes through the hiring process for a permanent Associate Planner and also provide some needed capacity to the HHCS Department. Ideally, the agency can time the hiring of a new Associate Planner so that there is some overlap with the temporary position for training purposes.

The Budget & Personnel Committee also asked staff to consider adding a 4<sup>th</sup> attorney to the staffing model. As soon as the Board hires a permanent Executive Director, the agency will get another full-time attorney dedicated to performing legal work – the current Senior Staff Attorney has been acting Executive Director since April 2020 and unable to dedicate significant time to legal issues. Hiring another staff attorney will be a considerable ongoing expense as these positions are costly. Staff strongly recommends deferring this decision until the mid-year budget review when the Board will have had a chance to evaluate the needs of the agency after the legal unit receives another attorney by way of releasing the current Senior Staff Attorney from his duties associated with the Executive Director position.

### **Update on Rent Tracking System (RTS) and Case Management Replacement Project**

On August 20, 2020 the Board authorized its acting Executive Director to enter into a contract with software vendor, 3Di, Inc., to replace the agency's existing RTS database and case management system with an integrated software solution. RTS is essential for registration of properties, calculating of rent ceilings, implementing Hearing's Unit decisions, collection of registration fees and penalties. The Rent Board's case management system (also known as RTS2) allows Housing Counselors to input and track data on cases and record client contacts.

Staff began negotiating with 3Di in August and September, and after a delay due to finalizing cyber-security requirements between 3Di and the City of Berkeley IT Department, came to an agreement on contract terms in late October of 2020. During contract negotiations staff apprised 3Di that additional registration requirements could be passed by Berkeley voters via Measure MM and included these requirements in the contracts scope of work. When staff learned that the software developer responsible for programming its existing RTS database did not have capacity to create a new registration module for Measure MM properties in November or December, staff asked 3Di to prioritize Measure MM registration requirements if it was passed by Berkeley voters in November.

When Measure MM passed, 3Di began working in earnest to develop the functionality to register, bill and accept payments for Measure MM units. Working with 3Di to develop these requirements has been a constant priority, and staff are pleased to report the Measure MM registration and platform has been developed and went live on May 16, 2021. 3Di is now working on the processes for late payment and calculation of associated penalties. When development of all processes necessary to support Measure MM registration are complete, 3Di will shift their focus to the development of the outstanding features needed to replace both RTS and the case management system.

3Di has met regularly with different staff members to gather requirements for agency functions such as hearings and mediations, processing eviction notices, and case management for housing counselors. At this point staff anticipate all processes needed to replace the existing systems will go-live in December of 2021.

The Rent Stabilization Fund (440) currently has a total of \$490,000 in capital reserves, \$400,000 of which was collected in FY 2017/18 to cover the costs of the replacement of RTS. Staff anticipate spending \$138,000 on development and support of the new 3Di software platform in FY 2021/22. Much of the rest of the capital reserve is dedicated to continued maintenance of the 3Di system and will be paid in subsequent years.

### **Status of the 440 Reserve Balance**

Historically, the Board has attempted to maintain a “one-to-two-month” uncommitted reserve balance in the Rent Stabilization Fund. The City Auditor’s recommendation is that the reserve contains at least two months or 16% of the agency’s reoccurring operational budget. Certain Departments, such as the Berkeley’s Planning & Development department aim to maintain a much larger reserve, closer to twelve months. Such a large reserve has historically not been necessary for the Board since registration revenues have become very consistent, and therefore a relatively small reserve of between 8%-16% has met the Board’s needs.

Although the Board has previously chosen to go below the 8% reserve level to contain the size of fee increases, it has maintained its reserve of over 16% since the end of Fiscal Year 2017/18. We anticipate we will end this current fiscal year with an uncommitted reserve of over 14%. This is nearly 10% higher than initially budgeted and is due mostly to salary savings and the fact that revenues did not decrease as significantly as the Board anticipated despite the economic impact of the COVID-19 Pandemic. Due to these reasons, the Rent Stabilization Fund (440) has just under a two-month reserve. The Board also has \$490,000 set aside in the Capital Reserve, though as was discussed in the previous section, most of that is earmarked for the ongoing development of the RTS replacement project and the file scanning project.

On May 6th, the Board agreed to maintain the amount of the registration fee for fully-covered rental units at \$250 per unit for the fourth consecutive year. The Board wanted to avoid increasing the fully-covered fee that applies to between 19,000 and 20,000 units at time when the economy and rental housing market is still impacted by the COVID-19 pandemic.

The Board also set the Measure MM fee for the first time at \$150 per unit. This fee is calculated based on the additional costs associated with implementing Measure MM registration and providing expanded services to the units in FY 2021/22 (\$100 per unit), and on the revenue required to cover the additional expenses associated with registering and providing services for partially covered units during FY 2020/21 (\$50 per unit).

The proposed budget also allocates \$213,000 of the capital reserve towards the RTS replacement project and the file scanning project. The Board will have a remaining capital reserve of \$277,000, though the majority of this, including at least \$138,000 in FY 2022/23, is dedicated to the RTS replacement project being developed by 3Di.

The proposed budget assumes a low 50% initial compliance rate for Measure MM units, and assumes that only 4,000 units will qualify for registration. The proposed budget therefore reflects that the Board will receive just \$300,000 in Measure MM registration fee revenue next fiscal year. Since the compliance rate for these units is not yet known, staff recommend the Board take a conservative approach and plan to use some of the uncommitted reserve to make-up for any Measure MM properties that are slow to comply with the new registration requirements. Since the agency sent out Measure MM bills to over 6,000 units, there is a definitely a possibility that FY 2021/22 Measure MM revenue will eventually exceed this estimate.

Even if the Measure MM unit compliance rate only results in revenue of around \$300,000 in this initial year of registration, the compliance rate for these units should increase significantly as staff continues its outreach efforts to property owners in future fiscal years. With overall FY 2021/22 revenue projected at \$5,515,850 (including the City of Berkeley's allocation for Fair Chance Ordinance administration), the expenditure level proposed by the Budget & Personnel committee would reduce the Board's uncommitted reserve by around \$547,000. At this level the Board would end FY 2021/22 with approximately \$332,000 in uncommitted reserve, which is approximately 6% of its reoccurring operational budget.

### **Sustainability of FUND 440 Reserve Balance**

The possibility of ending FY 2021/22 with an uncommitted reserve that is below 8% (the lower end of the Board's reserve policy) reinforces the need to again rely on a formal mid-fiscal year budget review process in order to adjust expenditures if Measure MM revenue comes in lower than anticipated.

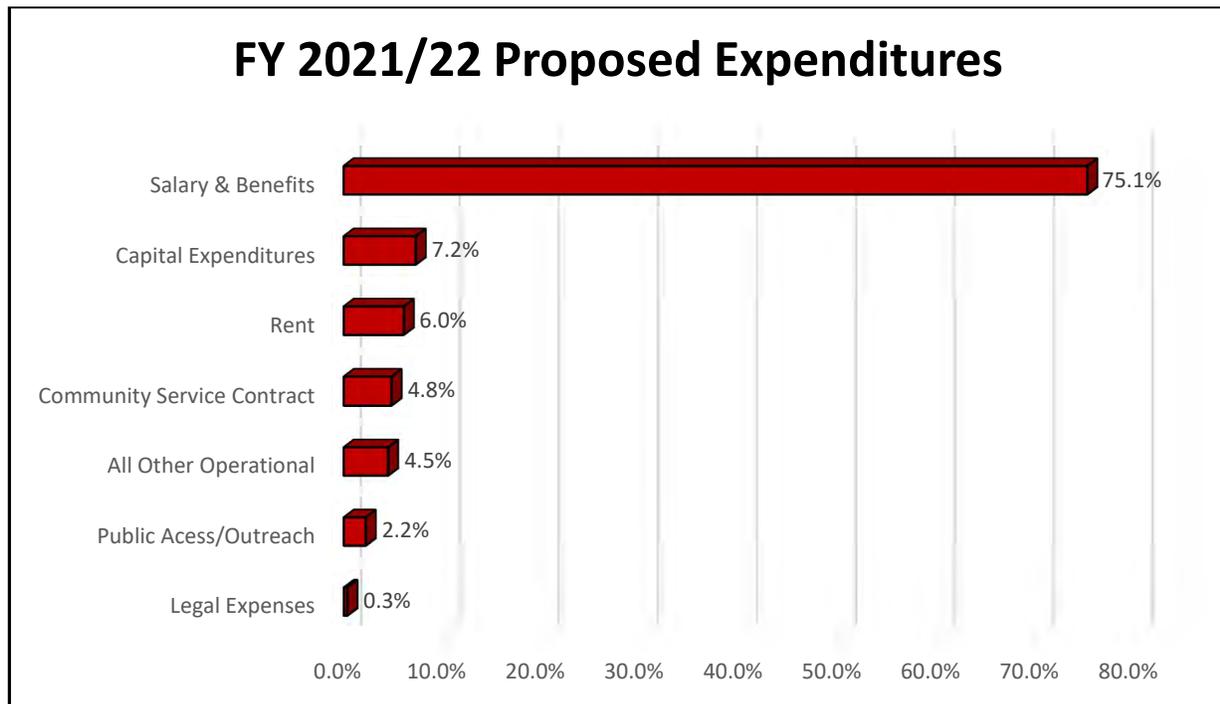
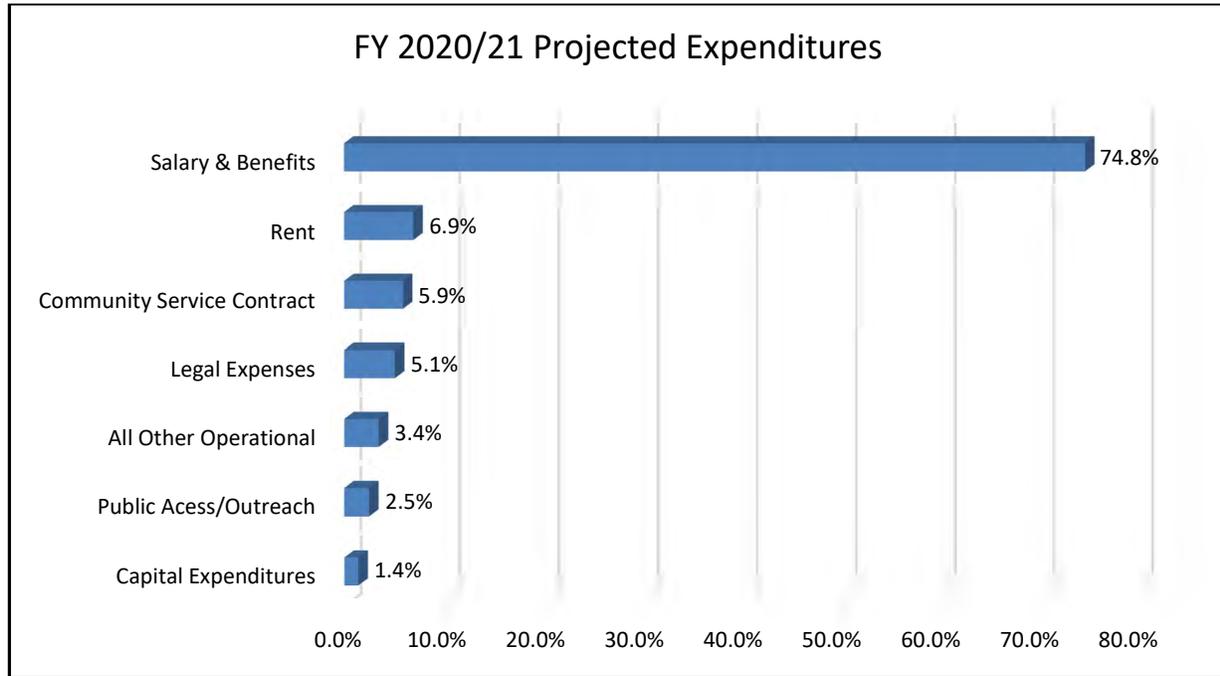
For the FY 2021/22 budget, staff 's recommendation proposes a 62% drawdown of the Board's uncommitted reserve and a 44% drawdown of the Board's capital reserve. Overall, the Board is in a good fiscal position, having weathered the economic uncertainties posed by the COVID-19 Pandemic this past 15 months. The proposed drawdown of the Board's reserve is also far less than what the Board approved for this fiscal year.

When the Measure MM requirements are fully implemented, the Board will have a better idea of the staffing needed to serve these units, and it will also have better information to project the revenue Measure MM units will provide to pay for these services and thus allow for a more accurate fee calculation for the FY 2021/22 registration fee levels. As the rental housing market recovers, the Board may wish to reexamine its reserve policy and allocate some of next year's revenue to restore its uncommitted reserve to the ideal level if it does indeed drop below 8%.

The Board is considering this budget proposal when the economy is still recovering from a recent crisis, while at the same time implementing a completely new registration process. Under these circumstances, we think it is in the agency's best interest to utilize the reserve in this manner and to return to its normal "pay as you go" method when Berkeley's student population has returned and the rental housing market in has regained some stability. Staff do not recommend the Board make a practice of using the reserve to fund recurring expenditures unless special conditions such as these require it.

**Graphic Overview of Changes in Rent Board Expenditures**

The graphics below compare, in broad categories, how the Board budget is allocated in both the current fiscal year and in the proposed budget.



### **Explanation of the Line-Item Budget**

The budget proposal primarily focuses on the necessary expenditures to maintain the agency's core services. Changes from the previously adopted budget are described under each item.

**Monthly Employees (11-01):** Proposed expenditures will increase from the FY 2020/21 adopted budget by \$368,000. This increase reflects the housing counselor position the Board added to provide additional services to Measure MM units, the added cost of a new General Counsel position, and a new permanent Associate Planner position. There is also a small increase for seniority step increases scheduled under the various labor contracts already negotiated and approved by the Council and Board. Staff has included an additional 1% allocation for possible cost of living adjustments for staff salaries since the current labor contracts for the two SEIU Local 1021 unions expire this month. **Total request = \$2,850,000.**

**Hourly Employees (11-03):** Between FY 2018/19 and FY 2019/20 the Board utilized a temporary Staff Attorney I position, a temporary Hearing Examiner position, and a temporary Office Specialist II position that were budgeted as hourly employees. These positions have since been converted to permanent positions or eliminated. The agency currently has one temporary Associate Planner position that is being filled by a permanent City of Berkeley employee, and is therefore included as a monthly employee (11-01) expenditure. The proposed staffing model does not include any temporary employees for this fiscal year. **Total request = \$0.**

**Overtime (13-01):** Given that the agency's Registration Unit and Public Information Unit are fully staffed, there is not a significant need for overtime anticipated for next fiscal year. In order to maintain preparation for any special projects that require staff overtime, the proposed budget recommends a reduced allocation for overtime work of \$2,000. **Total request = \$2,000**

**Fringe Benefits (27-20):** Fringe benefits in FY 2017/18 were 65.5% of the total salary for monthly and hourly employees. This decreased to around 61-62% for FY 2020/21. This is mainly due to the fact that there are more new employees at the Board. Internal projections anticipate that the fringe rate of closer 60% for employees. Given the new staff positions discussed earlier, proposed benefit expenditures will increase from the FY 2020/21 adopted budget by \$180,000. **Total request = \$1,800,000**

**Stipends (30-12):** We do not anticipate any Board vacancies and the proposed budget recommends this allocation remain unchanged for FY 2021/22. **Total request = \$53,500**

**Misc. Legal Expenses (30-23):** For most of the past decade, these costs have been limited to \$3,000 - \$4,000 annually for the service of the small claims lawsuits and some incidental court costs. In FY 2019/20 the Board contracted with outside legal counsel and an investigator related to confidential personnel matters. This year the proposed budget allocates funds for additional outside counsel to support the Board as it hires a new Executive Director and General Counsel. **Total request = \$20,000**

**Temp Agency Employees (30-36):** On May 6, 2021 the Board authorized staff to hire a temporary agency employee to assist with Measure MM registration. The registration work spans

both FY 2020/21 and FY 2021/22 resulting in a small allocation for next fiscal year. Staff do not anticipate hiring another temp. for the following registration season. **Total request = \$5,000**

**Misc. Professional Services (30-38):** This line item represents our contracts with community service agencies to provide eviction counseling and defense to low-income clients (totaling \$300,000 in FY 2020/21) as well as the contract with our legislative advocate (\$60,000 in FY 2020/21). These vendors are not proposing any increases for FY 2021/22. On May 13, 2021 the Eviction/Section 8/Foreclosure Committee voted to approve proposals for contract extensions for both the East Bay Community Law Center (EBCLC) and the Eviction Defense Center (EDC). All three contracts will be discussed in greater detail at the June 17, 2021 Board Meeting. The Budget & Personnel Committee has also expressed interest in having an outside recruiter assist with the recruitment for the vacant Executive Director position. Staff recommends allocating approximately \$50,000 for this purpose. **Total request = \$410,000**

**Office Equip Mtc./Copy Machine (30-42):** This is for the maintenance and servicing of our two copy machines. **Total request = \$13,000**

**Bldg Structures Mtc. Svc. (30-43):** This line item primarily covers pest control and other minor building maintenance issues not covered in our rental contract with the building owner. Through March of FY 2020/21, \$291 has gone to this expenditure. The proposed budget recommends a slight increase of \$100 to this allocation for next year. **Total request = \$500**

**Bank Credit Card Fees (30-51):** The Board incurs service fees charged by banks so that owners may pay their registration fees with a credit card. Staff is projecting a total expenditure of \$20,000 for this line item in FY 2020/21. Given the possibility Measure MM unit registration and payments increase next fiscal year, staff recommends the Board allocate \$25,000 for this line item in FY 2021/22. **Total request = \$25,000**

**Professional Dues and Intern Fees (40-10):** Consistent with City practice, the Program pays for the dues/fees that we require incumbents of a position to hold. The most common are bar dues, but we also may pay for other required dues such as Notary Public Certification dues. This item also included previous charges for Cal in Local Government interns, which the Board will not participate in this fiscal year. **Total request = \$3,000.**

**Telephones (40-31):** Includes charges for mobile devices (cell phones) as well as phones housed in our offices. This also includes charges for wireless connectivity. We estimate FY 2020/21 expenditures will be approximately \$5,000 and do not anticipate this will change in FY 2021/22. **Total request = \$5,000**

**Printing and Binding (40-50):** Includes charges for the printing of all postcards and newsletters, the annual report, large mailings (like the AGA and ALRC mailings to owners and tenants) and the Guide to Rent Control. The agency experienced increase costs in this area due to Measure MM unit mailings and staff propose a \$10,000 increase to this line-item for next fiscal year as Measure MM unit registration continues. **Total request = \$35,000**

**Transportation & Commercial Travel (40-61 & previously 40-64):** These line items were combined when the City moved to its new cloud-based financial software system ERMA in October of 2018. Due to the COVID-19 pandemic, this allocation has all but gone unused in FY 2020/21. We recommend reducing this allocation from \$5,000 to \$3,000, as it is very unlikely that staff will travel frequently due to COVID-19 safety concerns, particularly during the first half of the year. **Total request = \$3,000**

**Meals and Lodging (40-62):** This line item is for the cost of food and/or lodging when on Rent Board business out of town. As we explained for the previous items, there is an uncertainty regarding the exact amount of travel staff will make next fiscal year. Since the allocation is small, staff recommend leaving it at \$1,000. **Total request = \$1,000**

**Training and Registration Fees (40-63):** For the past several years, the majority of the allocation covers MCLE (ongoing legal training) and fees for professional conferences or trainings attended by staff or the Board. Two years ago, the Board increased the allocation for this item by \$10,000 to accommodate for additional recurring professional trainings of interest to Program staff and Board members, as appropriate. **Total request = \$12,000**

**Advertising/Public Access (40-70):** The total amount budgeted for these services in FY 2020/21 is \$30,000. The majority of these costs are associated with making the activities and proceedings of the Board accessible and transparent to the public. Major expenditures include cable coverage on BCM, closed captioning of our meetings, and webcasting of our meetings. Other typical costs in this category include PTA directory advertisements, Rent Board magnets, the design of newsletters, the publishing of legal notices and attendance at community events. Staff recommend an increase to this allocation by \$15,000 for FY 2021/22. This would make the total allocation \$45,000, which is the same amount that the Board adopted for this line-item in FY 2019/20. **Total request = \$45,000**

**Books and Publications (40-80):** These charges are almost exclusively for legal books or subscriptions for online legal research. This line item also pays for our RealQuest property records subscription. The amount budgeted in FY 2020/21 was \$13,000, and most of this allocation will be spent. Staff recommend that the Board continue with the same allocation for FY 2021/22. **Total request = \$13,000**

**Rental of Land/Buildings (50-10):** This charge is to cover the costs of renting our office space on Center Street as well as any costs to keep the building open additional “after” hours once a week. In FY 2018/19 we renegotiated the lease and extended the lease term through February 29, 2024. The monthly rent has increased significantly under the current lease. At the beginning of fiscal year 2019 (July 2018) the monthly rent was \$20,423, and it increased to 27,916 as of March 1, 2019. This year our rent will average \$28,056 per month. Some this allocation is also available for rental of the Berkeley Unified School District Board Room to allow Board meeting to resume in person, if necessary, later this fiscal year. **Total request = \$375,000**

**Postage (51-10):** This line item covers the costs for all day-to-day operational mailing needs (Hearings and Admin units, VR mailings, exemption verification), all seasonal mailings (registration, ALRC notices), and also the costs for mailing postcards and newsletters to owners

and tenants. Since the Board anticipated sending fewer physical mailings this year the line item allocation was reduced to \$25,000. This projected reduction proved accurate until Measure MM passed in November of 2020. Through April, the agency has spent \$25,025, just over the total allocation for this fiscal year. Given the continued need for increased outreach to Measure MM units, staff recommend the Board increase this allocation by \$15,000. **Total request = \$40,000**

**Messenger/Delivery (51-20):** The majority of this line item reflects charges related to the delivery of agenda packages. Due to the continued use of Federal Express to deliver time-sensitive contract amendments packages, staff recommend an allocation for this line item be maintained at \$500 for FY 2021/22. **Total request = \$500**

**Office Supplies (55-11):** The agency has been able to reduce expenditures in this line item in each of the past several years after moving toward a paperless agenda system. Staff recommend maintaining the allocation for this item at \$13,500. **Total request = \$13,500**

**Food and Water (55-50):** Generally, when the Board has early or contiguous meetings (a closed session leading directly into a Board meeting) some food is provided. However, historically, the largest portion of this expenditure is for drinking water for staff and the public (per a long-standing Board resolution). Food for meetings hosted by the Board or staff is also reflected in this line item. Due to the COVID-19 pandemic staff project we will underspend on this item by \$1,000 this year and staff recommend reducing this allocation by \$1,000 for FY 2021/22. **Total request = \$1,000**

**Office Equipment and Furniture (70-41):** As of March, the agency had spent \$0 on this item, and staff project spending no more than \$1,000 for the entire FY 2020/21, given that many of the agency's staff have been working remotely due to the COVID-19 pandemic. Given the potential need to reconfigure office space to better allow for social distancing as more staff return to the office this fiscal year, the proposed budget recommends maintaining this allocation at \$5,000. **Total request = \$5,000**

**Computers, Printer, Software (70-44):** This line item is used for any additional computer or printer purchased, which is not part of the PC Replacement (75-25) below. Staff anticipate a need for additional laptops to facilitate remote and the purchase of multi-media monitors for all staff. **Total request = \$12,000**

**PC Replacement Contribution/City Software Licenses (75-25):** All of the agency's computers have an assumed life span, and they are rotated out at the end of that assumed cycle. The agency pays a fixed cost into a recurring fund based upon the number of computers we have and the estimated replacement cost. The City's IT Department also provides other hardware, including servers, and we have subscriptions to many citywide software licenses. There have been ongoing negotiations with the City's IT Department on what the Rent Board's recurring IT costs are. To this point the Rent Board has only agreed to pay for clear added costs that the City of Berkeley

incurs for our hardware and citywide software licenses used by agency staff. These costs have increased from \$50,709 in FY 2020/21 to \$74,305. **Total request = \$74,305<sup>5</sup>**

**Mail Services (76-35):** This is a charge from the City, assessed to all departments, to cover the cost of the employee who sorts and delivers the mail. The charge remains unchanged from FY 2019/20. **Total request = \$3,600**

**City Vehicle / Fuel & Maint. (75-50):** This charge is also from the City, assessed to the agency for the use of three off-street parking spaces used by Program staff. The charge remains the same for FY 2021/22. **Total request = \$1,500**

**Capital Expenditures:** Capital expenditures for the current year are projected to be around \$70,000 (\$395,500 under budget) by year-end. This is once again due to the expenditures related to the RTS database replacement project, as most of the \$400,000 in RTS database replacement expenditures have been deferred FY 2021/22 and FY 2022/23. For FY 2020/22, staff recommends setting aside \$60,000 for IT support for maintenance of the agency's existing software solutions and to support the transition to the system to replace the existing RTS database. For enhanced trainings and continued consultant support of the ongoing executive transition, an allocation of \$75,000 is recommended. As described previously, the proposed budget recommends allocating \$138,000 for the RTS replacement project and \$75,000 for costs related to the both scanning of property files from the agency's capital reserve. \$80,000 is also allocated to the tenant survey project and \$25,130 for website content rewrite. Almost all of these expenditures are for non-recurring costs. **Total request = \$453,130**

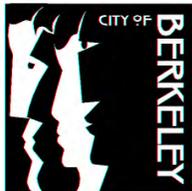
**Annual Capital Reserve:** The proposed budget recommends reducing the Board's capital reserve by \$213,000. Any amount not spent on these projects will revert to the Capital Reserve for future allocation. The annual capital reserve was created so the Board could set aside an annual amount for future capital expenditures. Given the Board's desire to avoid raising the full-covered registration fee as the economy recovers from the COVID-19 pandemic, staff do not recommend allocating additional funds to the capital reserve this year. The Board's capital reserve is projected to be no less than \$277,000 at the end of FY 2021/22. **Total Estimated Cost = \$0.**

Attachments:

1. May 6, 2021 staff report establishing annual registration fee levels and pass-through.
2. Proposed FY 2021/22 Line-Item Budget with 3/4th-year FY 2021 Update and Final Year-end FY 2020 actuals
3. Proposed FY 2021/22 Position Detail sorted by classification only
4. Proposed FY 2021/22 Position Detail grouped by unit, classification and job duty
5. Proposed FY 2021/22 Organization Chart sorted by division/supervision.
6. Resolution 21-13 authorizing FY 2021/22 Expenditure Authorization and Staffing Model

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<sup>5</sup> The City's IT Department also allocates personnel costs to all departments, which the Rent Board has not paid historically. Discussions with the City Manager and IT Department on the amount the Rent Board should contribute may increase this amount in future budget cycles.



**Rent Stabilization Board**

DATE: May 6, 2021  
TO: Honorable Members of the Rent Stabilization Board  
FROM: Matt Brown, Acting Executive Director  
Lief Bursell, Senior Planner  
SUBJECT: Recommendation to set the Fiscal Year 2021/22 Annual Registration Fee Including the Setting of an Initial Fee for Measure MM Units and to Authorize Pass-through of a Portion of the Registration Fee for Fully-controlled Units to Certain Tenants.

**Recommendation**

That the Board adopt four resolutions concerning the Fiscal Year (FY) 2021/22 annual registration fees:

**Proposed Resolution 21-05** – adopting the annual registration fee, due July 1, 2021, at \$250 per unit for fully- covered units. This fee is calculated based on revenue necessary to cover costs of recurring operational and capital expenses for the services the program provides to fully controlled rental units.

**Proposed Resolution 21-06** – adopting the annual registration fee, due July 1, 2021, at \$150 per unit for partially-covered Measure MM units. This fee is calculated based on the additional costs associated with implementing Measure MM registration and providing expanded services to the units in FY 2021/22 (\$100 per unit), and on the revenue required to cover the additional expenses associated with registering and providing services for partially covered units during FY 2020/21 (\$50 per unit).

**Proposed Resolution 21-07** – adopting a lower \$37 per unit annual registration fee, due July 1, 2021, for Measure MM units in affordable housing projects that are managed by a non-profit and have an operative regulatory agreement with the City of Berkeley through its Housing Trust Fund program.

**Proposed Resolution 21-09** –authorizes, with proper notice, the pass-through of up to \$10.00 per month to tenants where the tenancy began prior to January 1, 1999. The pass-through may be taken for 12 consecutive months. It cannot begin prior to July 1, 2020, and must terminate no later than December 31, 2022, unless extended by future Board action. The increase shall not result in a pass-through of greater than \$10.00 per month to any tenant. The Resolution also directs staff to continue a program/mechanism that allows low-income tenants with a household income of 50% or less of the Area Median Income (AMI) as calculated by HUD for the Oakland-Fremont, CA HUD FMR Area, or otherwise demonstrating proof of qualification as

low-income, to be reimbursed for the pass-through. Funds, totaling \$13,000, for the reimbursement would come from the AEPHI tenant overcharge settlement, which, pursuant to Board Regulation 1271(B), must be used for the benefit of low-income tenants.

### **Background and Need for Rent Stabilization Board Action**

Legally, the Board has through the end of June to adopt a line-item budget and expenditure authorization level for FY 2021/22. In order to provide enough time to allow staff to print and mail the annual bill prior to the last week of May, however, the Board traditionally sets the fee at a meeting no later than early to mid-May. State law requires the Board to set a Public Hearing to get public input before it can increase the existing fee level.<sup>1</sup> The setting of the Measure MM fee<sup>2</sup> for FY 2021/22 is technically an increase because the Board has not yet set the fee level for these units.

The Budget & Personnel Committee has met five times in calendar year 2021 to review various aspects of the agency's budget and staffing model, and to formulate the appropriate recommendation for the FY 2021/22 registration fee levels. At their March 25, 2021 meeting, the Budget & Personnel Committee voted unanimously to recommend the Board set the FY 2021/22 registration fee at \$250 per unit for controlled rental units and at \$150 per unit fee for Measure MM units. Due to the added complications of implementing new registration processes for Measure MM units, the Budget & Personnel Committee recommend that the Board pass the FY 2021/22 registration fee as soon as possible in order to give staff additional time to prepare for the registration of this new universe of units.

At the Budget & Personnel Committee's April 27, 2021 meeting, the committee discussed the Measure MM fee requirements for rental units in various affordable housing projects that are subject to the new registration requirements of Measure MM. After discussion, the committee voted unanimously to recommend that the Board set a lower \$37 per unit fee for certain affordable housing projects funded by the City of Berkeley Housing Trust Fund.

Board members and Committees are also encouraged to submit any requests or suggestions for next year's budget over the next two weeks so that they may be reviewed by staff and the Budget and Personnel Committee in time for inclusion in the final FY 2021/22 budget recommendation.

### **Mid-Fiscal Year 2020/21 Budget Update**

The Board's adopted budget anticipated collecting \$4,850,000 for the current fiscal year. As of March 31, 2021, the agency has collected \$4,912,831 and staff now project that annual revenue will come in closer to \$4,950,000. Additionally, actual mid-year expenditures were significantly lower than anticipated by the adopted budget.

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<sup>1</sup> California Government Code Section 66016

<sup>2</sup> Adopted by Berkeley voters in the general election of November 2020, Measure MM requires the Board to set and collect a registration fee for a new subset of partially covered residential rental units – namely, rented single family homes, condominiums, and units that qualify as new construction under the Rent Ordinance. These units, particularly since the adoption of the Costa-Hawkins Rental Housing Act, have typically been exempt from the registration requirements of the Ordinance.

Decreases in actual expenditure levels are due to savings in several areas, most significantly from salary savings due to the unfilled permanent Executive Director position and the vacant Deputy Director position. Staff also project savings in capital expenditures related to the Rent Tracking System (RTS) replacement project because 3Di, the vendor developing the agency's new database and payment portal, agreed to delay and spread-out payments for the RTS replacement project over two fiscal years. Due to these savings, staff now project that total FY 2020/21 expenditures will be around \$800,000 less than what the Board authorized in the adopted budget.

The attached February 18, 2021 Mid-Fiscal year 2020/21 Budget Report provides more detail on the status of the Board's budget. Staff will prepare a 3<sup>rd</sup> Quarter budget update for review by the Budget & Personnel Committee at their May 27, 2021 meeting. The 3<sup>rd</sup> Quarter budget update will be provided to the Board at its next meeting, scheduled for June 17, 2021.

### Measure MM Fee Level

Measure MM requires that the Board set a registration fee and imposes registration requirements on certain partially covered, rented single-family homes, condominiums, and units defined as new construction under B.M.C. Sections 13.76.040Q and 13.76.050I. Measure MM did not impose any local rent regulations on these units; they remain exempt from Berkeley's rent control provisions.

On December 17, 2020, the Board adopted Resolution 20-23, which defined the additional services the agency would provide to landlords and tenants of Measure MM units and established that there would be no charge for a registration fee for these rental units in FY 2020/21. The resolution further stated that any additional expenses associated with registering or providing services for Measure MM units during this fiscal year would be considered and potentially increase the registration fee for Measure MM units in FY 2021/22.

### Considerations for Setting the FY 2021/22 Registration Fee

The Board will again have to balance the agency's need for revenue with the economic uncertainty faced by both property owners and tenants who are recovering from the COVID-19 pandemic. The Board may take the following information into consideration when deciding upon the appropriate levels for the FY 2021/22 registration fees.

#### *Status of Uncommitted Reserve*

Due to both increased revenue and reduced expenditures staff anticipate the Board will likely end the year with over \$700,000 in uncommitted reserve. This represents a 12% reserve and is sufficient to cover between 1-2 months of the program's projected expenditures.

#### *Projected FY 2021/22 Expenditures*

Assuming all positions in the current staffing model are filled, staff project the program will need about \$5,700,000 in revenue to cover expenditures in FY 2021/22. This is an increase of \$400,000 from the total projected expenditures in FY 2020/21. The need to increase expenditures is primarily to cover the added salary costs for the currently vacant permanent Executive Director and Deputy Director positions.

*Number of Qualifying Measure MM Units*

Rent Board staff initially identified around 5,000 units, mostly in newer, multi-family rental housing that are most likely to qualify for registration under Measure MM. The Measure MM registration process has thus far resulted in the approval of over 250 exemption requests and staff, through communications with property owners, have identified over 100 units from this group that do not qualify for registration under Measure MM. Given that there are still more exemption requests under review, it appears there will be closer to 4,000 rental units that qualify for Measure MM registration.

Staff has sent letters to an additional 4,400 properties (mostly single-family homes) that would qualify for registration if rented, but response rate has been slow, so the number of units from this group that will be required to register is still somewhat unknown. Given the present uncertainty around the number of qualifying units, staff recommends the Board base the Measure MM fee on the conservative assumption that just 4,000 units will meet the criteria for Measure MM registration in FY 2021/22.

*Measure MM Unit Registration Compliance Rates*

The Board will also adopt the registration fee and its operational budget for FY 2021/22 before it knows the overall compliance rate for the new Measure MM registration requirements. Staff anticipate a higher compliance rate for the larger multi-family properties. There are currently over 3,200 units in larger rental properties with 10 or more units that staff believe are subject the Measure MM registration requirements. For reference, the City of Richmond Rent Program's initial compliance rate for both partially covered and fully covered rental units was 61% in its first year of existence. Richmond's compliance rates then improved to 78% during its second year and all the way up to 93% in its third year.

Fee Calculation Options and Recommendation for Measure MM Units

In November of 2020, staff presented the City of Richmond Rent Program's fee structure as a possible model for calculating separate fee levels for both fully covered units and Measure MM units. Richmond's Rent Program calculates its fee structure by dividing the costs of their program into three distinct components: a general "program" component (55% of program costs), a "just cause" component (20% of program costs), and a "rent control" (25% of program costs).

Staff considered using an adapted version of this fee structure to calculate Berkeley's registration fees but ultimately concluded that there were still too many unknowns and that calculating a fee in this manner would require too much guess work. Once the Board knows the number of qualifying Measure MM units that register during the FY 2021/22 registration season, and has data points that will allow staff to breakdown the exact services the agency provides for Measure MM units, it will have the necessary inputs to make this type of fee calculation. Towards this purpose, staff has begun and will continue to track the number and types of services provided to measure MM units. At this time, staff recommends the Board adopt the Measure MM fee based only on the known costs for implementing the requirements and services associated with Measure MM units thus far.

Staff have been tracking both the hours and expenditures required for Measure MM implementation and the time dedicated to providing services to Measure MM units. Staff

calculate that the total cost of these efforts will be \$200,000 by the end of the current fiscal year. Since the bulk of Measure MM implementation work began in January of 2021, this \$200,000 only represents six months of costs. Assuming 4,000 qualifying Measure MM units, the Board would have had to set the Measure MM at \$100 per unit to cover these costs prorated over a full fiscal year. A \$100 per unit is 40% of the current \$250 fee for fully-covered units and staff believe that is an appropriate baseline for the Measure MM fee. The Board should note that Measure MM implementation is not complete and will continue throughout FY 2021/22.

Rent Board Resolution 20-23 states that any additional expenses associated with registering or providing services for partially covered units during this fiscal year shall be considered and potentially increase the registration fee for partially exempt units. In order to recover the total \$200,000 cost that the agency will spend on Measure MM implementation during FY 2020/21, the Measure MM fee would have to increase by an additional \$50 per unit (under the assumption that this fee will apply to a universe of 4,000 units). A base fee of \$100 per unit, and an additional \$50 fee to recover FY 2020/21 implementation costs, result in a recommendation to set the Measure MM fee at \$150 per unit for FY 2021/22.

#### Measure MM Fee for 100% Affordable Housing Projects

TW affordable housing service providers, Resources for Community Development (RCD) and Satellite Affordable Housing Associates (SAHA) submitted written letters to the Budget & Personnel Committee requesting an exemption from the Measure MM registration requirements for certain 100% affordable housing projects that they manage. Rent Stabilization Ordinance section 19.76.050.K exempts residential units owned by a non-profit organization that are rented to low income tenants and subject to a regulatory agreement with a governmental agency that controls their rent levels. While some of RCD's and SAHA's properties meet the criteria for this exemption, they also have hundreds of units in affordable housing projects that do not meet these criteria because they are *owned* by limited partnerships and *managed* by a non-profit.

For the properties in question, RCD and SAHA serve as the managing general partner and they claim they are otherwise similar to the affordable housing projects that qualify for exemption under the Ordinance. RCD and SAHA informed the Budget & Personnel Committee that this ownership structure is the standard structure used for the Federal Low-Income Housing Tax Credit (LIHTC) program.

The Budget & Personnel Committee considered this issue at its April 27, 2021 meeting. The Committee heard testimony from both SAHA, RCD, the Berkeley Property Owner's Association, the Eviction Defense Center and the East Bay Community Law Center, and asked questions of staff related to the kinds of services the Rent Board provides to tenants in affordable housing projects. After discussion, the Budget & Personnel Committee ultimately decided that the agency provides valuable services to tenants of affordable housing units, including housing counseling and mediation, and that there should be a small fee to help pay for the costs associated with providing services to these units.

The Budget & Personnel Committee voted unanimously to recommend that the Board set a \$37 per unit registration fee for affordable housing projects that receive housing trust fund money. Similar to the Measure MM fee, the \$37 fee combines a \$25 per unit base fee to cover expenses in FY 2021/22, with an additional \$12 per unit fee to recover implementation costs incurred this

fiscal year.

Registration Unit staff estimate they are a total of approximately 500 affordable housing units that would qualify for the lower fee. Since these units are not part of the 4,000-unit universe that staff anticipate will qualify for full Measure MM unit registration, staff do not recommend making any adjustments to the full Measure MM fee if the Board decides to adopt a lower fee level for these affordable housing project units.

After consulting with staff in the Health, Housing and Community Service Department, Rent Board staff suggest that these units be defined as units in affordable housing projects that are managed by a non-profit and are within the regulatory period established by a regulatory agreement with the City of Berkeley through its Housing Trust Fund program.

The Budget & Personnel Committee requested that staff provide the Board with additional information on the number of client contacts and evictions notices received for units in these affordable housing projects. Staff will review agency records and endeavor to present this information to the Board during the meeting.

#### Balancing Available Reserve Against Economic Uncertainty

In prior years, the Board had committed to a strategy of increasing the registration fee in a “pay as you go” manner, raising it enough to meet budget commitments outlined for the upcoming fiscal year, while at the same time endeavoring to maintain a reserve of approximately 5%-8% of the operating budget. This strategy was adopted largely in response to property owners’ stated desire to accommodate operational inflation in smaller, real-time adjustments and avoiding exceptionally large registration fee increases in any given year.

In the previous year, however, the Board deviated from this plan in response to the COVID-19 pandemic. Last year, the Board elected to utilize a portion of the uncommitted reserve to cover anticipated expenses that would not be covered by revenue generated by the \$250 annual registration fee. The Board did this both because it anticipated decreased registration revenue due to the state of the rental housing market and in order to avoid raising the fee in a time of crisis and economic uncertainty. Utilizing the uncommitted reserve allowed the Board to maintain the annual registration at \$250 per unit even though it anticipated expenditures to exceed revenues last fiscal year. Since the uncommitted reserve is projected to be well above the historic 5%-8% level at the end of FY 2020/21, the Board has the ability to again use its existing surplus to avoid raising the annual registration fee at time when the economy, and the Berkeley rental housing market in particular, continues to recover from the impacts of the COVID-19 pandemic.

Registration fee revenue, somewhat surprisingly, was not significantly impacted by the COVID-19 pandemic during the FY 2020/21 registration period and the Board does not have any reason to anticipate a decline in the number of units paying the full registration fee in FY 2021/22. The proposal to use the Board’s reserve is therefore aimed at avoiding an increase to fees while the economy continues to recover. At this time next year, Berkeley’s rental housing market should be in a better position and the agency will have more information on Measure MM’s impact to both revenues and expenditures.

The Board has traditionally requested analysis of the impact of fee-based revenue when compared to increasing rents and changes in the Consumer Price Index (CPI) since 2009. May 2009 was selected as a comparison because the Board went several years without increasing the fees before adjusting it in four consecutive years between 2015 and 2018.

The following table shows the registration fee as a percentage of rent, which is probably the most relevant measure of the impact of any fee. The shaded area reflects a pre-vacancy decontrol program, while 1998 was a transition year from full rent control to decontrol. If the Board maintains the fee at \$250, it will be the lowest percentage of the average (mean) annual rent since the voters began electing Board members in 1984 and it is the first time the fee has ever been less than 1% of the annual average rent for controlled rental units.

<b>Fees as a percentage of rent</b>			
<b>Year</b>	<b>Fee</b>	<b>Mean Monthly Rent</b>	<b>% Annual Rent</b>
1984	\$60	\$267	1.87%
1987	\$80	\$293	2.28%
1989	\$100	\$328	2.54%
1991	\$136	\$361	3.14%
1998	\$112	\$720	1.30%
2000	\$124	\$865	1.19%
2005	\$154	\$1,062	1.21%
2010	\$194	\$1,274	1.27%
2014	\$194	\$1,498	1.08%
2015	\$213	\$1,606	1.11%
2016	\$234	\$1,637	1.12%
2017	\$270	\$1,710	1.32%
2018	\$250	\$1,816	1.15%
2019	\$250	\$1,956	1.07%
2020	\$250	\$2,039	1.02%
<b>2021</b>	<b>\$250</b>	<b>\$2,110</b>	<b>0.99%</b>

**Pass-through of Increase in Registration Fee to Tenants**

In 2003, the BPOA proposed changing the way the Annual General Adjustment (AGA) was calculated, shifting from a pass-through of actual cost increases to a flat formula based on a percentage of the CPI.

The Board approved of this formula, and in 2004, the voters approved of this change in how the AGA was calculated. Prior to the change in the AGA methodology, all increases in the registration fee between 1980 and 2005 were taken into consideration and incorporated in the Annual General Adjustment of rents.

Since the adoption of statewide vacancy decontrol in the late 1990s, rent levels have been set using two different standards. Under vacancy decontrol, owners are expected to consider past and anticipated future operating cost increases when setting the initial rent for a new tenancy.

Therefore, under the stated logic of vacancy decontrol, increases to the registration fee presumably have been factored into the rent charged a new tenant. Approximately 90% of the units have experienced at least one decontrol event since 1999. The Board has been extremely careful to guarantee that owners of the 10% of units never decontrolled continue to receive compensation for actual increased costs, such as adjustments to the registration fee. Since 2004, the Board has found that it would be fair and equitable, in view of the purposes of the Ordinance, to pass along to tenants a part or all of the increase in fees as a temporary adjustment of rent ceilings.

For several years, the Board approved a pass-through of up to \$4.00 per month to tenants where the tenancy began prior to January 1, 1999. In 2015, with the \$19-per-year increase in the registration fee, the amount of the pass-through was increased by \$2.00 per month for a new total pass-through of \$6.00 per month. In 2016, when the fee was raised by \$18, an additional \$2.00 per month was added, raising the monthly pass-through to \$8.00 per unit. In 2017, when the fee was increased by \$36, the pass-through was increased by an additional \$3.00 per unit, bringing the total monthly pass-through to \$11 per unit. Three years ago, the fee was lowered to \$10 per month to reflect the \$20-per-year decrease to the registration fee and it has remained at that level since then. This year, if the fee is maintained at the proposed \$250 per unit, the Budget & Personnel Committee believes it is appropriate to maintain the pass-through at \$10 a month. The proposed pass-through may be taken for 12 consecutive months and cannot begin prior to July 1, 2021, and must terminate no later than December 31, 2022, unless extended by future Board action. The change shall not result in a pass-through of greater than \$10.00 per month to any tenant. The pass-through must be on a form provided by the Board or use language provided by the Director, and a copy must be filed with the Program.

### **Mitigation of Impact of Pass-through for Low-Income Tenants**

The last time the fee was increased, the Board discussed the impact that the pass-through of the fee could have on tenants on a fixed income, especially following the ongoing cuts in several state and federal programs assisting those most vulnerable in our society. Consequently, the Board adopted a resolution directing staff to develop a mechanism that allows low-income tenants with a household income of 40% or less of the Area Median Income (AMI) to be reimbursed for the pass-through. Funds for the reimbursement came from the AEPHI settlement. Pursuant to Board Regulation 1271(B), in the event of overcharges from a case in which a tenant has not claimed reimbursement within a year, the Board may designate a program of the City of Berkeley that benefits low- and/or moderate-income tenants. Because the AEPHI settlement was entirely from overcharges to tenants and did not include any registration fee, the Board elected to use this as a source to fund the mitigation of the pass-through. Since 2010, around 700 low-income individuals have taken advantage of this program and utilized around \$130,000 of the AEPHI Fund balance.

If the Board wishes to continue this mitigation, it will need to authorize an additional allocation from the AEPHI settlement account, which currently contains approximately \$61,000. The original \$18,000 allocation for the pass-through reimbursement program lasted over six years. As the registration fees have increased over the years, we have noticed two trends: More owners are taking the pass-through and more low-income tenants are requesting reimbursement. This trend

had continued unchanged until last year when there was a reduction in the number of both passthroughs and reimbursement requests. The COVID-19 pandemic likely contributed to the reduced number of passthroughs and reimbursement requests received this fiscal year. The following table, lists the totals from each of the past several years:

<b>Year</b>	<b>2015/2016</b>	<b>2016/2017</b>	<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/2020</b>	<b>2020/21</b>
<b>Registration Fee Charged (amount of pass-through)</b>	\$213 (\$6 per month)	\$234 (\$8 per month)	\$270 (\$11 per month)	\$250 (\$10 per month)	\$250 (\$10 per month)	\$250 (\$10 per month)
<b>Number of Notices Property Owners Sent to Tenants</b>	404	486	595	601	680	557 (YTD)
<b>Number of Qualified Tenants Requesting Reimbursement</b>	55	75	101	110	126	75 (YTD)

This year, the Program will spend roughly \$10,000 in additional allocation for reimbursements. Given the likelihood that number of requests the Program will receive will revert to pre-pandemic levels in FY 2021/22, staff estimate that that an additional allocation of \$13,000 is needed. The Budget & Personnel Committee recommend the Board continue the program and authorize the \$13,000 allocation for FY 2021/22.

In 2010, the Board also discussed the appropriate income level to qualify for the reimbursement program. Under federal guidelines, 50% of area median income (AMI) is considered “Very Low Income.” Previously, 30% of AMI was considered “Extremely Low Income”, but that definition has since been changed to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit. To our knowledge, there is no unique designation for 40% of the AMI. The household income by size of household for 30%, 40% and 50% of the AMI for Alameda County is listed below. According to HUD guidelines, the 2021 area median income for a household in Alameda County is \$125,600. The HUD guidelines were published on April 1<sup>st</sup> of 2021. The table below lists income standards for 1-8 person households calculated at 30%, 40% and 50% of the AMI, rounded to the nearest \$50 per HUD’s practice.

<b>Income Category</b>	<b>1 Person</b>	<b>2 Person</b>	<b>3 Person</b>	<b>4 Person</b>	<b>5 Person</b>	<b>6 Person</b>	<b>7 Person</b>	<b>8 Person</b>
30% AMI	\$26,400	\$30,150	\$33,950	\$37,700	\$40,700	\$43,750	\$46,750	\$49,750
40% AMI	\$35,150	\$40,200	\$45,200	\$50,240	\$54,250	\$58,300	\$62,300	\$66,300
50% AMI	\$43,950	\$50,250	\$56,500	\$62,800	\$74,000	\$79,500	\$84,950	\$90,450

In calculating the 50% AMI “Very Low Income” limit, HUD also includes “High Housing Cost Adjustment” for the Oakland-Fremont CA HUD Metro FMR Area. This increases the base 50% AMI income limit category for a family of four by \$5,700 or 9.1%.

<b>HUD Income Category</b>	<b>1 Person</b>	<b>2 Person</b>	<b>3 Person</b>	<b>4 Person</b>	<b>5 Person</b>	<b>6 Person</b>	<b>7 Person</b>	<b>8 Person</b>
50% AMI	\$47,900	\$54,800	\$61,650	\$68,500	\$74,000	\$79,500	\$84,950	\$90,450

In previous years, the Board established a standard that allows low-income tenants with a household income of 40% or less of the AMI to be reimbursed for the pass-through and it was not until FY 2018/19 the Board set the qualifying income at the higher 50% AMI level. In FY 2019/20, Staff and the Budget and Personnel Committee recommended that the mitigation pass-through for low-income tenants be adopted to match the HUD’s higher 50% AMI or “Very Low Income” limit, including the “High Housing Cost Adjustment” and to continue to allow individuals to demonstrate proof of qualification for reimbursement if they already have been determined eligible for another similar state or federal program, including but not limited to CalWorks, CalFresh, Medi-Cal, WIC or another program approved by the Executive Director. The Budget & Personnel Committee recommend the mitigation pass-through for low-income tenants be adopted with this standard again for FY 2021/22.

The Budget and Personnel Committee also recommend that reimbursement for the pass-through be limited to the current registration year, which is consistent with the Board’s practice for the past two years.

Please note that the registration fee pass-through and low-income tenant reimbursement programs are only applicable to controlled rental units and will not apply to Measure MM units.

### **Conclusion**

The Budget & Personnel Committee recommends that the Board adopt resolutions to set the fee for fully covered units at \$250, the fee for partially covered units subject to Measure MM at \$150 per unit.<sup>3</sup> The committee also recommend that the Board consider setting a lower \$37 fee for partially covered units subject to Measure MM that are in affordable housing projects that are managed by a non-profit and are within the regulatory period established in a regulatory agreement with the City of Berkeley through its Housing Trust Fund program

Finally, the Budget & Personnel Committee recommends that the Board adopt a resolution to authorize the registration passthrough and low-income tenant reimbursement program to

<sup>3</sup> This would be the fourth year in a row that the fee for fully covered units would be set at \$250. Additionally, the \$150 fee for Measure MM rental units incorporates cost recovery for implementation of the Measure MM services and staff time spent during the current fiscal year.

continue in FY 2021/22, and to authorize an additional allocation of \$13,000 from the Board's AEPHI settlement account for this purpose.

**Name and Telephone Number of Contact Person**

Matt Brown, Acting Executive Director (510) 981-4905

**Attachment** – FY 2020/21 Mid-Fiscal Year Budget Report

**Rent Stabilization Program  
FUND 440  
Final FY 2020 Year-End, FY 2021 3/4 Year Budget Update & Proposed FY 2022**

Code	Description	Actual Year-End FY 2020	Adopted FY 2021	3/4ths Year FY 2021	Projected FY 2021	Proposed FY 2022
11-01	Monthly Employees	2,278,697	2,482,000	1,670,208	2,255,000	2,850,000
11-03	Hourly Employees	193,425	0	0	0	0
13-01	Overtime	4,149	5,000	477	1,000	2,000
27-20	Benefits	1,546,846	1,620,000	1,062,507	1,510,000	1,800,000
30-12	Stipends	51,200	53,500	38,350	53,500	53,500
30-23	Misc. Legal Expenses	121,372	360,000	225,670	260,000	20,000
30-36	Temp. Agency Employees	0	0	0	7,000	5,000
30-38	Misc. Professional Services	354,035	410,000	237,395	360,000	410,000
30-42	Office Equip. Mtc. Svcs. / Furniture	15,667	13,000	5,966	13,000	13,000
30-43	Bldg. & Structures Mtc. Svc.	340	400	291	400	500
30-51	Bank Credit Card Charges	17,519	25,000	6,528	20,000	25,000
40-10	Professional Dues & Intern Fees	2,779	3,000	2,060	3,000	3,000
40-31	Telephones	5,246	5,000	4,537	5,000	5,000
40-50	Printing and Binding	32,340	25,000	24,798	30,000	35,000
40-62	Meals & Lodging	0	1,000	0	1,000	1,000
40-63	Registration Fees/Training	0	12,000	0	10,000	12,000
40-61/64	Transportation & Commercial Travel	802	5,000	12	5,000	3,000
40-70	Advertising/public access	39,454	30,000	28,491	45,000	45,000
40-80	Books & Publications	11,138	13,000	9,847	13,000	13,000
50-10	Rental of Land / Buildings	345,261	355,000	249,660	355,000	375,000
51-10	Postage	43,236	25,000	25,075	35,000	40,000
51-20	Messenger / Delivery	201	500	0	500	500
55-11	Office Supplies	12,778	15,000	10,783	15,000	13,500
55-50	Food and Water	647	2,000	528	1,000	1,000
70-43	Office Equipment and Furniture	418	5,000	0	1,000	5,000
70-44	Computers, Printers, Software	2,464	10,000	2,568	5,000	12,000
75-25	PC Replacement/City Software Licences	0	50,709	38,034	50,709	74,305
75-35	Mail Services	3,600	3,600	2,700	3,600	3,600
75-50	City Vehicle / Fuel & Maint.	1,500	1,500	1,500	1,500	1,500
	<b>Expenditure Subtotal**</b>	<b>5,085,112</b>	<b>5,531,209</b>	<b>3,647,985</b>	<b>5,060,209</b>	<b>5,822,405</b>
	Special Projects (RTS Upgrade, online registration, training)	50,020	565,000	24,785	70,000	453,130
	Annual Capital Reserve		0	0	0	0
	<b>Total Authorized Fund Expenditures*</b>	<b>5,130,732</b>	<b>6,096,209</b>	<b>3,669,770</b>	<b>5,130,209</b>	<b>6,275,535</b>
	Total Authorized Fund Revenue*	5,055,139	4,850,000	4,912,917	4,950,000	5,515,850
	Annual Surplus/Shortfall	(75,593)	(1,246,209)	1,243,147	(180,209)	(759,685)
	<b>FUND BALANCE (cash basis)</b>	<b>1,548,569</b>	<b>302,360</b>	<b>1,545,507</b>	<b>1,368,360</b>	<b>608,675</b>
	<b>FUND BALANCE (accrual basis)</b>	<b>1,548,569</b>	<b>302,360</b>	<b>1,545,507</b>	<b>1,368,360</b>	<b>608,675</b>
	<b>TOTAL UNCOMMITTED OPERATIONAL FUND BALANCE</b>	<b>1,048,569</b>	<b>267,360</b>	<b>1,510,507</b>	<b>878,360</b>	<b>331,675</b>

\* Note: this report only reflects charges & revenues against the Rent Board Fund (Fund 440) and does not include services charged to or received from other funds

\*\* Note: variance in actual expenditures and total fund balance reflects remaining balance in reimbursement offset escrow

**Rent Board Position Detail**  
Sorted by Classification

Classification Title	Adopted FY 20/21	Proposed FY 21/22
Accounting Office Specialist III	1.00	1.00
Associate Management Analyst	1.00	1.00
Associate Planner (Temporary)	1.00	0.50
Associate Planner	0.00	1.00
Community Service Specialist II	6.00	7.00*
Community Service Specialist III	0.80	0.80
Deputy Director	1.00	1.00
Executive Director	1.00	1.00
General Counsel	0.00	1.00
Office Specialist II	4.00	4.00
Office Specialist III	1.00	1.00
Legal Secretary	0.80	1.00
Senior Hearing Examiner	1.00	1.00
Senior Management Analyst	0.75	0.75
Senior Planner	1.00	1.00
Staff Attorney II	2.00	2.00
Staff Attorney III	1.00	0.00
<b>TOTAL FTE:</b>	<b>23.35</b>	<b>25.05</b>

**Proposed Changes in FY 2022 include the following:**

- Create a 1.0 FTE General Counsel
- Eliminate a 1.0 FTE Staff Attorney III
- Create a 1.0 FTE Associate Planner Position
- Reduce 1.0 FTE Temporary Associate Planner Position to 0.5 FTE

\* Board approved addition of 1.0 FTE Community Services Specialist II on February 18, 2021

## RENT BOARD POSITION DETAIL

Sorted by Unit, Classification and Job Assignment  
Budget Code 11-01 (Monthly Employees) + 11-03 (Hourly Employees)

FY 2021 Adopted		FY 2022 Proposed	
Administration / Policy Unit		Administration / Policy Unit	
Executive Director	1.00	Executive Director	1.00
Deputy Director	1.00	Deputy Director	1.00
Community Services Specialist II	1.00	Community Services Specialist II	1.00
Associate Management Analyst	1.00	Associate Management Analyst	1.00
Senior Planner	0.70	Senior Planner	0.70
Associate Planner (Temporary)	1.00	Associate Planner (Temporary)	0.50
Associate Planner (Permanent)	0.00	Associate Planner (Permanent)	1.00
Office Specialist II	1.00	Office Specialist II	1.00
<b>Subtotal for FTE</b>	<b>6.70</b>	<b>Subtotal for FTE</b>	<b>7.20</b>
Salary/Benefit Total = \$1,250,000		Salary/Benefit Total = \$1,250,000	

Legal Unit		Legal Unit	
General Counsel	0.00	General Counsel	1.00
Staff Attorney III	1.00	Staff Attorney III	0.00
Staff Attorney II	1.60	Staff Attorney II	1.60
Legal Secretary	0.40	Legal Secretary	0.50
<b>Subtotal for FTE</b>	<b>3.00</b>	<b>Subtotal for FTE</b>	<b>3.10</b>
Salary/Benefit Total = \$600,000		Salary/Benefit Total = \$780,000	

Hearings Unit		Hearings Unit	
Senior Hearing Examiner	1.00	Senior Hearing Examiner	1.00
Staff Attorney II	0.20	Staff Attorney II	0.20
Legal Secretary	0.40	Legal Secretary	0.50
<b>Subtotal for FTE</b>	<b>1.60</b>	<b>Subtotal for FTE</b>	<b>1.70</b>
Salary/Benefit Total = \$415,000		Salary/Benefit Total = \$331,000	

Registration Unit		Registration Unit	
Senior Management Analyst	0.75	Senior Management Analyst	0.75
Community Services Specialist II	1.00	Community Services Specialist II	1.00
Accounting Office Specialist III	1.00	Accounting Office Specialist III	1.00
Office Specialist III	1.00	Office Specialist III	1.00
Office Specialist II	2.00	Office Specialist II	2.00
Senior Planner	0.15	Senior Planner	0.15
Staff Attorney II	0.10	Staff Attorney II	0.10
<b>Subtotal for FTE</b>	<b>6.00</b>	<b>Subtotal for FTE</b>	<b>6.00</b>
Salary/Benefit Total = \$882,000		Salary/Benefit Total = \$900,000	

Public Information Unit		Registration & Public Information Units	
Community Services Specialist III	0.80	Community Services Specialist III	0.80
Community Services Specialist II	4.00	Community Services Specialist II	5.00
Office Specialist II	1.00	Office Specialist II	1.00
Senior Planner	0.15	Senior Planner	0.15
Staff Attorney II	0.10	Staff Attorney II	0.10
<b>Subtotal for FTE</b>	<b>6.05</b>	<b>Subtotal for FTE</b>	<b>7.05</b>
Salary/Benefit Total = \$982,500		Salary/Benefit Total = \$1,160,000	
<b>Total RSB Staff</b>	<b>23.35</b>	<b>Total RSB Staff</b>	<b>25.05</b>

**Board Approved Changes in FY 2021 include the following:**

Eliminate a 1.0 FTE Staff Attorney I  
Eliminate a 1.0 FTE Accounting Office Specialist II  
Eliminate a 1.0 FTE Office Specialist II

**Proposed Changes in FY 2022 include the following:**

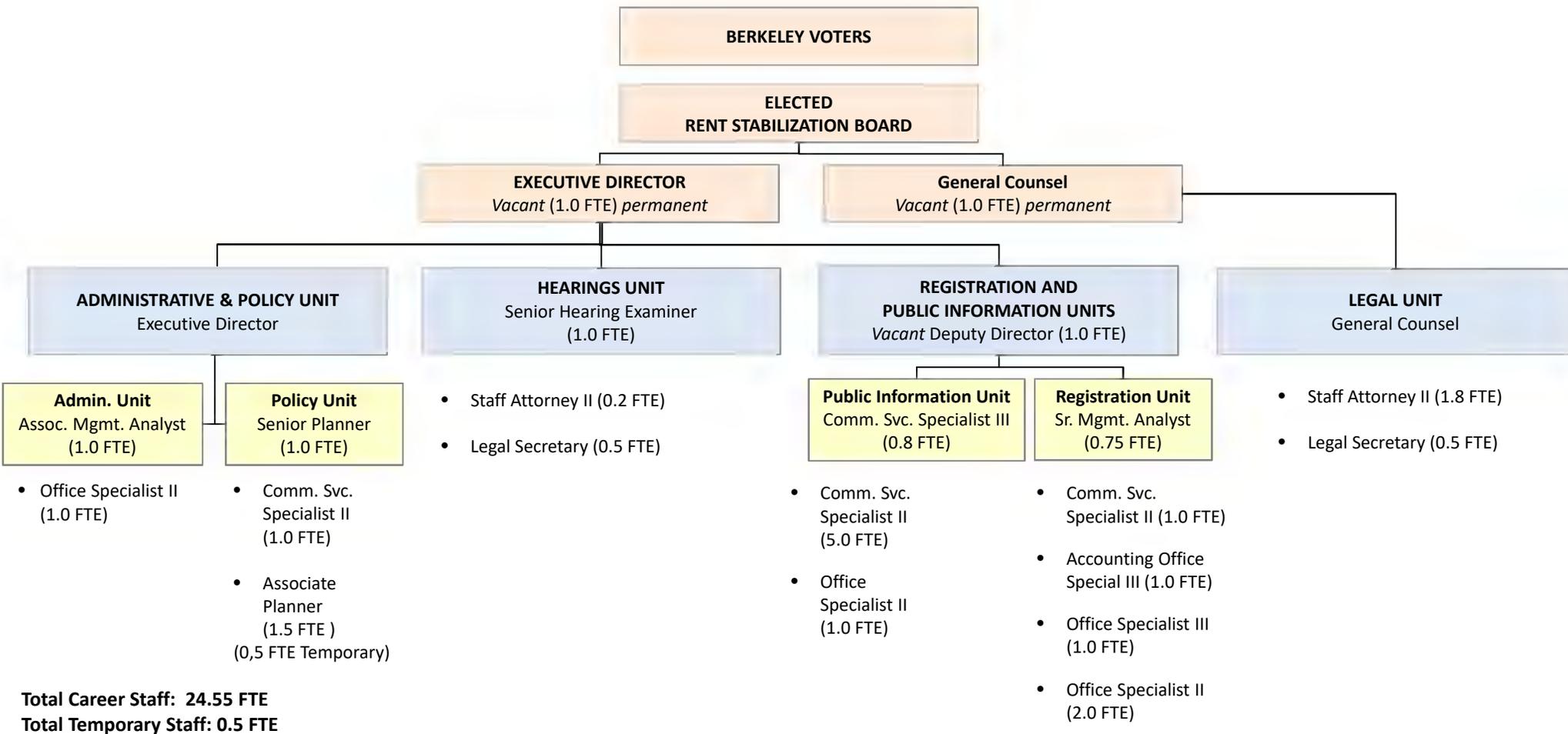
Create a 1.0 FTE General Counsel  
Eliminate a 1.0 FTE Staff Attorney III  
Create a 1.0 FTE Associate Planner Position  
Reduce 1.0 FTE Temporary Associate Planner Position to 0.5 FTE  
Increase 0.8 FTE Legal Secretary to 1.0 FTE

## Proposed Berkeley Rent Stabilization Program 2021/22 Organization Chart\*

Career and Temporary Positions FY 2021/22

Sorted by Division Supervision

\*As Proposed by the Budget & Personnel Committee



**RESOLUTION 21-13**

**ADOPTING THE FISCAL YEAR 2021-2022 BUDGET, STAFFING MODEL POSITION  
DETAIL AND THE MAXIMUM EXPENDITURE LEVEL**

**BE IT RESOLVED** by the Rent Stabilization Board of the City of Berkeley as follows:

**WHEREAS**, the Rent Stabilization Board operates on the basis of a fiscal year and each year adopts an operational budget after public review and input; and

**WHEREAS**, Section 123 of Article XVII of the Charter of the City of Berkeley provides that the Rent Stabilization Board shall finance its reasonable expenses by charging landlords annual registration fees in amounts deemed reasonable by the Board; and

**WHEREAS**, the Budget and Personnel Committee met twelve times in fiscal year 2020-21 to monitor the budget and the Program's progress meeting the goals established by the Board; and

**WHEREAS**, on May 6, 2021, after reviewing the available reserves and considering the economic stress caused by the global COVID-19 pandemic, the Board voted to maintain the annual registration fee for full-covered units at \$250 per unit and to set the Measure MM fee at \$150 per unit; and,

**WHEREAS**, on June 1, 2021, the Budget and Personnel Committee and the Acting Executive Director met and discussed a line-item operating budget and staffing model for FY 2022 for the Board's review and consideration; and,

**WHEREAS**, the proposed operating budget (including contracts) for FY 2021-2022 authorizes new expenditures totaling \$6,275,535, which includes both recurring operational and capital needs; and

**WHEREAS**, the proposed budget for FY 2021-2022 includes up to \$138,000 in previously authorized expenditures from the capital reserve for the creation of an integrated database solution to replace the Program's existing rent tracking and case management databases; and

**WHEREAS**, the proposed budget for FY 2021-2022 also includes up to \$75,000 in authorized expenditures from the capital reserve for scanning of the Rent Board's paper files; and

**RESOLUTION 21-13**

**ADOPTING THE FISCAL YEAR 2021-2022 BUDGET, STAFFING MODEL POSITION  
DETAIL AND THE MAXIMUM EXPENDITURE LEVEL (Page 2)**

**WHEREAS**, after reviewing the current workload and filled positions along with the goals and objectives for FY 2021-2022 articulated by the Board, the Acting Executive Director and the Budget and Personnel Committee, the Board believes that it is necessary to maintain a staffing level of at least 24.55 career Full-Time Equivalent (FTE's); and,

**WHEREAS**, the Board completed a formal, mid-fiscal year budget review for the first time on February 18, 2021, and believes it is essential to make this formal, mid-fiscal year review a permanent part of its budget process going forward, in order to assess revenues, reserves, and the need for staffing model and/or programmatic changes;

**NOW, THEREFORE, BE IT RESOLVED** that an overall spending level totaling \$6,275,535 (\$5,817,405 in recurring operational and special projects, and \$213,000 in funding from the capital reserve) and a staffing level of 24.55 FTE's is hereby adopted for the Fiscal Year 2021-2022; and

**BE IT FURTHER RESOLVED** that the Board again intends to engage in a formal mid-fiscal year review and hopes to incorporate this as a permanent part of its budget process.

Dated: June 17, 2021

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:  
NO:  
ABSTAIN:  
ABSENT:

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Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
Matt Brown, Acting Executive Director



**Rent Stabilization Board**

DATE: June 17, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Honorable Members of the Eviction/Section 8/Foreclosure Committee  
By: Matt Brown, Acting Executive Director *MB*

SUBJECT: Recommendation to adopt Resolutions authorizing the Executive Director to execute a contract modification with the Eviction Defense Center in an amount not to exceed \$150,000 and the East Bay Community Law Center in an amount not to exceed \$150,000 for the 2020/21 fiscal year

**Recommendation:**

That the Board adopt Resolutions 21-14 and 21-15 authorizing the Executive Director to execute a contract modification with the Eviction Defense Center (“EDC”) in an amount not to exceed \$150,000 and the East Bay Community Law Center (“EBCLC”) in an amount not to exceed \$150,000 for the 2021/22 fiscal year.

**Background and Need for Rent Stabilization Board Action:**

The Board has annually awarded contracts to community organizations for the provision of housing-related services to low-income tenants. Historically, the Board has contracted with EDC, EBCLC and Housing Rights, Inc. (HRI) to provide these services. EDC and EBCLC primarily provide eviction defense services to low-income households. HRI provided counseling on general landlord-tenant issues. The services provided by HRI are now provided by the Board’s Public Information Unit.

Costa-Hawkins and the advent of vacancy decontrol significantly increased the financial incentive for an owner to evict a long-term tenant in good standing. In the first few years of vacancy decontrol the Board witnessed hundreds of cases of owners attempting to evict tenants without “good cause,” so that they could increase the rent paid by a new tenant. This undermines the stated intent as well as the integrity of the Ordinance. The Board responded by increasing outreach and information and ensuring that low-income households had access to eviction defense services from the EDC and EBCLC.

Last year, the Board funded the EDC at \$150,000 and the EBCLC at \$150,000. For the current 2021/22 fiscal year both providers have submitted proposals seeking \$150,000. Both providers have committed to providing the same level of services under the Rent Board contract as last year with an understanding that with the continuation of Covid-19, eviction moratoriums, the creation of a Tenant Relief Fund that is currently being administered by both providers and an anticipation of a spike in eviction activity once the courts re-open, that both providers will have the flexibility to adjust their scope of services as needed based on the ongoing crisis.

The proposals from both providers are attached.

The work performed by the EDC and EBCLC is absolutely critical to the core purpose of the Ordinance – these organizations help to preserve community diversity and prevent mass displacement of vulnerable tenants. On May 13, 2021 representatives from the EDC and the EBCLC attended the Eviction/Section 8/Foreclosure Committee and presented their proposals which were then approved by the committee with Commissioner Selawsky abstaining.

#### City Council Funding

In 2017 it became apparent that the need for services outpaced the Board's ability to adequately respond to the existing housing affordability crisis and the resultant incentive to displace long-term tenants. On July 25, 2017, City Council approved additional funding of \$300,000 for fiscal year 2017/18 and \$300,000 for fiscal year 2018/19 to be added, as amendments, to the Board's contract with the EDC and the EBCLC (\$150,000 per provider, per year). This city funding, which has been administered by the Rent Board, was earmarked to provide additional assistance to extremely low, very low, low or moderate income Berkeley tenants in order to provide counseling and advocacy for tenants facing or threatened with displacement.

That two year funding cycle allowed the EDC and the EBCLC to expand their scope of services as well as the volume of assistance provided to Berkeley tenants. The added funding allowed the providers to serve the additional clientele of moderate income tenants as well as tenants who live in units that are partially exempt from the rent ordinance such as Section Eight tenants or tenants in single-family homes. Further, the additional assistance has allowed the providers to assist tenants with issues pertaining to provisions of the Tenant Protection Ordinance [B.M.C. 13.79 et seq.] and the Relocation Ordinance [B.M.C. 13.84 et seq.].

On July 23, 2019, the City Council adopted a resolution authorizing the transfer of \$550,000 to the Rent Board for fiscal years 2020 and 2021 respectively to amend their contracts with the providers to provide services similar to the initial prior two year cycle. The upcoming 2020/21 fiscal year represents the second year of the current Council authorization and those funds will be added to this contract upon Council verification.

On June 1, 2021 Council authorized the expenditure of \$275,000 to both the EDC and the EBCLC to continue their anti-displacement efforts. Unlike prior years, this authorization is for one year only.

#### **Financial Impact:**

The funding request from each agency is \$150,000 for a total of \$300,000. These amounts are referred and incorporated into the proposed budget appearing elsewhere in your agenda.

#### **Name and Telephone Number of Contact Person:**

Matt Brown, Acting Executive Director (510) 981-7368

Collective Legal Services  
**THE EVICTION DEFENSE CENTER**  
**A Nonprofit Law Corporation**  
350 Frank H. Ogawa Plaza, Suite 703  
Oakland, CA 94612  
510-452-4541 (voice) 510-452-4875 (fax)

April 28, 2021

Matthew Siegel  
Staff Attorney  
Berkeley Rent Stabilization Board  
2125 Milvia Street  
Berkeley, CA 94704

re: 2021/2022 work plan and budget, summary of services

Dear Mr. Siegel:

Enclosed, please find our 2021-2022 work plan and funding request to continue providing services under contract with the Berkeley Rent Board. The work plan assumes funding at the same level from both the Rent Board and City Council. Despite a tremendous increase in the number of tenants served and the time spent on Berkeley cases this past year, we are not requesting an increase in funding.

As you know, the Covid-19 pandemic completely changed the nature of services we provided to Berkeley tenants in this past grant cycle. In response to an increased demand for services, the EDC never closed its doors and has stayed open, in person, for the entire duration of the pandemic. We saw a dramatic shift in services as the demand skyrocketed for legal consultations regarding issues such as: Covid-19 displacement protections for Berkeley tenants; lease terminations; roommate replacement issues; and nonpayment of rent. Conversely, the need for unlawful detainer defense dwindled as the courts closed in response to the moratorium, then re-opened for only Health and Safety evictions.

Every year, the EDC anticipates serving 400 unduplicated Berkeley tenants. With two months left on our current contract, we have already served over 879 tenants. We are on pace to serve almost 1000 tenants in this grant cycle. While our Direct Representation numbers have gone down (we anticipate serving a little over 50% of the target number) our Limited Scope numbers are 5 times more than what we anticipated, which has resulted in an overall increase in the amount of time spent on Berkeley

cases.

In the past ten months we have continued to make home visits to Berkeley clients who are too elderly or disabled to make it into our office. Although we put a hold on cleaning hoarder homes during the height of the pandemic, we recently cleaned 3 properties for elderly tenants and continue to work on maintenance. We handled 22 TPO cases, 5 of which have "graduated" to litigation in this grant cycle. Our BAD (Berkeley Anti-Displacement Funding) has kept 17 tenants in their homes by paying for overdue utility bills and other small items to avoid displacement. (The BAD grant focuses on elderly tenants, disabled tenants, and single-parent households with young children.) From September 2020 through March 2021, we handled the Basic Needs Fund Grants under our Rent Board contract. We were able to distribute \$125,000 in grants to 97 undocumented tenant households impacted by Covid-19. Additionally, we assisted over 750 tenants with anti-displacement Covid-19 related issues.

In summary, although it has been an insanely busy and somewhat overwhelming year, the EDC was able to rise to the occasion and meet the sudden rise in demand for anti-displacement services. We would not have been able to do that without our funding from the Rent Board and the City of Berkeley. We truly appreciate this funding as it has allowed us to provide critical anti-displacement services during a time of crisis for Berkeley tenants. Attached please find our proposed Work Plan and Scope of Services for the 2021-2022 grant cycle. Rather than request more funding for the increased demand for our services, we are submitting a proposal that anticipates a "return to normalcy" and by the second half of the fiscal year, and thus a return to the average measures of service. Service activities that are currently not possible due to Covid-19 precautions will be replaced with Covid-19 anti-displacement work and resumed when health and safety conditions allow such activity.

Please do not hesitate to contact me if you require any further information.

Yours truly,

*Anne Tamiko Omura*

Anne Tamiko Omura, Esq.  
Executive Director

Work Plan/Scope of Services 2021-2022  
Berkeley Rent Board/Berkeley City Council mixed funding  
\$300,000.00

With continued funding from the Berkeley Rent Board and the Berkeley City Council,<sup>1</sup> the Eviction Defense Center will provide eviction prevention/anti-displacement services to a minimum of 400 tenants each year.

Of those 400 tenants, at least 120 will receive in-depth, direct representation in unlawful detainer proceedings or ongoing legal services/representation which requires extensive counseling, negotiation, and "wrap-around" services to resolve issues such as threats of eviction and displacement, ongoing harassment and/or retaliation.

At least 180 of the 400 tenants will receive limited scope services. These services can best be categorized as eviction/anti-displacement advice and counseling on a lesser level than full-on representation. We believe these cases are mostly between one to four visits/interactions between us and the client and would normally not exceed more than fifteen hours of staff time.

Roughly 100 of the proposed 400 tenants served shall receive Brief Legal Services. These are services to be provided via tenants' rights seminars, small group seminars, and one time legal consultations.

At least 300 of the 400 tenants served annually will be "low income" as defined as a household having annual income less than 50% of the median household income for Alameda County.

The remaining 100 clients may be below 80% ami and/or in units exempt from the Berkeley Rent Ordinance, including but not

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<sup>1</sup> In 2017, the EDC received the first round of funding from City Council in the amount of \$150,000.00 to provide more "in depth" services to Berkeley tenants under the existing contract with the Rent Board, as well as to extend services to tenants exempt from the Berkeley Rent Ordinance and higher income tenants. In 2019, the EDC submitted a proposal for \$125,000.00 of additional City Council funding to provide new "add-on" services. Because the first City Council funds were given to support existing services provided under the Rent Board contract, and the second City Council funds were given to support expanded and new programs, this grant proposal separates the two rounds of funding.

limited to tenants with issues pertaining to:

- \*Section 8
- \*subsidized housing
- \*cooperative housing
- \*TPO or Tenant Buy Out issues
- \*Tenants being displaced by short term rentals

In addition to the above services, the EDC will continue to maintain a Berkeley Hotline number specifically for Berkeley tenants; will maintain the Berkeley mobile office to do home visits for disabled and elderly clients; and once the pandemic ends, will continue to rent office space in Berkeley on Adeline Street to provide walk-in clinics, and we will continue to hold outreach seminars at the South Berkeley Senior Center [once the pandemic ends].

Work Plan/Scope of Services 2021-2022  
Berkeley City Council, \$125,000.00

With the \$125,000.00 from the City Council for additional services, the Eviction Defense Center will continue to provide the following services.

- 1) **Outreach \$20,000:** From what our agency has seen over the past 25 years, the number one threat of displacement in Berkeley is the lack of education and knowledge of resources in the most vulnerable tenant communities. Constant community outreach is the best prevention to displacement. Too often we hear stories from our clients about their neighbors who just "got scared" and moved out of their Berkeley homes. Our office would like to continue with the following:

\*Our Berkeley walk-in clinic, staffed by an attorney, every second and fourth Thursday morning from 9am-11:30am at our Adeline office. This includes outreach to a nearby Food Pantry. [Once the pandemic ends.]

\*300 direct mailings a month to at risk tenants in larger properties, with the ability to send attorneys to speak at properties where there are large scale evictions being threatened.

\*Attorney outreach and onsite counseling at two Food Pantry

events every month. [Once the pandemic ends.]

\*Direct outreach at high risk buildings - we have continued to do this type of research with mainly outdoor activities.

- 2) **Berkeley Anti-Displacement Fund \$20,000**: \$20,000.00 fund to be set aside for anti-displacement costs for elderly and/or disabled tenants and single caregivers with young children in the home. This fund would be accessed by both EBCLC and EDC in emergency situations.

Frequently, the threat of displacement of very low-income tenants comes from a basic lack of resources. For example, an elderly or disabled tenant may need a new bed because the old one has an odor that is creating a nuisance. In several cases, the EDC has had elderly disabled tenants who are being threatened with displacement because a lack of a telephone creates an unsafe situation with no ability for our office to coordinate with social workers and agencies like Meals on Wheels. Prior to creating the BAD fund, EDC attorneys frequently spend their own money on things like mattresses, bedding, cell phones for clients, cell phone chargers, bedbug proof storage containers, or air purifiers.

- 3) **Hoarder Project \$20,000.00**: The EDC would like to continue the Hoarder Anti-Displacement Project. Through this project, our attorneys oversee management, ongoing maintenance, and cleaning of hoarder tenant homes in Berkeley.

Hoarding is an ongoing problem in Berkeley that threatens a very unique and vulnerable subset of at-risk Berkeley tenants. With this project, we hope to merge direct representation and advocacy with actual on-site assistance that makes a difference in keeping these tenants housed and ensuring the maintenance and cleanliness of the unit, thus providing goodwill and a benefit to not just the tenant but the property owner as well.

Once the pandemic ends we can do more Hoarder clean ups. Currently we are limiting them to very elderly disabled tenants.

- 4) **TPO Enforcement \$65,000**: Ongoing harassment by landlords is one of the most effective means of displacement. Tenants either become exhausted by feeling like they are living in a battle zone and give up, or are unaware of legal resources and are intimidated into leaving. Since the inception of the Tenant Protection Ordinance, the EDC has tried to refer Berkeley harassment cases to private attorneys but often with little or no success. Despite egregious conduct by landlords, the actual monetary damages to the tenants are often not quantifiable enough for a private attorney to take the case on contingency.

We propose direct representation for at least twelve cases a year. In addition, we would anticipate filing a minimum of four TPO lawsuits a year for cases where landlord conduct does not cease after multiple attempts at remediation. Successful outcomes of TPO cases send a very real message to landlords that their harassing behavior is actionable. It further gives the EDC and other legal service providers a credible threat of litigation if letters, phone calls, and rent board petitions don't work to curb harassing behavior. The ultimate goal in enforcement of the TPO is to protect vulnerable communities from displacement through harassment.

Since the inception of the TPO Enforcement Project 2 years ago, we have handled 38 TPO cases, with 12 graduating into lawsuits. Of those 12, thus far 2 have settled. One for an elderly tenant who was finally able to get her repair and one for a single mom with a disabled child who was finally able to end the nonstop harassment by management. These cases have reinforced the importance of continuing to enforce the TPO.



May 7, 2021

Matthew Siegel  
City of Berkeley Rent Stabilization Board  
2125 Milvia Street  
Berkeley, CA 94704

Dear Mr. Siegel,

The East Bay Community Law Center (EBCLC) would like to express our appreciation to the Rent Board and City Council for their ongoing commitment to ensuring the housing stability, health, and wellbeing of all Berkeley residents. We reaffirm our dedication to providing vital services to low-income community members through the provision of holistic legal and social services designed to create long-term stability for tenants, including families with children, the elderly, people of color, and individuals with health and social service needs. Overall, Berkeley residents, especially people with very low or no income, continue to need access to holistic legal and social services. We deeply value our partnership with the Rent Board and City Council, and look forward to continuing our work with you to create an equitable and inclusive city and community.

EBCLC respectfully requests \$150,000 from the Rent Board and \$275,000 from City Council funds for fiscal year 2021-2022 to support our attorneys and our social worker in delivering urgent services to tenants and communities in Berkeley.

The work of EBCLC's Housing Program employs high-impact strategies to fight displacement, including eviction defense services, rent board petitions, and subsidized housing hearings. We propose to enhance our legal services with holistic social work services designed to support tenants receiving direct representation, which builds on our decades-long advocacy work aimed at stabilizing communities at high risk of displacement. In our day-to-day work with all clients, as well as our evaluation of the impact of our services over the years, we continue to see the additional services and support that our social workers (including our Masters of Social Work interns) provide as pivotal to long-term housing, health, and community stability for individuals and families.

### **EBCLC's COVID-19 Response Service Delivery Over the Last Year**

Since the start of the COVID-19 pandemic in March 2020, EBCLC has had to radically alter not only how it serves its clients, but also how it functions as an organization. Overnight, EBCLC transitioned from an organization that exclusively provided in-person services to a completely remote office, while simultaneously advocating fiercely for our clients.

In March 2020, EBCLC's Housing Program quickly realized how essential it would be to protect tenants' rights during the impending economic crisis and began advocating for blanket bans on



the filing of new eviction lawsuits. For the next several months, the Housing Team focused on passing emergency legislation, creating self-help materials, and assisting in the facilitation and distribution of the City of Berkeley's COVID-19 Housing Retention Program. EBCLC's advocacy efforts were extremely successful and contributed to the passage of the Alameda County eviction moratorium, as well as the moratoria in Berkeley, Emeryville, and Oakland. In addition, EBCLC advocates participated in statewide advocacy campaigns, resulting in the passage of the Judicial Council's Emergency Rule that shut down eviction courts statewide for a period of time. EBCLC also supported statewide tenant efforts to pass the AB3088 Tenant Relief Act and the SB 91 extension. In anticipation of the flood of eviction lawsuits that will be filed when the local moratoria are lifted, our Housing Program is currently planning for the inevitable increase in demand for tenant legal and advocacy services while continuing to maintain our state and local policy efforts. Below is a detailed discussion of our advocacy efforts this past year, adapted services for tenants, as well as the unique challenges faced by our organization during the pandemic.

### **EBCLC's Alameda County Superior Court Advocacy Efforts**

Since the day the World Health Organization declared a global pandemic on March 11, 2020, EBCLC has been one of the leading tenant organizations advocating for rapid and systemic changes to the Alameda County eviction court system. On that day, EBCLC advocates called for a meeting in Department 511, the County's eviction court, insisting that the court immediately suspend all in-person appearances, given that there were approximately 200 people present on a single windowless floor of the courthouse that very day. After Department 511 initially expressed hesitation to take such action unilaterally, EBCLC advocates, in partnership with other East Bay tenant organizations, immediately launched an advocacy campaign. Within 24 hours, EBCLC advocates had testified before Oakland City Council and launched a social media campaign advocating to immediately cease all eviction proceedings. Three days after launching a targeted advocacy campaign, Alameda County Superior Court issued a press release temporarily suspending unlawful detainer jury trials.

In the months following this initial victory, EBCLC advocates formed a working group of tenant and landlord advocates that began meeting with Department 511 twice a month to share concerns with the court. This partnership with the court has not only led to the complete closure of in-person court appearances for more than a year, but also allowed EBCLC advocates an opportunity to propose revised local court rules governing unlawful detainer proceedings. These local rules were, for the most part, adopted by the court and have been essential to ensuring compliance with the local eviction moratoria passed throughout the County, as well as ensuring that the court abides by public health guidance. As a result of these efforts, the number of new eviction lawsuits filed since March 2020 has decreased dramatically.

### **Advocacy for Local Eviction Moratoria**

One of EBCLC's concurrent efforts since the beginning of the pandemic has been to advocate on



behalf of tenants not only within Alameda County, but also with the cities of Berkeley, Oakland, and Emeryville, encouraging these municipalities to pass eviction moratoria and additional tenant protections related to the COVID-19 pandemic. EBCLC advocates, in partnership with other tenant organizations, organized advocacy and social media campaigns, which helped Alameda County pass some of the most protective eviction moratoria across the state. EBCLC advocates testified before a variety of government bodies, drafted legislation, and engaged in extensive media outreach.

### **Berkeley's COVID-19 Housing Retention Program**

From March 2020 to December 2020, EBCLC, in close partnership with the Eviction Defense Center (EDC), facilitated the City of Berkeley's COVID-19 Housing Retention Program (C19HRP). EBCLC and EDC launched this program on an expedited timeframe, while also simultaneously adapting procedures to ensure tenants could access the funds remotely. EBCLC fielded approximately 800 calls between March and December from Berkeley tenants interested in this program. Our Housing Team processed approximately 170 applications and distributed \$545,540 in rental assistance funds, while also providing legal advice to many tenants about their rights under the new local moratoria. This program provided essential relief to hundreds of low-income Berkeley tenants, and will undoubtedly contribute to a reduced number of Berkeley evictions after the moratoria are lifted.

### **Challenges to Remote Services to the Community**

Prior to March 2020, EBCLC's Housing Program had never provided any remote services to tenants. After our office closed to the community in mid-March 2020, we knew our tenants would face numerous barriers to accessing our services remotely. While EBCLC adapted our service models to continue advocating for tenants in a safe manner, we noticed a significant decline in the number of people reaching out for our services since the pandemic began. We were no longer able to offer our weekly Tenants' Rights Workshops in the traditional manner and moved to providing this service on an individual basis via phone. Some tenants struggled to engage with our remote clinics, which explains the decrease in the total number of services. Working remotely has presented practical challenges for tenants such as limited or no access to electronic devices or stable internet connections; difficulty in obtaining critical documents; and logistical issues in obtaining client signatures for court documents or applications. These types of limitations also dramatically increased the administrative time required for staff to assist tenants with their legal issues. While we closed our offices to the public, on-site office managers still received and processed mail and immediately scanned and emailed those documents to the appropriate staff on a daily basis. EBCLC also implemented a remote fax system in order to receive documents from clients and fax necessary documents and communications to governmental agencies. We implemented DocuSign capabilities that enabled us to obtain signatures for essential legal documents without requiring clients to leave their homes. Our offices are now open on an emergency basis for staff to see clients; however, we have a strict COVID-19 protocol in place for staff and clients that must be followed to ensure safety. We are



in the initial phase of creating a re-opening plan that prioritizes staff and client wellbeing within public safety guidelines and will provide that plan to all funders once it is formalized.

As a result of our successful advocacy campaigns to protect tenants' rights during the COVID-19 pandemic, the filing of new eviction lawsuits significantly decreased. However, those that were filed were far more complex, involving issues around health and safety risks to the community and required extensive discovery, motions practice, and trial preparation. We also saw a reduction in Rent Board and Housing Authority hearings. From March 2020-November 2020, a majority of the tenants we served were in need of rental assistance.

### **COVID-19 Pandemic Impact on Social Work Services**

For the first time, EBCLC's Social Work Program received funds from the City Council in 2020. While we saw a decrease in demand for legal services, there was a significant increase in the need for wrap-around social work services. The COVID-19 pandemic brought on or exacerbated existing issues for tenants related to basic needs such as food insecurity; loss of employment or income; inability to access critical medical or behavioral health services; and threats of displacement. Many of our social work clients, who were isolated prior to COVID-19, felt even more isolated, which aggravated their mental health issues. Isolation, fear, and the shelter-in-place order contributed to psychological breakdowns, especially for those who were taking prescribed medications and either could not obtain refills or see their doctors or therapists. In particular, our Berkeley senior clients who regularly rely on community services became especially isolated and at risk for medical and psychiatric crises. Our lead social worker collaborated closely with local Berkeley Housing Authority resident services, the Berkeley Senior Center, and In-Home Support Services (IHSS) to ensure her clients accessed services. Meals on Wheels delivered groceries to support vulnerable elders through coordination with our lead social worker.

We also saw that for clients living with mental illness and addiction, there was an increase in substance use and decompensation, leading to an increased need for crisis counseling and hospitalization. Many clients dealing with these types of issues managed to stay housed because of the moratoria (EBCLC's Housing Program helped shape the Alameda County moratorium) and the social work support they received. The significant reduction of community-based and governmental services created multiple barriers for tenants who desperately needed support. Some services our clients relied on, including meal services, afterschool programming, and community centers ceased to operate, leaving clients and their families without access to what they needed. Resources are traditionally scarce but were almost non-existent at the peak of the pandemic. At the start of the pandemic, our lead social worker created and maintained an agency-wide master list to track active community resources in the East Bay, with a particular emphasis on Berkeley, which included everything from family meal sites to open methadone clinics.

Through EBCLC's holistic model, our lead social worker worked closely with Housing Program



attorneys whose tenants were struggling with non-legal issues. Our lead social worker supported tenants while they attended virtual hearings, assisted with prepping them for court, and provided emotional support when they felt overwhelmed by the process. By incorporating our lead social worker into our legal work, we were able to problem-solve more creatively around settlement agreements, view our clients more holistically, and better understand both their legal and non-legal needs as we worked to help them preserve their tenancy and achieve stability. Partnering our lead social worker with attorneys has allowed us to better engage some of our most marginalized community members in tackling complex barriers to housing stability as they access other non-legal, community-based supportive services.

### **Services to Date**

As of the third quarter of this contract term, we provided 89 unduplicated tenants with limited scope services including but not limited to individual tenants' rights appointments and pro per assistance; 33 unduplicated tenants with direct representation services; and continued representation of approximately 28 cases filed prior to the pandemic. We have provided 48 unduplicated tenants with only pre-litigation services, as we usually take on most of those tenants for more in-depth services. Our capacity to provide legal services during the first two quarters of this fiscal year was impacted by the high volume of second round HRP applications we processed for tenants eligible to receive additional months of rental assistance. Tenants received an average of four to six months of rental assistance, which prevented displacement at the peak of the pandemic. We are grateful that the Rent Stabilization Board's support allowed us to cover some of the administrative costs to manage this program for the City of Berkeley. Additionally, the eviction lawsuits we accepted are far more complex and thus require a great deal of staff time. Our Social Work program continues to thrive, and to date, we have provided 18 clients with ongoing social work services and 19 consultations for legal clients in need of wrap-around services.

A complete scope of services is included below, and proposed budget documents are enclosed.

### **Proposal for Fiscal Year 2021-2022**

EBCLC proposes to provide legal services to **at least 406** low-income Berkeley tenants per year and social work services to 48 tenant/clients who have an annual income less than 80% of the median household income for Alameda County. EBCLC is proposing that the City Council continue to fund a portion of the time of one staff social worker to provide supportive and holistic services to tenants, as outlined in more detail below. Our Housing Program is currently planning for the inevitable increase in demand for tenant legal and advocacy services once the local moratoria are lifted.

Proposed services include:

### **Rent Board \$150,000**



### *Legal Services*

- 180 Pre-Litigation services\*
- 36 Limited Scope/Pro Per Assistance\*\*
- 18 Direct Representation\*\*

### **City Council \$275,000**

### *Legal Services*

- 20 Pre-Litigation services\*
- 120 Limited Scope/Pro Per Assistance\*\*
- 32 Direct Representation\*\*

\*Note: These tenants will only receive pre-litigation services.

\*\*Note: These tenants will also receive pre-litigation services, but will only be counted in these categories if their situation escalates to a higher level of service.

### *Social Work Services*

- 30 Social work consultations
- 18 Holistic social work services to clients receiving direct representation

EBCLC will complete an intake that establishes the tenant's eligibility for services under this contract prior to providing in-depth legal representation and will keep the intake form in the client file if services are provided. We will maintain a record of all inquiries for advice or assistance that includes the date, address of the tenant's rental unit, the presenting problem, and the service provided.

Per the established schedule, EBCLC will submit a quarterly invoice along with a statistical report indicating the number of tenants served for the quarter with a breakdown of issues presented.

### **Scope of Services**

The Housing Program at EBCLC offers low-income tenants multiple levels of assistance depending on need. These services will be delivered by staff attorneys, a staff social worker, intake coordinators, and our graduate-level law and social work interns who undergo intensive clinical training in delivering legal and social services. At each level, we have the capacity to serve clients in English, Spanish, Cantonese, and Mandarin. For clients who require language services beyond the capacity of staff and volunteers, EBCLC regularly uses a variety of interpretation services to provide translation and interpretation. At this time, the offices remain closed at least through the summer and services will continue to be provided remotely unless there is an emergency situation. In those cases, the Housing Program team will meet clients at



the office in accordance to our established COVID-19 protocols. Once our reopening plan is finalized, we will inform all funders.

### **Pre-Litigation Services**

All Berkeley tenants who contact EBCLC for housing-related services are extensively screened for eligibility and need. The Housing Program has three full-time Intake Coordinators who take housing-related phone calls and meet face-to-face with tenants when safe and appropriate. They provide brief advice, information and referrals, as well as triage tenants for the Tenant Rights appointments, limited scope assistance, and direct representation.

### **Limited Scope Assistance**

#### *Tenants' Rights Workshops*

Tenants (who become EBCLC clients) with non-urgent legal questions are generally scheduled for individual Tenants Rights appointments. The Housing Program will continue to provide individual Tenants' Rights appointments remotely until our office fully reopens. Pre-pandemic, we usually offered an evening Tenants Rights Workshop each week for nine months out of the year at EBCLC's Adeline Street office. While our offices are currently closed, the Housing Program still provides information, advice, and counsel on an individual basis via phone to low-income tenants who seek assistance with a range of housing issues including rent increases, repairs, security deposits, and subsidized housing. Additionally, under the supervision of EBCLC staff attorneys, law students will provide consultation to clients and write demand/dispute/cease and desist/reasonable accommodation letters and make phone calls on behalf of the client, as well as assist with completion of applications and gathering documentation, as needed. If it is determined that a client needs more extensive services, EBCLC may provide other limited scope or direct representation services if there is capacity. Otherwise, referrals are provided to ensure all of the tenant's needs are met.

#### *Limited Scope/Pro Per Appointments*

Tenants who have more urgent legal needs, including eviction lawsuits, rent board petitions, public housing authority hearings, and other urgent matters are scheduled for an appointment with an attorney or law student during normal business hours. At these appointments, tenants receive legal services such as responsive pleadings, motions, letters, petitions, and phone calls to landlords or their attorneys. In addition, cases are evaluated for further representation. Tenants who have current litigation or administrative proceedings are referred for direct representation.

### **Social Work Consultations**

An EBCLC social worker will provide consultation to staff attorneys and intake coordinators as



they work with Berkeley tenants. This will include but not be limited to conducting brief tenant needs assessments, providing referrals and resources for tenants to access community-based services, and working with staff around engagement with tenants, particularly those that have a mental health diagnosis.

### **Direct Representation and Holistic Social Work Services**

EBCLC provides holistic interdisciplinary representation to low-income Berkeley tenants who are defendants in unlawful detainer actions, have legal issues to be resolved before the Berkeley Rent Board or the Berkeley Housing Authority, or who otherwise require further direct legal representation in negotiating a legal issue with their landlord. Tenants are represented by staff attorneys and certified law students supervised by staff attorneys and receive additional assistance, as needed, through our Social Work program and the rental assistance program. In addition, tenants may be referred to another EBCLC program for assistance with legal issues such as immigration, consumer debt, or public benefits.

Social workers at EBCLC provide ongoing case management, crisis intervention, system navigation, and supportive advocacy to clients throughout the agency. For our Housing Program, one social worker will be designated to work with tenants/clients who receive direct representation services. She will assist tenants/clients in accessing public benefits and identify appropriate supportive services for tenants/clients, including mental health, substance use, and medical providers. She will also advocate for tenants/clients around disability-related needs, drafting reasonable accommodation requests, and working to ensure that our disabled tenants are being treated fairly by landlords and local housing authorities. Our social worker will also accompany tenants/clients to court and appointments in the community, enabling tenants/clients to form relationships with key stakeholders such as Section 8 representatives, community-based mental health providers, property managers, and medical professionals whose support has proven beneficial in resolving legal matters. EBCLC's social workers are invaluable to our attorneys as they are equipped to provide other services, such as crisis intervention, evaluation of other needs beyond legal advocacy, and can provide additional referrals; this only strengthens our legal representation. With both a lawyer and social worker on a team, we are able to problem-solve more creatively around settlement agreements, view our tenants/clients more holistically, and better understand both their legal and non-legal needs as we work together to help them preserve their tenancy and achieve stability.

The client stories below illustrate how our services have a significant impact on improving the quality of life for Berkeley residents, many of whom deal with difficult circumstances.

Ms. D is a monolingual, single mother living in Berkeley with her three- and seven-year-old children. Ms. D had lived in her home for over 11 years without issue and her housing was destabilized after her father passed away. She was unable to work for a few days because of her grief and had to divert some of her income to pay for his funeral expenses. The new property owner proceeded with quiet speed, serving a three-day notice to pay rent or quit, filing a

complaint, and securing a default judgment within the span of three weeks. By the time she learned what was happening, the sheriff was scheduled to evict her on March 2, 2020. Our attorneys took on the case and filed requests to postpone enforcement of the vacate date to give us time to successfully set aside this default judgment. We then aggressively litigated this case for several months. At the outset, the property owners had made clear that there was no possibility that Ms. D could remain in her home. However, because of our work building up this case for trial, the property owners were pushed into an agreement in which Ms. D could remain in her home. After reaching this agreement, our team worked to provide Ms. D with rental assistance to stabilize her housing going forward.

Ms. W is 77 years old and living with mental health issues. As the pandemic dragged on, her mental health significantly declined. Rather than providing an accommodation for her disabilities, the property owners chose to initiate an eviction for conduct seemingly arising from her disabilities, utilizing a loophole in the moratorium that allows for health and safety-related evictions. After the court issued a summons for the eviction complaint, our attorneys aggressively litigated this case. We filed a motion to dismiss (demurrer) and a motion to strike as the notice to quit failed to state any facts showing Ms. W posed a threat to the health and safety of other tenants. The court agreed with our motion and dismissed the case outright without a hearing.

Mr. F is a disabled Berkeley tenant who had been subject to racial discrimination as one of the few Black tenants in his affordable living senior housing project. After he tried to attend community meetings and have his voice heard, he was targeted and subsequently served with an eviction lawsuit. The loss of his voucher would have been devastating to Mr. F, as someone who has faced homelessness in the past. With increased physical and mental health disabilities, no family nearby, and pandemic-induced isolation, Mr. F began collecting clutter in his unit and slipped into a deep depression. He felt over-surveilled and underserved. After working with EBCLC to fight his legal case, he also utilized our social work support to get to a place of wellness. After building a close rapport with our social worker, he began to re-connect with his building's staff and neighbors who wanted to work towards an anti-racist community culture. His eviction case will soon settle with several reasonable accommodations made to his unit, including privacy protections. In the winter of 2020, with the help of the social worker, he was able to have a deep cleaning of his unit, and will soon have ongoing assistance from an IHSS worker to help him with daily tasks. Recently, Mr. F shared with the social worker that he felt like "there are now flowers blooming." He is ready to restart vital therapy sessions and happy that after spending so much time managing alone, he now has a robust support team.

Ms. V, also known as "Aunt V," is a long-time resident of Berkeley and honorary auntie to many. As a low-income, disabled elder, Aunt V fell behind on rent after an error with her disability benefits wreaked havoc on her income. When EBCLC met her one year ago, she was in and out of the emergency room for preventable flare-ups of chronic health and psychiatric conditions. Even though EBCLC's legal team was confident they could settle the eviction case, Aunt V was consistently decompensating and questioning her own ability to live without



EAST BAY  
COMMUNITY  
LAW CENTER

support. She wanted to retain her independence and her housing, which also meant her critical Section 8 voucher. Our social worker brought on a new case manager from Berkeley Senior Center and together, they provided regular contact during the shelter-in-place and got Aunt V a safe medical bed for her home. Our social worker was able to certify Aunt V's niece as her in-home-support caregiver and apply for a reasonable accommodation for her niece to be approved as the live-in caregiver. With this increase in support, Aunt V began to significantly stabilize. In early 2021, her eviction case was settled and she received back rent assistance from the City of Berkeley's COVID-19 Housing Retention Program. The social worker also helped Aunt V apply for a utilities grant to ease the burden of bills unpaid during the pandemic. After scheduling a vaccine appointment with the help of our social worker, Aunt V just received her first vaccine dose and is looking forward to opening back up to the world.

We are so very grateful for the ongoing support of the Berkeley Rent Board and City Council in meeting the needs of Berkeley's low-income community members. We look forward to continuing to strengthen our partnership and working on creative solutions to achieve long-term housing stability for Berkeley tenants.

If you have any questions or would like more information, please do not hesitate to contact Shauna Fujimoto, our Contracts Officer, at [sfujimoto@ebclc.org](mailto:sfujimoto@ebclc.org).

Kind regards,

Jay Kim  
Co-Deputy Director  
East Bay Community Law Center  
[kim@ebclc.org](mailto:kim@ebclc.org)

## RESOLUTION 21-14

### **AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22**

BE IT RESOLVED BY the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, the primary intent of the Rent Stabilization Board and the Rent Stabilization and Eviction for Good Cause Ordinance is to preserve affordable housing so as to continue the diversity our community has embraced for decades; and

WHEREAS, effective administration of the Rent Stabilization and Eviction for Good Cause Ordinance and advocacy surrounding the eviction protections listed therein have proven the most effective way to preserve affordable housing and prevent displacement that often leads to homelessness; and

WHEREAS, the Board first contracted with the Eviction Defense Center (EDC) in 2001 to provide services to lower-income Berkeley tenants, and the Board has extended the contract with amendments, each fiscal year thereafter; and

WHEREAS, the Board's contract with the EDC is scheduled to expire on June 30, 2021 and a need continues to exist for providing services to lower-income Berkeley tenants on matters dealing with their tenancies; and

WHEREAS, the Board has been extremely pleased with the excellent services provided by the EDC since 2001; and

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, allocated \$300,000 per year to these services in the 2017-2018 and 2018-2019 Biannual Budgets; and

WHEREAS the Berkeley City Council authorized the transfer of \$550,000 for fiscal years 2020 and 2021 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

## RESOLUTION 21-14

### **AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22 (Page 2)**

WHEREAS, the Berkeley City Council authorized the transfer of \$550,000 for fiscal year 2021/22 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

WHEREAS, the need for these additional services is urgent due to the ongoing housing crisis; and

WHEREAS, per Council's request, the Board agreed that the most expeditious way to ensure prompt delivery of these additional services was via an amendment to the existing Rent Board contracts with East Bay Community Law Center and Eviction Defense Center; and

WHEREAS, through Resolutions 17-17, 18-10, 19-14 and 20-08, the Board authorized the Executive Director to amend the EDC contract for Fiscal Year 2017/18, 2018/19, 2019/20, 202/21, and

WHEREAS, because the need for these services continues to increase, the Board issued a request for proposal to continue these essential services for an additional year; and

WHEREAS, the EDC responded to the RFP and has requested a continuance of funding to provide services in Fiscal Year 2021/22; and

WHEREAS, testimony was presented to the Eviction Committee about the ongoing vulnerability of low-income tenants in today's unbalanced housing market; and

WHEREAS, the members of the Eviction Committee and the Executive Director recommended that the Board approve funding for this organization; and

WHEREAS, the Board has long understood that the work this organization performs significantly contributes to the preservation of affordable rental housing and has encouraged Council to allocate resources to support it; and

**RESOLUTION 21-14**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22 (Page 3)**

WHEREAS, at the request of City Council, the scope of services under the contract with EDC was expanded, utilizing the additional funding provided by Council; and

WHEREAS, the proposed City and Rent Board budgets allocated \$275,000 (General Fund) and \$150,000 (Rent Board Fund) respectively to continue funding services provided by this contract;

NOW, THEREFORE BE IT RESOLVED, that the Rent Stabilization Board authorizes the Board's Executive Director to modify the contract with the EDC to extend its term through June 30, 2022 and increase the contract in an amount not to exceed \$425,000 (\$275,000 from City Council General Fund) for services to be provided in the 2021/22 fiscal year. The total amount payable under this contract shall not exceed \$2,014,250.

Dated: June 17, 2021

Adopted by the Rent Stabilization Board by the following vote:

YES:  
NO:  
ABSTAIN:  
ABSENT:  
RECUSED:

\_\_\_\_\_  
Leah-Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
Matt Brown, Acting Executive Director

**RESOLUTION 21-15**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22**

BE IT RESOLVED BY the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, the primary intent of the Rent Stabilization Board and the Rent Stabilization and Eviction for Good Cause Ordinance is to preserve affordable housing so as to continue the diversity our community has embraced for decades; and

WHEREAS, effective administration of the Rent Stabilization and Eviction for Good Cause Ordinance and advocacy surrounding the eviction protections listed therein have proven the most effective way to preserve affordable housing and prevent displacement that often leads to homelessness; and

WHEREAS, the Board first contracted with East Bay Community Law Center (EBCLC) in 1996 after the passage of Costa Hawkins necessitated provision of services to lower-income Berkeley tenants, and the Board has extended the contract with amendments each fiscal year thereafter; and

WHEREAS, the Board's contract with East Bay Community Law Center (EBCLC) is scheduled to expire on June 30, 2020 and a need continues to exist for providing services to lower-income Berkeley tenants on matters dealing with their tenancies; and

WHEREAS, the Board has been extremely pleased with the excellent services provided by the EBCLC since 1996; and

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, allocated \$300,000 per year to these services in the 2017-2018 and 2018-2019 Biannual Budgets; and

**RESOLUTION 21-15 --**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22 (Page 2)**

WHEREAS the Berkeley City Council authorized the transfer of \$550,000 for fiscal years 2020 and 2021 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

WHEREAS, the Berkeley City Council authorized the transfer of \$550,000 for fiscal year 2021/22 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

WHEREAS, the need for these additional services is urgent due to the ongoing housing crisis; and

WHEREAS, per Council's request, the Board agreed that the most expeditious way to ensure prompt delivery of these additional services was via an amendment to the existing Rent Board contracts with East Bay Community Law Center and Eviction Defense Center; and

WHEREAS, through Resolution 17-17, 18-11, 19-14 and 20-09, the Board authorized the Executive Director to amend the EBLC contract for Fiscal Years 2017/18, 2018/19, 2019/20, and 2020/21; and

WHEREAS, because the need for these services continues to increase, the Board issued a request for proposal to continue these essential services for an additional year; and

WHEREAS, EBCLC responded to the RFP and has requested a continuance of funding to provide services in Fiscal Year 2021/22; and

WHEREAS, testimony was presented to the Eviction Committee about the ongoing vulnerability of low-income tenants in today's unbalanced housing market; and

**RESOLUTION 21-15**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FISCAL YEAR 2021/22 (Page 3)**

WHEREAS, the members of the Eviction Committee and the Executive Director recommended that the Board approve funding for this organization; and

WHEREAS, the Board has long understood that the work this organization performs significantly contributes to the preservation of affordable rental housing and has encouraged Council to allocate resources to support it; and

WHEREAS, at the request of City Council, the scope of services under the contract with EBCLC was expanded, utilizing the additional funding provided by Council; and

WHEREAS, the proposed City and Rent Board budgets allocated \$275,000 (General Fund) and \$150,000 (Rent Board Fund) respectively to continue funding services provided by this contract;

NOW, THEREFORE BE IT RESOLVED, that the Rent Stabilization Board authorizes the Board's Executive Director to modify the contract with the EBCLC to extend its term through June 30, 2022 and increase the contract in an amount not to exceed \$425,500 (\$275,000 from City Council General Fund) for services to be provided in the 2021/22 fiscal year. The total amount payable under this contract shall not exceed \$1,984,500.

Dated: June 17, 2021

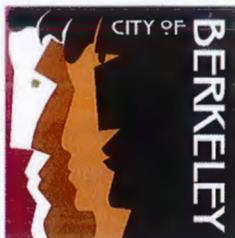
Adopted by the Rent Stabilization Board by the following vote:

YES:  
NO:  
ABSTAIN:  
ABSENT:  
RECUSED:

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Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
Matt Brown, Acting Executive Director



Rent Stabilization Board

DATE: June 17, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Honorable Members of the Budget and Personnel Committee  
By: Matt Brown, Acting Executive Director *MB*

SUBJECT: Recommendation to adopt Resolution 21-16 authorizing the Acting Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy in an amount not to exceed \$60,000 for the 2021/2022 fiscal year

**Recommendation:**

That the Board adopt Resolution 21-16 authorizing the Acting Executive Director to execute a contract extension with Legislative Advocate Brian Augusta & Associates for the term through June 30, 2022, in an additional amount not to exceed \$60,000 for the 2021-2022 fiscal year.

**Background and Need for Rent Stabilization Board Action:**

Since 1984, the Rent Stabilization Board has contracted for legislative advocacy services in Sacramento. Such services relate to potential and proposed legislative measures that affect Berkeley's Rent Stabilization Ordinance as well as coordination of rental housing related legislative issues.

Christine Minnehan & Associates provided the Rent Board extraordinary legislative advocacy for nearly two decades. In 2013, Ms. Minnehan reduced her day-to-day activities as a legislative advocate and took on the role of senior advisor and consultant. For nearly a decade, Brian Augusta worked closely with Ms. Minnehan and Minnehan & Associates and the Rent Board staff. In 2014, the Rent Board hired Brian Augusta & Associates to take over Ms. Minnehan's role as the Board's legislative advocate and he has done an excellent job.

The current contract with Mr. Augusta is for \$5,000 per month or \$60,000 a year. The contract also calls for reimbursement of associated expenses. The reimbursement is not automatic and would be paid only for costs actually incurred and documented. The additional amount set aside for these documented costs was \$1,000, for a total contract amount of \$61,000 for fiscal year 2021/2022. There is no need to set aside an additional amount for reimbursement of associated expenses in FY 2021/2022 because there are funds left in the current contract to cover these costs.

Mr. Augusta's firm will continue to provide the following types of services for the Rent Board:

- Regular Legislative Updates – Throughout the legislative session, the Board will receive written reports that identify and explain the many different pieces of legislation affecting rent control and rental housing.
- Rent Board Updates – The Board will receive periodic oral updates from Brian Augusta & Associates at televised Board meetings for the widest dissemination of current legislative events. Mr. Augusta will attend several Board meetings each year to provide comprehensive reports to the Board.
- RSB Staff Updates – Brian Augusta & Associates will meet with Program staff to discuss our operations and proposed legislation to ensure that we properly respond to situations as they may develop in Sacramento as well as here in Berkeley via Sacramento. He will also provide feedback from Sacramento regarding ways to administer the program in a manner that is responsive to legislative concerns.
- Statewide Coordination – Mr. Augusta has similar legislative advocacy contracts with other California rent control cities and assists the Board with periodic statewide coordination efforts that may be appropriate for dealing with proposed and/or adopted legislation.
- Research – When necessary, Brian Augusta & Associates will conduct or disseminate research on the economic and social factors which affect landlords and tenants in California and thus affect our Legislative agenda.

By far the most time consuming and important part of legislative advocacy is the detail work in Sacramento with legislators and their staff members on proposed legislation.

**Financial Impact:**

Based upon the proposed budget included elsewhere in your agenda package, there will be sufficient funds in the Fiscal Year 2021/2022 budget to cover this contract amount.

**Name and Telephone Number of Contact Person:**

Matt Brown, Acting Executive Director (510) 981-7368



**Brian Augusta & Associates**

1107 9<sup>th</sup> Street, Suite 1011  
Sacramento, California 95814  
baugusta@housingadvocates.org

June 1, 2021

Matt Brown, Acting Executive Director  
City of Berkeley Rent Stabilization Board  
2125 Milvia Street  
Berkeley, CA 94704

Re: Contract Renewal for Fiscal Year 2022-2022

Dear Mr. Brown:

The purpose of this letter is to request the renewal of the annual contract with the City of Berkeley Rent Stabilization Board at the monthly rate of \$5000, plus additional amounts deemed reasonable by the Board to cover reimbursement of out-of-pocket expenses incurred while on Board business, not to exceed \$1000. The renewal would cover the period from July 1, 2021 to June 30, 2022.

Since 1984, the Rent Board has retained a legislative advocate in Sacramento. The advocate's responsibilities, which we propose to continue, have been to monitor, support and oppose legislation in conformance with the purposes of the Rent Stabilization and Eviction for Good Cause Ordinance. Thus, we propose to advocate for legislation and policies consistent with the Ordinance's purposes, as laid out in Section 13.76.030:

1. to regulate residential rent increases in the city of Berkeley.
2. to protect tenants from unwarranted rent increases and arbitrary, discriminatory, or retaliatory evictions, in order to help maintain the diversity of the Berkeley community.
3. to ensure compliance with legal obligations relating to the rental of housing.
4. to address the City of Berkeley's housing crisis.
5. to preserve the public peace, health and safety.
6. to advance the housing policies of the city with regard to low and fixed income persons, minorities, students, handicapped, and the aged.

In addition, to ensure the continued ability of the City and Board to regulate residential rent increases, we propose to defend the Ordinance from attacks and initiatives to outlaw (pre-empt) or limit local residential rent control at the state level.

Given the continuing opposition to rent control in general, we closely monitor any efforts to erode

or eliminate rent control and propose to continue to do so. Given the COVID-19 crisis, we will also closely monitor efforts to provide relief to tenants and landlords in response to the economic impacts of the crisis.

Please let us know if there is any further information that we can provide. Thank you.

Sincerely,

  
Brian Augusta

cc: Aimee Mueller

**RESOLUTION 21-16**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT MODIFICATION WITH BRIAN AUGUSTA & ASSOCIATES THROUGH JUNE 30, 2022 IN AN AMOUNT NOT TO EXCEED \$60,000 FOR FISCAL YEAR 2021/2022**

BE IT RESOLVED, by the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, since 1984, the Board has contracted for legislative advocacy services in order to protect the integrity of the rent and eviction protections repeatedly enacted by Berkeley voters; and

WHEREAS, Brian Augusta & Associates has worked closely on rent control and affordable housing for nearly a decade, doing research and advocacy on issues of concern to the Board; and

WHEREAS, a need continues to exist for legislative advocacy service and Brian Augusta & Associates has the expertise and direct involvement in rent control and tenant issues to provide this service; and

WHEREAS, the Board has been extremely pleased with the excellent services provided by Brian Augusta & Associates and wishes to have them continue to register as the lobbyist for the Board; and

NOW, THEREFORE, BE IT RESOLVED by the City of Berkeley Rent Stabilization Board that the Executive Director is hereby authorized to extend the contract with Brian Augusta & Associates to represent the City of Berkeley Rent Stabilization in Sacramento on rent control issues through June 30, 2022, in an amount not to exceed \$60,000. The new total amount payable under this contract shall not exceed \$428,000.

Dated: June 17, 2021

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

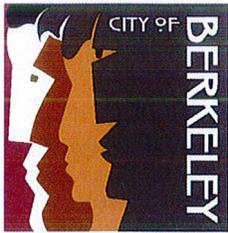
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Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest:

---

Matt Brown, Acting Executive Director



Rent Stabilization Board

DATE: June 17, 2021

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Honorable Members of the Budget and Personnel Committee  
By: Matt Brown, Acting Executive Director *MB*

SUBJECT: Recommendation to adopt Resolution 21-17 authorizing the Acting Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Board meetings by increasing the contract by an amount not to exceed \$22,000 for fiscal year (FY) 2021-2022

**Recommendation:**

That the Board adopt Resolution 21-17 authorizing the Acting Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Rent Board meetings through June of 2022, for an additional amount not to exceed \$22,000 for FY 2021-2022.

**Background and Need for Board Action**

The Board has maintained a contract with Berkeley Community Media (BCM) since June 5, 1995 for live broadcast of regularly scheduled Rent Stabilization Board (RSB) meetings, periodic special meetings and other services. For Fiscal Year 2021/2022, BCM agreed to continue to broadcast live, gavel-to-gavel coverage of a total of 15 RSB meetings and to rebroadcast all RSB meetings and four special programs for \$22,000. This amount also includes equipment for taping of all RSB meetings and special programs and incidental supplies.

BCM's proposed contract terms are identical to the terms adopted for Fiscal Year 2020/2021. BCM also maintains mobile recording equipment that enables them to provide remote broadcasts of off-site Board meetings at an additional cost. The cost proposed for this additional service is \$400 per off-site meeting. BCM also offers to produce a half-hour, quarterly news program at the BCM facilities at a rate of \$500 per program.

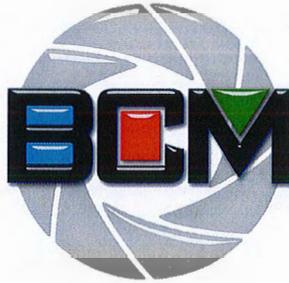
The Budget & Personnel Committee recommends that the Board extend the current contract for these services totaling \$22,000. The BCM proposal for the 2021/2022 fiscal year is attached for your review.

**Financial Impact:**

The FY 2021/2022 proposed budget sets aside sufficient funding for this annually recurring expense.

**Name and Telephone Number of Contact Person:**

Matt Brown, Acting Executive Director (510) 981-7368



# BERKELEY COMMUNITY MEDIA

www.bcmtv.org - 2239 MLK Jr. Way, Berkeley, CA 94704 - 510-848-2288

Board of Directors:

June 8, 2021

Winston Burton  
Board Chair

Harold Adler  
Vice Chair

Cristina Trujillo  
Treasurer

Katie Burge  
Secretary

David Lavine

Ken Osborn

Barbie Penn

Sam Speilman

Randall Thieben

Helen Walsh

To: Aimee Mueller, Berkeley Rent Stabilization Board  
From: Brian Scott, Berkeley Community Media (BCM)  
Re: Contract for FY 2021-22

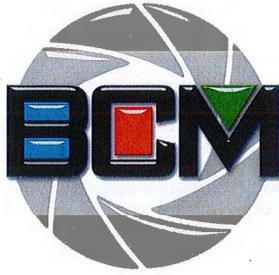
Dear Aimee:

Berkeley Community Media looks forward to continuing our production and cablecast of the Rent Stabilization Board meetings on B-TV Channel 33. The contract terms in the attached proposal will begin on July 1st, 2021 and run through June 30th 2022.

We kept the cost for our services and the additional coverage outside of Berkeley City Hall and the BUSD Board room the same as the previous year.

We greatly value our relationship and long history with the Berkeley Rent Stabilization Board and look forward to once again serving the Board and the community.

Brian Scott  
Executive Director  
Berkeley Community Media



# BERKELEY COMMUNITY MEDIA

www.bcmtv.org - P.O. Box 2687, Berkeley, CA 94702 - 510-848-2288

## BERKELEY RENT STABILIZATION BOARD MEETING COVERAGE PROPOSAL – FISCAL YEAR 2021-2022

1. Berkeley Community Media (hereafter Contractor) agrees to capture and telecast on B-TV channel 33 all regularly-scheduled Rent Stabilization Board (hereafter RSB) meetings from the BUSD Board Room. In addition to the original live telecast of such meetings, Contractor will telecast each captured program at least two (2) and no more than four (4) times per week on B-TV channel 33. The RSB will provide Contractor with a list of all regularly-scheduled meetings for the fiscal year.
2. Contractor will assist an outside closed captioner in producing videos of RSB workshops each quarter. Contractor will not be responsible for providing closed captioning services but will be required to record and deliver a final Quicktime movie of each session that complies with the City of Berkeley's web video requirements.

Services Provided	Quantity	Amount
Live, gavel to gavel coverage of all regularly scheduled RSB meetings from the BUSD Board Room	Up to 15 per year	\$12,000
Telecast and webcast meetings and special programs via B-TV Channel 33	Up to 25 per year	\$10,000
DVD Media and Incidental supplies	various	Included
<b>TOTAL:</b>		<b>\$22,000</b>

In addition, Contractor will provide at additional cost coverage of meetings held outside of Council Chambers. In the event that a RSB meeting is scheduled to take place in any other location other than the BUSD Board Room located at 2020 Bonar Street, or the Berkeley City Council Chambers located at 2134 MLK Jr. Way, Berkeley Community Media agrees to capture and telecast (live and replayed as detailed in section 1 and 2 of this agreement) for an additional service fee of \$400 per meeting.

Contractor will also be available to produce a half-hour, quarterly news program at a mutually agreed upon location at a rate of \$500 per program.

RESOLUTION 21-17

**AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH BERKELEY COMMUNITY MEDIA (BCM) BY EXTENDING THE CONTRACT THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT BY AN ADDITIONAL AMOUNT NOT TO EXCEED \$22,000 FOR FISCAL YEAR 2021/2022**

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, there continues to be public interest in viewing Rent Board meetings on local cable television; and

WHEREAS, the Board has a continued interest in assisting the public regarding rent control topics through video and film productions; and

WHEREAS, BCM has the ability to telecast and record all regularly scheduled Rent Stabilization Board meetings as well as production facilities; and

WHEREAS, the previous contract with BCM has not expired; and

WHEREAS, BCM has agreed to meet the Board's needs in telecasting and webcasting Board meetings on B-TV Channel 33 (up to five of each per Board meeting);

NOW, THEREFORE BE IT RESOLVED, by the City of Berkeley Rent Stabilization Board that the Executive Director is hereby authorized to extend the contract through June 30, 2022, increasing the contract by an additional amount not to exceed \$22,000 to telecast live, gavel-to-gavel, each and every regularly-scheduled meeting and up to three special Rent Stabilization Board meetings, to assist in producing and telecasting Rent Board special programs, to rebroadcast all RSB meetings and special programs, and to assist the Board in producing public information materials as needed for the 2021/2022 fiscal year, with the total amount payable under this contract not to exceed \$123,500.

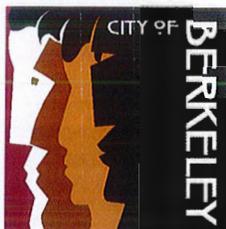
Dated: June 17, 2021

Adopted by the City of Berkeley Rent Stabilization Board by the following vote:

YES:  
NO:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
Matt Brown, Acting Executive Director



Rent Stabilization Board

DATE: June 17, 2021

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Honorable Members of the Budget and Personnel Committee  
 By: Matt Brown, Acting Executive Director *MB*

SUBJECT: Recommendation to adopt Resolution 21-18 authorizing the Acting Executive Director to modify the contract with QuickCaption, Inc. for remote closed captioning of all televised Board meetings by an amount not to exceed \$7,000 for fiscal year (FY) 2021-2022

**Recommendation:**

That the Board adopt Resolution 21-18 authorizing the Acting Executive Director to modify the contract with QuickCaption, Inc. for closed captioning of all televised Board meetings by extending the term through June 30, 2022 and increasing the contract by an amount not to exceed \$7,000 for FY 2021-2022.

**Background and Need for Board Action**

The Americans with Disabilities Act (ADA) requires the Rent Board to caption its televised meetings. Accordingly, the Board began captioning its meetings in January 2005. At that time, the Board adopted Resolution 05-01 authorizing the Executive Director "to enter into a contract or otherwise make the necessary arrangements to have televised broadcasts of Board meetings captioned." In this resolution, the Board also stated that "[s]ubsequent funding for captioning services [was to] be reviewed and approved by the Board."

In 2005, following review of the results of the City Clerk's Request for Proposal (RFP) for closed captioning services, the Board entered into a contract with Theresa B. Darrenougue to provide real-time captioning services of all televised Rent Board meetings. Ms. Darrenougue provided excellent captioning services to the Board for nearly eleven years.

On August 1, 2014, following the City Clerk's RFP for real-time closed captioning services, QuickCaption, Inc. was selected to provide captioning of Berkeley City Council and ZAB meetings. At the time, Rent Board staff have spoken with City staff who work closely with QuickCaption and received very positive reports about QuickCaption staff and the quality of their captioning. In June of 2016, the Board approved a one-year contract in an amount \$7,000. The term of that contract was extended and the initial funding of \$7,000 has lasted nearly two

years, but is about to run out after this month. Staff has been pleased with the quality of the work as well as the willingness of QuickCaption's staff to work collaboratively with Rent Board and BCM staff and recommend that the current contract be extended through the end of FY 2022.

QuickCaption currently charges an hourly rate of \$125.00 for real-time remote closed captioning services of all televised Rent Board meetings broadcast by Berkeley Community Media using City-approved equipment and connectivity. The current hourly rate is significantly less than the Board's rate under the prior captioning contract.

**Financial Impact:**

Based upon the proposed budget included elsewhere in your agenda package, there will be sufficient funds in the Fiscal Year 2021/2022 budget to cover this contract amount.

**Name and Telephone Number of Contact Person:**

Matt Brown, Acting Executive Director (510) 981-7368



4927 Arlington Avenue  
Riverside, California 92504  
951-779-0787  
951-779-0980 (Fax)  
[www.QuickCaption.com](http://www.QuickCaption.com)

June 2, 2021

Aimee Mueller  
City of Berkeley  
Rent Stabilization Board  
2125 Milvia Street  
Berkeley, CA 94704

Re: Proposal for Fiscal Year 2021-2022

Aimee,

Following is our proposal for fees and terms for the FY July 1, 2021 through June 30, 2022:

**Remote Broadcast Captioning of RSB Meetings:**

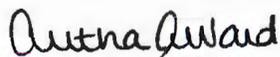
- \$125.00 per hour
- 2.0-hour minimum per assignment; Invoiced in 30-minute increments thereafter
- Connection:
  - Encoder connections initiated 15 minutes prior to an event, no additional charge
  - Encoder connections in excess of 15 minutes to be invoiced in 30-minute increments
- Cancellation:
  - Events rescheduled or canceled more than 48 business hours in advance - no charge
  - Events rescheduled or canceled 48 business hours or less in advance - invoiced at two hours
- Prescheduled/On-Demand:
  - Request of services with more than 48 business hours' notice - no additional charge
  - Request of services with 48 business hours or less notice - surcharge 20%
- Transcript:
  - The unedited transcript of each assignment is available to be forwarded within 24 hours of the completion of each assignment; sent via email in Word .doc format.
  - Additional fee of \$25.00 per hour per submitted transcript in .doc, .txt, .rtf format
- Technical Support:
  - Remote technical support assistance lasting less than 15 minutes – no charge
  - Remote technical support assistance lasting more than 15 minutes – \$80.00 per hour invoiced in 15-minute increments
- No additional charges for evening or week end meetings/assignments
- No additional charges for extended meetings
- No additional charge for pre-event preparatory or post-event editing
- Note: Business hours are Monday through Friday, 6:30 to 8:30 p.m. PST, except government holidays

### Remote Livestream Captioning Services:

- \$135.00 per hour for livestream captioning for scheduled time or minimum
  - \$165.00 per hour for additional time
- Additional \$60.00 per hour for creation of .srt file (client to embed into video)
- Additional \$85.00 per hour for creation of video with embedded captions (QuickCaption to embed captions)
- 2.0-hour minimum per assignment; Invoiced in 30-minute increments thereafter
  - Rate includes prep and set up
- Assignments scheduled 1.5 hours or more require a team of Captioners
  - Rate is per hour per Captioner
  - Two-hour minimum applies to each Captioner
- Connection:
  - Log in connection initiated 15 minutes prior to an event, no additional charge
  - Log in connection in excess of 15 minutes to be invoiced in 30-minute increments
- Cancellation:
  - Events rescheduled or canceled more than 48 business hours in advance - no charge
  - Events rescheduled or canceled 48 business hours or less in advance - invoiced at two hours
- Prescheduled/On-Demand:
  - Request of services with more than 48 business hours' notice - no additional charge
  - Request of services with 48 business hours or less notice - surcharge 20%
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- No additional charges for evening or weekend meetings/assignments
- No additional charges for extended meetings
- No additional charge for pre-event preparatory or post-event editing

Note: Business hours are Monday through Friday, 6:30 am to 8:30 pm PST, except government holidays

Please don't hesitate to contact me should you have any questions or concerns or need anything additional.  
Have a GREAT day!



Antha A. Ward  
President

AAW/jp

**RESOLUTION 21-18**

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH QUICKCAPTION, INC. FOR CAPTIONING SERVICES OF TELEVISED BOARD MEETINGS FOR FISCAL YEAR 2022 BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT BY AN AMOUNT NOT TO EXCEED \$7,000

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, the Rent Stabilization Board has elected to caption its televised meetings to comply with the Americans with Disabilities Act; and

WHEREAS, QuickCaption, Inc. has provided quality captioning for the City since August 1, 2014, at a rate that is representative of the current rate for real-time captioning services; and,

WHEREAS, Board staff, after speaking to several City staff who relayed that they were extremely pleased with QuickCaption, Inc., recommended that the Board enter into a contract for services with QuickCaption, Inc.; and

WHEREAS, on June 20, 2016, through Resolution 16-05, the Board authorized the Executive Director to negotiate a contract for services with QuickCaption, Inc.; and

WHEREAS, the Board authorized the Executive Director to extend the contract with QuickCaption, Inc. and increase the contract amount on May 7, 2018, through Resolution 18-04, and on November 21, 2019, through Resolution 19-24; and

WHEREAS, the existing contract with QuickCaption, Inc. has since been extended by the Executive Director without increasing the contract amount; and

WHEREAS, the Board and staff are pleased with the excellent services provided by QuickCaption, Inc. and wish to continue having QuickCaption, Inc. provide captioning services at Board meetings; and

**RESOLUTION 21-18**

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH QUICKCAPTION, INC. FOR CAPTIONING SERVICES OF TELEVISED BOARD MEETINGS FOR FISCAL YEAR 2022 BY EXTENDING THE TERM THROUGH JUNE 30, 2022 AND INCREASING THE CONTRACT BY AN AMOUNT NOT TO EXCEED \$7,000  
(Page 2)

WHEREAS, the cost of captioning a televised Board meeting will generally range from \$300 to \$600 depending on the length of the meeting; and

WHEREAS, sufficient funds are available in the proposed fiscal year 2021/22 budget to cover the anticipated cost of captioning the Board's televised meetings.

NOW, THEREFORE, BE IT RESOLVED that the Berkeley Rent Stabilization Board authorizes the Executive Director to modify the contract for captioning services to be provided by QuickCaption, Inc., by extending the term through June 30, 2022, and increasing the contract by an amount not to exceed \$7,000, so that the total amount payable under this contract shall not exceed \$31,000.

Dated: June 17, 2021

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

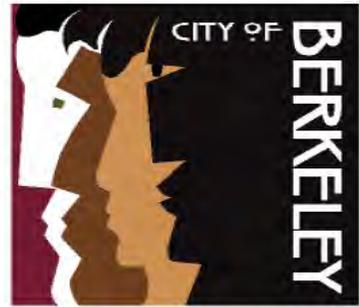
NO:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
Matt Brown, Acting Executive Director



BERKELEY RENT BOARD

Item 7.a.(3)a.

# Rent Board Registration

Allison Pretto, Registration Unit Supervisor  
Berkeley Rent Board

May 12, 2021

# AGENDA

Introduction

What is Registration?

Who Needs to Register?

Exemptions

Important Deadlines

How Do I Register?

Online Registration in 2021

Questions?

# WHAT IS REGISTRATION

## Fully Covered vs. Partially Covered

### ▶ Fully Covered Units

- ▶ Rent Regulated
- ▶ Unit rents must be registered with each new tenancy
- ▶ Have been required to register since 1980

### ▶ Partially Covered Units (Measure MM)

- ▶ Not Rent Regulated
- ▶ Required to register as of November 2020 with passage of Measure MM
- ▶ Unit rents updated annually

# WHO NEEDS TO REGISTER

## Fully covered:

- ▶ Multi-family properties built prior to 1980

## Partially covered - Measure MM:

- ▶ Single-family homes (regardless of year built)
- ▶ Condos (regardless of year built)
- ▶ Any rental unit built after 1980

# WHO DOESN'T NEED TO REGISTER

- ▶ Section 8 units
- ▶ Shelter Plus Units
- ▶ Owner-occupied units
- ▶ Owner-Use Units
- ▶ Units Occupied Rent Free
- ▶ Vacant/Unavailable for Rent
- ▶ Owner Shares Kitchen/Bath
- ▶ Owner-occupied duplexes where owner of record occupied property as principal residence on 12/31/1979
- ▶ Legally Permitted ADU on an owner-occupied property (Tenancy start date must be AFTER November 8, 2018)

# WHO DOESN'T NEED TO REGISTER - Measure MM

Single family homes wherein:

- ▶ Owner owns only one residential unit in Berkeley
- ▶ Owner lived in unit at least 365 consecutive days prior to tenancy start
- ▶ Owner will move into unit immediately after tenant vacates
- ▶ Lease term is less than 2 years and term is specified in lease

# IMPORTANT FACTS AND DATES

- ▶ **2021/2022 Annual Fee:**
  - Fully Covered: \$250/Unit
  - Measure MM: \$150/Unit
- ▶ **Annual Registration Fees: Due date is JULY 1**
- ▶ **Penalty for late payment: 100% OF OUTSTANDING FEE BALANCE**
- ▶ Penalties are assessed again **every six months** fee remains unpaid
- ▶ Billing statements sent by **June 1**
  - Fully Covered and Measure MM units will be billed **SEPARATELY** for 2021/2022 fee

# HOW DO I REGISTER - FULLY COVERED

- ▶ Pay annual fee by July 1
- ▶ File Vacancy Registration Form upon start of each new tenancy
- ▶ Mid-year Registration of formerly exempt unit:
  - ▶ File Vacancy Registration for new tenancy
  - ▶ Pay pro-rated registration fee
  - ▶ Fee is due within **60 days** of date unit became subject to Ordinance
  - ▶ Penalty for late payment is 100% of pro-rated fee

# HOW DO I REGISTER - MEASURE MM

- ▶ Register Unit for the first time by completing:
  1. Registration Statement for Partially Covered units
  2. Tenancy Registration Form for Partially Covered units
- ▶ Pay annual fee or pro-rated fee for midyear registration by due dates
- ▶ After initial registration: Tenancy data must be updated annually by July 1 with current tenancy data ONLY
- ▶ Measure MM owners do NOT need to register each new tenancy

# ONLINE REGISTRATION

- ▶ Go to the Rent Board home page: [www.cityofberkeley.info/rent/](http://www.cityofberkeley.info/rent/)
- ▶ For Fully Covered Units ONLY: Click on the “Fully Covered Register Here” button
- ▶ For Measure MM Units ONLY: Click on the “Measure MM Register Here” button
- ▶ Fully Covered link: <https://rentportal.cityofberkeley.info>
- ▶ Measure MM link: <https://rentregistry.cityofberkeley.info>

# VISIT OUR WEBSITE

*cityofberkeley.info/rent*

- ❑ Tenancy Information
- ❑ Laws & Regulations
- ❑ Workshops & Seminars
- ❑ Mediation & Petition Forms
- ❑ Rent Board Commission Meetings

**RENT STABILIZATION BOARD**  
2125 Milvia Street, Berkeley, CA 94704  
TEL: (510) 981-7368, TDD: (510) 981-6903, FAX: (510) 981-4910  
Office Hours: M,Tu,Th,F 9 a.m. to 4:45 p.m., Wed 12 p.m. to 6:30 p.m., Email: [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info)

**Landlord Information**   **Tenant Information**   **Forms**   **Elected Rent Board**   **Laws & Regulations**   **Data & Reports**

Look up the new maximum allowable rent for your rental unit on [My Rent Ceiling](#). In January of each year, the Rent Board posts the updated rent ceilings for all rent-controlled units, which include the annual increase ([AGA](#)) for units considered in compliance with local requirements.

Have questions about the statewide eviction protections contained in the COVID-19 Tenant Relief Act (Assembly Bill 3088)? You can find information about that and more on our [COVID-19 Tenant & Landlord Resources](#) page.

**MEASURE MM REGISTER HERE**

**FULLY COVERED REGISTER HERE**

Upcoming [Meetings & Events](#)

May 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	
2	3	4	5	6	7	8

**IMPORTANT COVID-19 INFORMATION**  
For Landlords & Tenants

510-981-7368 (RENT)  
[rent@cityofberkeley.info](mailto:rent@cityofberkeley.info)

# JOIN OUR EMAIL LISTS

- Annual General Adjustment
- Billing & Registration
- Newsletters & Announcements
- Rent Board Agendas
- Rent Board Committee Agendas
- Workshops and Seminars for Property Owners
- Workshops and Seminars for Tenants



Join Our  
Email Lists!

510-981-7368 (RENT)  
[rent@cityofberkeley.info](mailto:rent@cityofberkeley.info)

# COMPLETE AN EVALUATION



BERKELEY RENT BOARD

## Berkeley Rent Board Events Evaluation

Please fill out this evaluation and return to us. Thank you!

Event Title: \_\_\_\_\_

Event Presenter: \_\_\_\_\_

Please rate the quality of the presentation.

1     2     3     4     5

Disappointing

Exceptional

COMMENTS:

Please rate the length of the presentation.

1     2     3     4     5

Disappointing

Exceptional

COMMENTS:

Did you learn what you expected from this event?

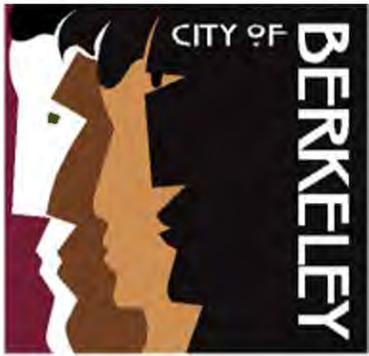
1     2     3     4     5

Disappointing

Exceptional

COMMENTS:

510-981-7368 (RENT)  
rent@cityofberkeley.info



BERKELEY RENT BOARD

# QUESTIONS? CONTACT US!



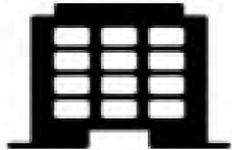
**BERKELEY RENT BOARD**



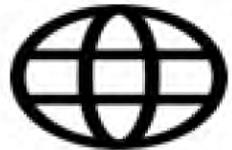
**510-981-7368 (RENT)**



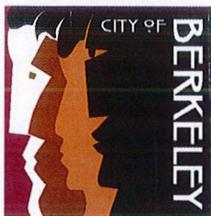
**RENT@CITYOFBERKELEY.INFO**



**2125 MILVIA STREET BERKELEY**



**WWW.CITYOFBERKELEY.INFO/RENT**



Rent Stabilization Board

May 11, 2021

Assemblymember Philip Ting  
 Chair, Assembly Budget Committee  
 State Capitol, Room 6026  
 Sacramento, CA 95814

Senator Nancy Skinner  
 Chair, Senate Budget Committee  
 State Capitol, Room 5094  
 Sacramento, CA 95814

**Re: \$200 Million Budget Allocation for Eviction Prevention and the Homelessness Prevention Fund - Support**

Dear Chairman Ting and Chairwoman Skinner,

Thank you for your leadership over the past year during these unprecedented times. While California has taken steps to ensure vulnerable Californians are protected from eviction, the COVID-19 pandemic has highlighted the deeply rooted inequalities around accessing justice and the very protections we have put in place for struggling renters. To ensure that Californians are equipped with the necessary tools to access these important protections, and to bolster and speed our statewide recovery, we write to request an investment of state and federal resources in a critical initiative to preserve and improve access to justice in California while stabilizing communities and struggling renters. This is a proven strategy that results in increased housing security for renters, increased efficiency and reduced caseloads in the courts, and considerable savings and improved community stability at the municipal level. Moreover, given the uneven impacts of the pandemic and its severe effects in low-income communities and communities of color, an investment in eviction prevention is an investment in racial justice and an equitable recovery.

On behalf of the City of Berkeley Rent Stabilization Board, we respectfully request \$200 million be allocated for legal assistance for low-income tenants facing the threat of evictions. Providing legal assistance to low-income tenants in eviction cases is a cost-effective way to prevent homelessness and displacement. Studies have demonstrated that eviction defense programs promote settlement agreements, keep tenants housed, and reduce court costs, preventing homelessness and preserving scarce judicial and public resources. For example, a study of a proposed program in Los Angeles found approximately \$4.50 in savings for each dollar invested. Evaluations of local programs across the country have found similar returns on investment, with savings coming from decreased municipal spending on shelter resources and services related to homelessness, but also tied to community stability metrics such as decreased school absences, demonstrating benefits not just for individuals receiving services but for the community as a whole. We urge bold leadership and an investment in California's equitable recovery by advancing the proven model represented in AB 1487.

Long before the pandemic hit our state, low-income Californians and Black, Indigenous, and People of Color (BIPOC) faced a civil justice gap; many not being able to find the help they needed. Eighty-five percent of Californians facing a civil legal issue receive no or inadequate legal help; in evictions, ninety percent of landlords receive representation compared to only 10% of tenants. Combined with the extreme impacts of the pandemic on communities of color and on renters, we are at the brink of a wave of evictions which could undermine our state's efforts to advance racial justice. Legal aid programs around the state report that while represented tenants have been reasonably successful in asserting their rights under California's COVID-related eviction protections, unrepresented tenants are slipping through the cracks despite qualifying for protection. At current funding levels, there is still only 1 legal aid lawyer for every 5,500 Californians eligible for their services, and we must do better to ensure that all residents are able to contribute to and share in our recovery.

With unprecedented numbers of people facing poverty or extreme poverty for the first time in their lives, and so many renters unable to pay rent through no fault of their own, there is a dramatically increasing need for legal services. With evictions set to resume shortly, the forthcoming need will be unparalleled. Given the State's considerable budget surplus, and the federal government's allocation of approximately \$26 billion to California, now is the time to show bold leadership. We ask the Governor and Legislature to dedicate the necessary funds to invest in access to justice initiatives for those Californians who will inevitably face the legal consequences of the pandemic, and to invest in our communities by allocating funds to prevent homelessness and stabilize our neighborhoods.

We ask that the Governor and legislature allocate \$200 million in federal funding for the Homelessness Prevention Fund contained in Assembly Bill 1487 (Gabriel) through the American Rescue Plan (ARP). AB 1487 advances a framework for providing eviction prevention services and legal assistance to vulnerable renters in a manner that is efficient, cost-effective and provides numerous benefits not only to renters receiving services but to their broader communities as well. This funding could be allocated from the Emergency Rental Assistance Program which permits 10% of the funds that can be allocated for housing stability services including legal services, Fiscal Recovery Fund which is designated for general response to the COVID-19 and its economic impacts, or from elsewhere in the ARP.

Thank you for your consideration of these requests.

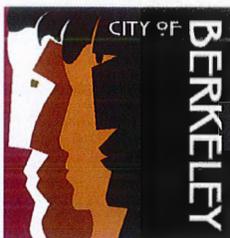
Sincerely,



Leah Simon-Weisberg, Chair  
Berkeley Rent Stabilization Board



Soli Alpert, Vice Chair  
Berkeley Rent Stabilization Board



Rent Stabilization Board

May 14, 2021

Billi Romain

Manager, Office of Energy and Sustainable Development (OESD)

Katie Van Dyke

OESD Climate Action Program Manager/Chief Resilience Officer

1947 Center St. 1<sup>st</sup> Floor

Berkeley, CA 94704

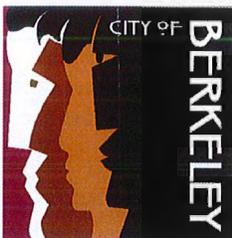
Dear Ms. Romain and Ms. Van Dyke:

The Berkeley Rent Stabilization Board appreciates this opportunity to provide comments on the Draft Existing Buildings Electrification Strategy. The presentation that your team provided at our recent Rent Board meeting was incredibly informative and inspiring. I commend the focus on equity, community input, and tenant impact. Electrifying older, rent-controlled buildings will be complex, and care must be taken to prevent a related escalation in rents and tenant displacement.

**1. Berkeley rent control prevents unaffordable pass-through costs on rent controlled tenants but non-rent controlled units will remain unprotected.**

The up-front costs of electrification are significant, and many rent-controlled buildings will need infrastructure and envelope upgrades as well. Such expenses will likely qualify as capital improvements under Rent Board Regulation 1267, but given that the Board uses a fair return analysis, most landlords will not qualify for a monetary pass-through. Capital improvements are amortized at 1%, but can only be passed through to existing tenants as a permanent rent increase if monthly vacancy rent increases for the building since January 1, 1999, are less than the eligible pass-through. It is rare, indeed, for most Berkeley rental property to qualify for capital improvement pass-throughs for buildings, since there has been such significant tenant turnover in the city since 1999. For example, if the landlord otherwise qualifies for \$200,000 in capital improvements, \$2000 would be eligible to be passed through. If the total monthly vacancy rent increases since January 1, 1999, for the property exceed \$2000 (a likely scenario), no pass-through is allowed.

Although capital improvement pass-throughs to existing tenants are rare, we are concerned that the costs of electrification will be passed on as vacancy rent increases that make Berkeley even less affordable, especially for lower-income persons, students, the elderly,



Rent Stabilization Board

persons with disabilities, and historically marginalized populations. In some cases, smaller costs—like new cookware to accommodate induction stoves—will also fall on tenants. While electrification provides energy cost savings over time, many tenants, like our large student population, may not reside in a unit long enough to realize them in a meaningful way. And important but more abstract benefits like healthier air in units can be overshadowed by the immediate and concrete impacts even small rent increases can have on rent-burdened tenants. **We urge the City to secure all possible funding and subsidies, particularly for low-income landlords, to prevent the considerable upfront costs of electrification from being passed on to tenants as rent increases that contribute to Berkeley’s continuing affordability crisis.**

## **2. Tenant Protections in order to mitigate unsafe and disruptive impacts on tenants.**

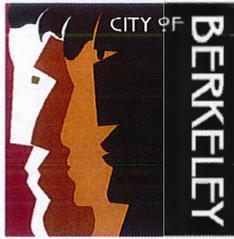
The prolonged construction related to infrastructure and envelope upgrades may result in disruptive and unsafe living conditions, and potentially permanent tenant displacement. It’s important that tenant protection measures are integrated, and have meaningful and accessible enforcement mechanisms. We wish to highlight efforts by the 4 x 4 Joint Committee on Housing—Rent Board & City Council that speak to this issue.

### **A. Habitability Plan Proposal**

Modeled on the City of Los Angeles’ practice, we introduced [habitability plans](#) as a more holistic approach to tenant protection during construction. In Los Angeles, prior to the issuance of permits, owners must obtain approval of a plan that specifies the responsible contractor, affected tenants and their current rents, scope of work, the specific work to be undertaken, and the severity and potential duration of impacts to the tenants or their personal property. Owners must also specify mitigation measures so that tenants can either remain safely in place, or be temporarily relocated during construction. Mayor Arreguín and the other members of the 4 x 4 Committee are currently exploring the possibility of implementing a similar requirement in Berkeley.

### **B. Relocation Ordinance Amendments**

Only landlords or the Building Official can trigger Berkeley’s existing Relocation Ordinance. The Committee has recommended that the Ordinance be amended to, amongst other things: allow a broader range of parties to trigger it, including tenants; strengthen enforcement and appeal mechanisms; and increase the per diem reimbursement rate to current market rates. The Committee also recommended that the City provide funding for



tenant relocation in the event the landlord refuses. Mayor Arreguín is convening a multi-department working group to consider amendments.

**3. Monitor new laws.**

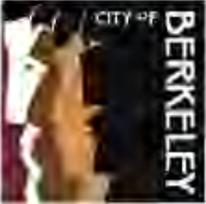
Lastly, we encourage your support for the Tenant Opportunity to Purchase Act, and efforts aimed at increasing cooperative and nonprofit housing that reduce profit motives and help address split incentives. We also encourage you to monitor proposed state legislation like AB 1139 that would add significant costs to solar and undercut the feasibility of electrification.

Climate change is a critical issue, and we applaud the effort to electrify Berkeley's existing housing stock in a considered way to prevent unintended, harmful impacts. We are especially heartened by the equity guardrails, and the commitment to meet or exceed them before specific policies and programs are implemented. Electrifying Berkeley's rent-controlled housing stock poses special challenges. We look forward to working in partnership to find creative and innovative solutions for building a more sustainable and equitable community while continuing to protect the most vulnerable in our community from displacement.

Sincerely,

A handwritten signature in blue ink that reads "Leah Simon-Weisberg". The signature is fluid and cursive, with the first name "Leah" being particularly prominent.

Leah Simon-Weisberg, Chair  
Berkeley Rent Stabilization Board



Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**BUDGET & PERSONNEL COMMITTEE MEETING**

**Tuesday, June 1, 2021**

**5:00 p.m.**

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Rent Stabilization Board's **Budget & Personnel Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

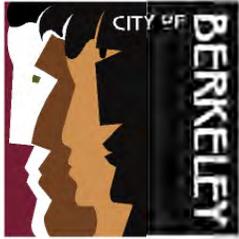
**To access this meeting remotely:** Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://zoom.us/j/91749712513?pwd=Y08raGkxOEdvWDB0MWYzQ2Z0U3o0Zz09> . If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename 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 1-408-638-0968 and enter Webinar ID: 917 4971 2513 and Passcode: 790688. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during public comment, email [mbrown@cityofberkeley.info](mailto:mbrown@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM FOR BUDGET & PERSONNEL COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:00 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum will apply for meetings conducted 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. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**BUDGET & PERSONNEL COMMITTEE MEETING**

**Tuesday, June 1, 2021 – 5:00 p.m.**

**AGENDA**

1. Roll Call
2. Approval of Agenda
3. Public Comment
4. Approval of the April 22, 2021 Meeting Minutes (Attached to Agenda)
5. Approval of the April 27, 2021 Meeting Minutes (Attached to Agenda)
6. Registration Fee Update
7. Discussion, and Possible Action regarding Recommendation to full Board to Adopt Fiscal Year (FY) 2021/22 Line-Item Budget, Staffing Model & Expenditure Level (See Attached Staff Report).
8. Future agenda items
9. Discussion and Possible Action to set next Committee meeting
10. Adjournment

**STAFF CONTACT: Matt Brown, Acting Executive Director (510) 981-7368**

COMMITTEE: James Chang, John Selawsky (Chair), Leah Simon-Weisberg, Dominique Walker



Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**EVICTION / SECTION 8 / FORECLOSURE COMMITTEE MEETING**

**Thursday, May 13, 2021**

**5:30 p.m.**

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Rent Stabilization Board's **Eviction / Section 8 / Foreclosure Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

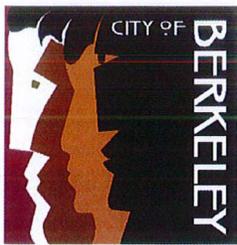
**To access this meeting remotely:** Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://zoom.us/j/94533486956?pwd=c1RGbE5CSGdkZi95U2xHQ2lMbzl5UT09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename 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 Webinar ID: 945 3348 6956 and Passcode: 439429. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during public comment, email [msiegel@cityofberkeley.info](mailto:msiegel@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM FOR EVICTION/SECTION 8 COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum will apply for meetings conducted 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. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**EVICITION / SECTION 8 / FORECLOSURE COMMITTEE MEETING**

**Thursday, May 13, 2021 – 5:30 p.m.**

**AGENDA**

1. Roll call
2. Approval of the Agenda
3. Approval of Minutes of the March 11, 2021 meeting
4. Public Comment
5. Discussion, presentation and possible action on proposals by Eviction Defense Center and East Bay Community Law Center for Rent Board/City of Berkeley funding
6. Future Agenda Items
7. Confirm next meeting date (Commissioners: please bring calendars to meeting)
8. Adjournment

**STAFF CONTACT: Matthew Siegel – (510) 981.4903**

**COMMITTEE:** Paola Laverde, Mari Mendonca (Chair), John Selawsky, Dominique Walker



**RENT STABILIZATION BOARD**  
**OUTREACH COMMITTEE MEETING**

**Wednesday, May 19, 2021**

**5:30 p.m.**

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Rent Stabilization Board's **Outreach Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **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://zoom.us/j/93833351265?pwd=a2lWVHBvMzZNb3Z3ZTIvSFE2cXhldz09>. 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, enter Webinar ID: 938 3335 1265 and Passcode: 194580. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during public comment, email [mLaw@cityofberkeley.info](mailto:mLaw@cityofberkeley.info) with the Subject line in this format: "PUBLIC COMMENT ITEM FOR OUTREACH COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:30 p.m. on the day of the Committee meeting in order to be included.**

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Rent Stabilization Board

## **RENT STABILIZATION BOARD OUTREACH COMMITTEE MEETING**

**Wednesday, May 19, 2021 – 5:30 p.m.**

### **AGENDA**

1. Roll call (2 min)
2. Approval of the Agenda (2 min)
3. Approval of the Minutes of the April 21, 2021 Meeting (5 min)
4. Public Comment (5 min)
5. Tenant Survey (Staff Updates, and Matt Brown) (25 min)
  - a. Survey Companies Contracted by City of Berkeley
  - b. Survey Budget and RFP Process
  - c. Survey Scope and Questions Clarified
  - d. Survey Timeline
6. Accessibility Issues: Closed Captioning Contract (Staff) (10 min)
7. Social Media Expansion: “Rent Board News” on Facebook and  
Ideas to Increase Engagement (10 min)
8. Staff Report: Recent and Upcoming Webinars, Workshops (5 min)
9. Schedule Next Meeting Date (2 min)
10. Future Agenda Items (5 min)
11. Adjournment (5 min)

**STAFF CONTACT: Moni T. Law, Housing Counselor (510) 981-4906, Ext. 704**

**COMMITTEE:** James Chang, Andy Kelley, Paola Laverde (Chair), Mari Mendonca



Rent Stabilization Board

**RENT STABILIZATION BOARD  
OUTREACH COMMITTEE MEETING**

**Wednesday, June 16, 2021**

**5:30 p.m.**

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Rent Stabilization Board's **Outreach Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **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://zoom.us/j/92432525754?pwd=cEdBbXJVVkJkMxNnY1MEh0cDRpRmIzd09>. 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, enter Webinar ID: 924 3252 5754 and Passcode: 661672. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during public comment, email [mLaw@cityofberkeley.info](mailto:mLaw@cityofberkeley.info) with the Subject line in this format: "PUBLIC COMMENT ITEM FOR OUTREACH COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:30 p.m. on the day of the Committee meeting in order to be included.**

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Rent Stabilization Board

**RENT STABILIZATION BOARD  
OUTREACH COMMITTEE MEETING**

**Wednesday, June 16, 2021 – 5:30 p.m.**

**AGENDA**

1. Roll call (2 min)
2. Approval of the Agenda (2 min)
3. Approval of the Minutes of the May 19, 2021 Meeting (5 min)
4. Public Comment (5 min)
5. Tenant Survey (Staff Updates) (25 min)
  - A. Project Timeline
  - B. Cal State Fullerton Social Science Research Center
  - C. Proposed Questions to add to 2009 Survey Questions
  - D. Healthy Black Families Survey
6. Accessibility Issues: Closed Captioning Contract (Staff) (10 min)
7. Measure MM Website/Questions and Discussion (10 min)
8. Staff Report: Recent and Upcoming Webinars, Workshops (5 min)
9. Schedule Next Meeting Date (2 min)
10. Future Agenda Items (5 min)
11. Adjournment (5 min)

**STAFF CONTACT: Moni T. Law, Housing Counselor (510) 981-4906, Ext. 704**

**COMMITTEE:** James Chang, Andy Kelley, Paola Laverde (Chair), Mari Mendonca