



**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, September 23, 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://us06web.zoom.us/j/85897681734?pwd=VnBEOTZieGFOWHlXRkQzd2dubXNlZz09>. 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: 858 9768 1734 and Passcode: 633747. 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, 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. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

Please be mindful that this meeting will be recorded, and all other rules of procedure and decorum will apply for Rent Board meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to 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**  
**Thursday, September 23, 2021**  
**7:00 p.m.**

**5:00 p.m. – CLOSED SESSION**

Prior to the public meeting, the Board will convene in closed session to discuss the following items pursuant to the Government Code sections listed below:

Public Employee Appointment pursuant to Government Code Section 54957(b)(1)  
Title: General Counsel

Conference with Labor Negotiators pursuant to Government Code Section 54957.6  
Agency Designated Representative: Board Chair  
Unrepresented Employee: General Counsel

Public Employee Appointment pursuant to Government Code Section 54957(b)(1)  
Title: Executive Director

Conference with Labor Negotiators pursuant to Government Code Section 54957.6  
Agency Designated Representative: Board Chair  
Unrepresented Employee: Executive Director

*The Board will announce any action taken during closed session at the start of the open session.*

<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. **Introduction of recently-hired Rent Board staff** – 5 min.\*
4. **Public Comment** – 2 min. per speaker for *non*-agendized items\*
5. **Public Comment** – 2 min. per speaker for items on the agenda\*
6. **CONSENT ITEMS**
  - a. Approval of the June 17<sup>th</sup> regular meeting minutes – TO BE DELIVERED
  - b. Approval of the July 15<sup>th</sup> regular meeting minutes
  - c. Recommendation to adopt Resolution 21-21 authorizing the purchase of 14 laptops for staff's use for remote work (Acting Executive Director)

- d. Proposal to extend allowance for exclusively remote housing counseling until the end of the calendar year (Chair Simon-Weisberg, Vice-Chair Alpert & Acting Executive Director)
- e. Recommendation to adopt Resolution 21-22 to approve a contract to fund report from the Anti-Eviction Mapping Project regarding Berkeley Upzoning (IRA/AGA/Registration Committee)
- f. 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>
4982	2041 Lincoln Street
4985	2321 Blake Street
4987	1930 Blake Street
4994	1529 Tyler Street
4995	2541 Piedmont Avenue

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4980	1524 Arch Street
4987	1520 Berkeley Way
4988	2238 Roosevelt Avenue
4989	2351 West Street
4991	2502 Webster Street
4996	1619 Walnut Street

**7. ACTION ITEMS**

- a. From Board Members, Committees, and Executive Director
  - (1) Discussion and possible action to adopt proposed Resolution 21-20 to appoint General Counsel and approve Employment Agreement (Budget & Personnel Committee) – 10 min.\*
  - (2) Recommendation to adopt proposed amendments to Regulation 503 [Definition of Principal Residence] – *First reading* (IRA/AGA/Registration Committee & Legal Staff) – 10 min.\*
  - (3) Recommendation to adopt Resolution 21-23 allowing landlords to use Regulation 1017 to provide temporary, below-market rental housing in Berkeley to disaster victims displaced by the Northern California wildfires and to refugees fleeing the Afghanistan conflict (IRA/AGA/Registration Committee & Acting Executive

Director) – 10 min.\*

- (4) Recommendation to adopt Resolution 21-24 to express support for the Mayor’s proposal to expand the Berkeley Fair Elections Program to include the Rent Board Commissioners (IRA/AGA/Registration Committee) – 5 min.\*
- (5) Recommendation to adopt Resolution 21-25 in support of Net Energy Metering (Vice-Chair Alpert, Chair Simon-Weisberg & Commissioner Kelley) – 5 min.\*
- (6) Discussion and possible action to amend the Board’s 2021 Regular Meeting schedule (Acting Executive Director & Chair Simon-Weisberg) – 10 min.\*

## **8. 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 regarding fee collection and amnesty for penalties – *Verbal* (Acting Executive Director & Registration Unit Supervisor) – 10 min.\*
- (2) Fair Chance Implementation update (Acting Executive Director) – 5 min.\*
- (3) Letter to Governor Newsom requesting extension of allowance for fully remote meetings (Acting Executive Director) – 1 min.\*
- (4) Report regarding COVID-related state financial assistance and eviction numbers for the City of Berkeley (Acting Executive Director) – 5 min.\*
- (5) August 9, 2021 letter from Board Chair to City Auditor regarding potential audit of Rent Board (Chair Simon-Weisberg) – 2 min.\*
- (6) Date to submit agenda topics/items for the October 21<sup>st</sup> Rent Board meeting:  
**Friday, October 8<sup>th</sup>**

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

### **a. Budget and Personnel Committee** (Commissioner Selawsky, Chair) – 5 min.\*

Next regularly-scheduled meeting: TBA

- (1) August 31<sup>st</sup> agenda

### **b. Eviction/Section 8/Foreclosure Committee** (Commissioner Mendonca, Chair) – 5 min.\*

Next regularly-scheduled meeting: Thursday, October 14<sup>th</sup> at 5:30 p.m.

- (1) July 29<sup>th</sup> agenda

- c. IRA/AGA/Registration Committee (Commissioner Kelley, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Wednesday, October 13<sup>th</sup> at 5:00 p.m.
  - (1) July 28<sup>th</sup> agenda
  - (2) September 8<sup>th</sup> agenda
  
- d. Outreach Committee (Commissioner Laverde, Chair) – 5 min.\*  
Next regularly-scheduled meeting: TBA
  - (1) July 21<sup>st</sup> agenda
  - (2) September 15<sup>th</sup> agenda
  
- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – 3 min.\* Regularly-scheduled meeting date: TBA
  
- 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, September 22<sup>nd</sup> at 3:00 p.m.
  - (1) September 22<sup>nd</sup> agenda
  
- g. Ad Hoc Committee on RSB Technology Issues (Chair TBA) – 3 min.\*  
Next meeting date: TBA
  
- h. Updates and Announcements – 3 min.\*
  
- i. Discussion of items for possible placement on future agenda – 3 min.\*

## 10. 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

**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, July 15, 2021**  
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# RENT STABILIZATION BOARD

## Regular Meeting

Thursday, July 15, 2021

7:00 p.m.

### Regular Meeting Minutes - *Unapproved*

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:06 p.m.  
Lief Bursell called roll.  
Commissioners present: Alpert, Chang (logged on at 7:17 p.m.), Kelley, Laverde, Selawsky, Walker, Simon-Weisberg.  
Commissioner absent: Johnson, Mendonca.  
Staff present: Brown, Bursell, Law, Pretto, Wu
- 2. Approval of Agenda** – M/S/C (Alpert/Selawsky) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING AMENDMENTS: MOVE ITEM 4 TO THE ACTION CALENDAR, BUT HEAR IT IN ITS CURRENT POSITION ON THE AGENDA; MOVE ITEM 8.a.(2) TO THE ACTION CALENDAR TO BE HEARD WITH ITEM 7.a.(1); AND MOVE ITEMS 7.a.(2) AND 7.a.(3) TO CONSENT AND APPROVE THOSE ITEMS AS WRITTEN. Roll call vote. YES: Alpert, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang, Johnson, Mendonca.  
Carried: 6-0-0-3.
- 3. Public Comment** – *non*-agendized items. There were 6 speakers. Nageene Mosaed spoke against the City’s recent settlement with UC Berkeley and its impact on 1921 Walnut St. Elana Auerbach spoke against the UC Settlement. “Natalie” who lives at 1921 Walnut St. spoke against the UC Settlement. “Carole” spoke about enforcement of the Fair Chance and Source of Income Ordinances. Moni Law spoke about her disappointment over the UC Settlement.
- 4. SPECIAL PRESENTATION on Housing Legislation including Assembly Bill (AB) 832 by Brian Augusta & Associates, Rent Board Lobbyist** – Moved to action by a prior vote of the Board. Brian Augusta presented and took questions and comments from the Board.

M/S/C (Simon-Weisberg/Alpert) MOTION TO HAVE BRIAN AUGUSTA ADVOCATE THAT THE PROPOSED SB 9 NOT ALLOW LOT SPLITS THAT CAUSE ANY TENANTS OR UNITS TO LOSE RENT CONTROL OR OTHER TENANT PROTECTIONS. Roll call vote. YES: Alpert, Chang, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson, Mendonca. Carried: 7-0-0-2.

M/S/C (Simon-Weisberg/Selawsky) MOTION TO HAVE BRIAN AUGUSTA CONTACT SENATOR SKINNER AND ASSEMBLY MEMBER WICKS IN OPPOSITION TO THE UC REGENT’S DEMOLITION PROJECT AT 1921 WALNUT STREET, AND SEEK LEGISLATIVE AMENDMENTS THAT ALLOW FOR SB 330 RENT CONTROL SET-ASIDES TO BE APPLIED TO HOUSING PROJECTS BUILT BY STATE INSTITUTIONS SUCH AS THE UC. Roll call vote. YES: Alpert, Chang, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson, Mendonca.

Carried: 7-0-0-2

5. **SPECIAL PRESENTATION – Update on hiring and recruitment process and presentation by Human Resource Consultant Rebecca Burnside** – Ms. Burnside presented and took comments and questions from the Board.
6. **Public Comment** – for items on the agenda. There were no speakers.
7. **ACTION ITEMS**

*Items 7.a.(2) and 7.a.(3) were moved to consent, and item 8.a.(2) was moved to action to be heard with item 7.a.(1) by a prior vote of the Board.*

a. From Board Members, Committees, and Executive Director

- (1) Recommendation to adopt Resolution 21-19 to adopt a policy to establish an amnesty period to allow for the automatic waiver of penalties of rent-controlled and Measure MM properties that did not pay Registration Fees on time (Budget & Personnel Committee and Acting Executive Director) – Item 8.a.(2) was moved to action and heard with item 7.a.(1) by a prior vote of the board.

M/S/C (Selawsky/Chang) MOTION TO APPROVE RESOLUTION 21-19 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson, Mendonca. Carried: 7-0-0-2.

- (2) Recommendation to observe Board recess in August and not have any Board or Committee meetings – Verbal (Chair Simon-Weisberg) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- (3) Recommendation to approve the Rent Board Office closure every Wednesday, and reduce service hours until September 7, 2021 (Acting Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

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 Governor’s Executive Order N-08-21 and the extension of the allowance for remote meetings through September 30, 2021 – (Acting Executive Director) – Acting Executive Director Brown said the Board should expect to meet in person in chambers for the October regular meeting.
- (2) Revenue collection update – *Verbal* (Acting Executive Director and Registration



Unit Supervisor) – MOVED TO ACTION AND HEARD WITH ITEM 7.a.(1) BY A PRIOR VOTE OF THE BOARD.

- (3) Updated Market Medians report through the first quarter of 2021 (Acting Executive Director)
- (4) Commissioner attendance at Board and Committee meetings through the second quarter of 2021 (Acting Executive Director)
- (5) Date to submit agenda topics/items for the August 19, 2021 Rent Board meeting: **Monday, August 9<sup>th</sup>** - Per the vote on item 7.a.(2), the August meeting is cancelled.

## 9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Selawsky, Chair) – Committee Chair Selawsky highlighted item 7.a.(1) considered by the Board tonight. The committee is also discussing the general counsel position.  
Next regularly-scheduled meeting: Thursday, September 9<sup>th</sup> at 5:00 p.m.
  - (1) July 8<sup>th</sup> agenda
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair)  
Next regularly-scheduled meeting: Thursday, July 29<sup>th</sup> at 5:30 p.m.
- c. IRA/AGA/Registration Committee (Commissioner Kelley, Chair) – Committee Chair Kelley reported that the committee was unable to meet on July 14. The committee rescheduled for July 28 at 5:00 p.m.  
Next regularly-scheduled meeting: Wednesday, July 14, 2021 at 5:00 p.m.
  - (1) July 14<sup>th</sup> agenda
- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reported that the committee will discuss implementation of the Fair Chance Ordinance, the website replacement project, and the tenant survey at its next meeting.  
Next regularly-scheduled meeting: Wednesday, July 21<sup>st</sup> at 5:30 p.m.
- 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 – Chair Simon-Weisberg said that there were reports on Measure MM, updates to the Short-Term Rentals Ordinance and other topics.  
Committee Co-Chairs: Mayor Arreguín and Chair Simon-Weisberg  
Next regularly-scheduled meeting: Wednesday, July 28<sup>th</sup> at 3:00 p.m.

(1) June 23<sup>rd</sup> agenda

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

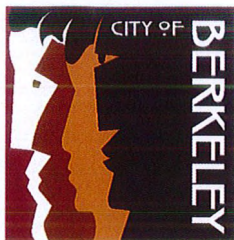
Next meeting date: TBD

h. Updates and Announcements – Commissioner Laverde shared that the Berkeley Tenants Union is distributing informational flyers about the Tenant Opportunity to Purchase Act. Commissioner Selawsky shared that the UC Regents are holding a meeting next week, and the Environmental Impact Report (EIR) and long-range development plan are on the agenda. Final EIR comments are due this Sunday at 2 p.m.

i. Discussion of items for possible placement on future agenda

**10. ADJOURNMENT** – M/S/C (Alpert/Selawsky) MOTION TO ADJOURN. Roll call vote. YES: Alpert, Chang, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson, Mendonca. Carried: 7-0-0-2.

The meeting adjourned at 10:01 p.m.



Rent Stabilization Board  
Office of the Executive Director

DATE: September 23, 2021

TO: Honorable Members of the Berkeley Rent Board

FROM: Matt Brown, Acting Executive Director *MB*

SUBJECT: Recommendation to adopt Resolution 21-21 to purchase 14 laptops to support Board staff for remote work

**Recommendation:**

That the Board adopt Resolution 21-21, to authorize purchase of 14 laptops to assist staff with remote work. The total cost should not exceed \$30,000.

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

Many staff have been working remotely or partially remotely since the pandemic began in March 2020. While the most recent City policy regarding telework (Administrative Regulation 2.23 adopted on May 27, 2020) makes clear that departments are not required to provide staff with equipment to perform telework, many staff have expressed concern that their computers are not properly functioning, and that they would benefit from laptops to better carry out their duties at home. This is a very reasonable request. I have polled staff and determined that we will be able to accomplish these goals if we purchase 14 new laptops and distribute them to those that are performing remote work. Each laptop will cost a little under \$2,000. I will order them immediately if the Board adopts Resolution 21-21.

**Conclusion:**

Purchasing laptops to perform remote work will greatly enhance our capacity to continue to perform remote work during a time when many of our staff continue to perform many of their duties outside the office.

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

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

Attachment:

Proposed Resolution 21-21

RESOLUTION 21-21

AUTHORIZING EXECUTIVE DIRECTOR TO PURCHASE 14 LAPTOPS FOR STAFF TO ASSIST WITH REMOTE WORK

WHEREAS, most staff have been working remotely or partially remotely since March 2020, and continue to telework; and

WHEREAS, it appears that telework will be a part of our model for the foreseeable future given the current COVID-19 pandemic; and

WHEREAS, staff have expressed that many of their computers are no longer suitable for remote work and they would greatly benefit from the agency providing them with laptops to perform their jobs; and

WHEREAS, staff has contacted the IT Department and has been informed that each laptop will cost \$1,825.07 which will make the total cost less than \$30,000; and

WHEREAS, there is sufficient money in the Board’s budget to make this purchase; and

WHEREAS, while Berkeley Administrative Regulation 2.23 specifically states that the City is not responsible for providing equipment for telework, it is very reasonable for the Board to accommodate staff’s request to provide adequate tools to effectively work from home;

NOW, THEREFORE BE IT RESOLVED that the City of Berkeley Rent Stabilization Board hereby authorizes the Acting Executive Director to purchase 14 laptops to be distributed to various staff performing remote work for the agency.

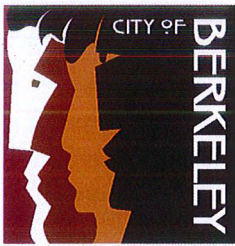
Dated: September 23, 2021

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



Rent Stabilization Board  
Office of the Executive Director

DATE: September 23, 2021

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Matt Brown, Acting Executive Director   
Leah Simon-Weisberg, Chair  
Soli Alpert, Vice-Chair

SUBJECT: Proposal to allow Housing Counselors to work remotely through the end of the year

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At its July 15, 2021 meeting, the Board approved a proposal to limit the hours that our office is open to the public for walk-in clients. As articulated in that plan, the agency had recently lost a housing counselor. Since that date, the Public Information Unit (PIU) Supervisor resigned, so housing counselors and staff from the Legal and Admin/Policy Units have been taking on even more additional responsibilities to support the unit. We have two new housing counselors that are still in training, but they will not be fully trained for many months, so PIU will be considerably short-staffed for quite some time. Moreover, one of the new counselors will be on maternity leave for nine months starting in October.

The original adopted proposal made clear that the public will be able to call and speak to a housing counselor between 9:00 a.m. – 4:45 p.m. on days we are serving the public. If a community member is unable to reach an employee, there are protocols in place to ensure that staff reach out to clients as soon as they are able. This continues for this new proposal.

PIU staff approached me on September 1, 2021 with a proposal to transition to fully remote counseling services through the end of the calendar year. They made the case that, particularly without a full-time supervisor, they simply do not have sufficient staff to maintain an office presence at this time. Several other factors are important to consider:

1. Since we have been open to the public for in-person housing counseling services, very few community members have come into our office (an average of around two people per day).

2. There is increasing concern among housing counselors that they are not able to sufficiently comply with COVID-related social distancing requirements particularly when they are training new counselors – it is difficult to maintain six feet of distance between staff members when they are occupying the same area during a counter visit. This poses problems for training someone remotely if a housing counselor is called to the counter. During a time when COVID-19 cases continue to surge, there is considerable concern associated with any arrangement that does not strictly adhere to City-mandated distancing requirements.
3. In the event that someone calls in sick or has some other paid leave scheduled, it is very difficult to have sufficient counselors to adequately staff the counter. I had to close the counter to in-person counseling services for two days several weeks ago due to unanticipated sick leave.
4. The expectation that housing counseling services will be delivered only remotely at least through the end of the year creates a consistent message that we are able to deliver to the community and key stakeholders. Moreover, we are able to continue to meet community needs while operating remotely. We have developed an appointment request sheet that has been well-received by the public thus far. We have developed an infographic with a QR code to our appointment form – this is on our webpage and on a large laminate sign on our front door. We are also increasing Zoom capacity for counselors in the event a community member would prefer face-to-face contact.
5. We will also have a housing counselor onsite during days the office is open to deal with truly urgent situations or times when a community member is unable to access our services remotely.

I and several housing counselors met with Chair Simon-Weisberg, Vice-Chair Alpert, Commissioner Johnson, and Commissioner Laverde on September 2, 2021, to propose that we take emergency action to grant this proposal to transition to fully remote counseling services. The Chair and Vice-Chair agreed to support this proposal and allow staff to enact it prior to the Board meeting. Since then, we have developed the necessary materials and distributed a clear message through our Constant Contact portal and our website. I have attached those documents to this report. On September 13, 2021, we have been operating housing counseling services fully remotely.

If the Board approves of this proposal, staff will maintain constant contact with community members who request our service. Housing counselors will remain available to speak with the public from 9:00 a.m. – 4:45 p.m. on days we are open to the public. If a community member is unable to reach an employee, there are protocols in place to ensure that staff reach out to clients as soon as they are able.

Board staff have been able to maintain the high level of customer service the community expects from us, and this proposal will do nothing to change our commitment to responding to calls as soon as we are able. This proposal simply allows us to operate more fluidly with fewer staff available who are dedicated to direct services. Board staff have been seeing the public in the office in some limited capacity since the end of May and more expansively since July 6<sup>th</sup>. There have been very few walk-in clients as many from the community continue to contact us by phone and email. Moreover, we will continue to evaluate this plan and adapt it to client demand as necessary.

#### Attachments

1. Infographic
2. Corrected Constant Contact Email Blast
3. Letter to Community Partners re: service model
4. Online appointment request form
5. Customer Comment Form

BERKELEY RENT STABILIZATION BOARD

# HOUSING COUNSELOR SERVICES

**HOUSING COUNSELORS WILL ONLY BE PROVIDING  
REMOTE SERVICES - THERE WILL BE NO IN-PERSON  
COUNSELING UNTIL FURTHER NOTICE.**



## EMAIL A COUNSELOR

Please send an email with your  
name and address you are inquiring  
about to [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info)

## CALL A COUNSELOR Please call

**(510) 981-7368 Ext. 1**



MAKE AN ONLINE  
APPOINTMENT AT  
[TINYURL.COM/CONTACTRSB](https://tinyurl.com/contactrsb)

## FREE WEBINARS

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## REGISTRATION UNIT

Open for in-person services from 9:00 a.m. to  
2:00 p.m. on Mondays, Tuesdays, Thursdays, and  
Fridays.





## An Update on Berkeley Rent Board Services

Due to the ongoing public health crisis and limited staffing, the Berkeley Rent Board will be updating our service model beginning Monday, September 13th.

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### HOUSING COUNSELING

Housing counselors will be providing exclusively remote services – there will be no more in-person counseling services until further notice.

- Call a counselor at 510-981-7368 Ext. 1
- Email a housing counselor at [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info)
- Schedule an appointment with a Housing Counselor using our [appointment request form](#)

Counselors are available Monday, Tuesday, Thursday and Fridays from 9 am - 4:45 pm

Attend an Upcoming Webinar

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### REGISTRATION

The Registration Unit will be open for in-person services from 9:00 a.m. to 2:00 p.m. on Mondays, Tuesdays, Thursdays, and Fridays.

You can also reach the Registration Unit by phone at (510) 981-7368 Ext. 2 during our [office hours](#), or by email at [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info).

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## COVID-19 Updates

### COVID-19 Related Eviction Protections

There is a state law, the COVID-19 Tenant Relief Act, and a local law, Berkeley's Eviction Moratorium, that give Berkeley tenants eviction protections during the COVID-19 pandemic. The resources on our website advise Berkeley landlords and tenants on their rights and responsibilities under these laws.



[COVID-19 Tenant & Landlord Resources](#)

Berkeley Rent Board | [Email](#) 510-981-7368 | [Website](#)

See what's happening on our Facebook



Berkeley Rent Stabilization Board | 2125 Milvia Street, Berkeley CA 94704

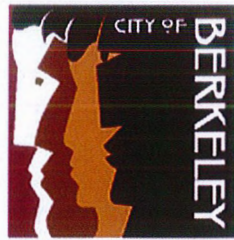
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Rent Stabilization Board

Dear Community Organizations and City Departments:

Due to the ongoing public health crisis and limited staffing, Housing Counselors at the City of Berkeley's Rent Board will only be providing remote services to the public, and there will be no in-person counseling until further notice. Our Registration Unit is available 9 a.m.-2 p.m. in the office at 2125 Milvia Street.

**If you have a referral for an emergency associated with an eviction, please contact the Eviction Defense Center at 510-452-4541.**

Rent Board Housing Counselors remain available four days a week (Monday, Tuesday, Thursday and Friday) from 9 a.m. – 4:45 p.m. by phone, email, and Zoom appointments. The office is closed to the public on Wednesdays.

Online Zoom appointments can be scheduled with a Housing Counselor here: <https://forms.gle/JABq48WRbtQwH1L98>. Housing Counselors can be reached via email at [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info), or by phone at 510-981-7368, Extension 1.

All inquiries to our office will be fully responded to no later than five (5) business days. The initial inquiry will be confirmed as received within one business day. [*A Housing Counselor will be available from 9 a.m. to 2 p.m. each workday but Wednesdays (Mondays, Tuesdays, Thursdays and Fridays) to provide referrals for emergency inquiries regarding evictions and assist members of the public who have no access to phone, email, or who have no other means to contact the Rent Board remotely.*]

Thank you for your patience and understanding as we continue to provide quality service during a pandemic and with limited staff.



# City of Berkeley-Rent Stabilization Board: Housing Counselor Appointment Request

Due to the ongoing public health crisis and limited staffing, Housing Counselors will only be providing remote services, and there will be no in-person counseling until further notice. Please schedule an appointment with a Housing Counselor here. This form allows you to connect with one of our counselors. Counselors are available Monday, Tuesday, Thursday, and Friday from 9:00 am -4:45 pm.

An appointment request will be responded to within twenty-four hours and/or the next business day. We thank you for your understanding and patience.

manreetg@gmail.com [Switch account](#)



**\* Required**

Email \*

Your email

Name \*

Your answer



Email Address \*

Your answer

Phone Number \*

Your answer

Property Address in Question \*

Your answer

Identify Yourself: \*

- Tenant
- Landlord
- Property Manager
- Realtor
- Master Tenant
- Subtenant

Preferred Language:

Your answer



### Property Type

- Single Family Home
- Condominium
- Duplex
- Property with more than two units
- Bedroom in shared house
- New construction (property was constructed after June 30, 1980)

### Topic Area of Your Question

- Rent ceiling or overcharges
- Setting a new rent level
- Habitability/property maintenance
- Evictions in general
- Eviction notice received
- Owner move-in or Ellis Act eviction
- Security deposit
- Property registration
- Property status
- Dispute between neighboring tenants
- Petition-initiated hearings process



Other:

Description of Issue(s) (Please inform us of the problem you are experiencing. It is important to note that some questions might be outside our department's jurisdiction. However, we will be sure to review your question and refer you to the appropriate resource.) \*

Your answer

Counseling Session Type (Please note that in-person is only for those who have special accommodations, such as disabilities and no technology to communicate remotely.)

Preference

Counseling by phone

Counseling virtually

Counseling by email correspondence



Preferred Availability (Please note we are closed Wednesdays to the Public.)

Please select what days and hours work best for you.

Mondays between the hours of 9:00 am - 1:00 pm

Mondays between the hours of 1:00 pm - 4:45 pm

Tuesdays between the hours of 9:00 am - 1:00 pm

Tuesdays between the hours of 1:00 pm - 4:45 pm

Thursdays between the hours of 9:00 am - 1:00 pm

Thursdays between the hours of 1:00 pm - 4:45 pm

Friday between the hours of 9:00 am - 1:00 pm

Friday between the hours of 1:00 pm - 4:45 pm

Send me a copy of my responses.

Submit

Clear form 

 Never submit passwords through Google Forms.





Rent Stabilization Program

# Customer Comment Form

*We want to hear from you!*

In an effort to provide you with improved service, we would appreciate your comments regarding your experience with the **City of Berkeley's Rent Stabilization Program**.

**Brief nature of issue / reason for contacting us:** \_\_\_\_\_

**Counselor or staff person who assisted you:** \_\_\_\_\_

Customer Service Rating	Poor	Average	Good	Excellent
Courtesy of Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clarity and Completeness of Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Timeliness of Response	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments & Suggestions:

*This form goes to our Executive Director. Providing your name and contact information is optional.*

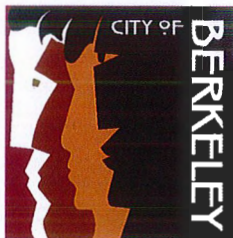
Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

**Thank you for your comments! Please save your answers to this Comment Form and email it to [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info). You can also fax, mail, or drop the form in our Comment Box at the address below:**

**City of Berkeley Rent Stabilization Program  
2125 Milvia Street, Berkeley, California 94704**

TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910  
E-MAIL: [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info) • INTERNET: [www.cityofberkeley.info/rent](http://www.cityofberkeley.info/rent)



Rent Stabilization Board  
Office of the Executive Director

DATE: September 23, 2021

TO: Honorable Members of the Berkeley Rent Board

FROM: Honorable Members of the IRA/AGA/Registration Committee  
By: Matt Brown, Acting Executive Director *MB*

SUBJECT: Recommendation to adopt Resolution 21-22 to fund a report regarding upzoning policy recommendations from the Anti-Eviction Mapping Project

**Recommendation:**

That the Board adopt Resolution 21-22, to direct the Acting Executive Director to enter into a contract not to exceed \$32,000 to produce a report to advise the elected Berkeley Rent Board Commissioners regarding policy recommendations as they relate to current or future upzoning proposals.

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

In January and February of 2021, Council initiated several proposals that would allow for a significant increase in housing density through various conversions of smaller properties. The process is commonly referred to as “upzoning.” The Board became aware of this and expressed concerns regarding tenant displacement and decreasing affordability. At its March 18, 2021 meeting, the Board voted to send a letter to Council expressing concerns regarding their upzoning proposal. Since that time the Board has sought the expertise of the Anti-Eviction Mapping Project (AEMP) to assist with delivering policy recommendations surrounding best practices for protecting tenants and preserving affordability in light of the proposed enhanced ability to increase density in existing residential properties.

**Conclusion:**

The IRA/AGA/Registration Committee voted at its July 28, 2021 meeting to pay AEMP to write this report and deliver policy recommendations to the Board. Since that date the proposal has changed, and the amount requested has increased. The attached report reflects those changes.

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

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

Attachment:

Proposed Resolution 21-22

2125 Milvia Street, Berkeley, California 94704  
TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4940  
E-MAIL: [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info) • INTERNET: [www.cityofberkeley.info/rent](http://www.cityofberkeley.info/rent)

RESOLUTION 21-22

INSTRUCTING EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH THE ANTI-EVICTION MAPPING PROJECT TO STUDY BERKELEY RESIDENTIAL HOUSING UPZONING AND MAKE POLICY RECOMMENDATIONS TO THE ELECTED BOARD AIMED AT PREVENTING DISPLACEMENT AND PRESERVING AFFORDABILITY

WHEREAS, Council initiated several proposals in January and February of this year to significantly increase housing density through various conversions of smaller residential properties through changes to the Planning Code that would allow for this upzoning; and

WHEREAS, Commissioners have expressed grave concern that upzoning will displace tenants and erode affordability in rental properties; and

WHEREAS, the Board voted to send a letter to Council at its March 18, 2021 meeting relaying their concerns to Council; and

WHEREAS, the IRA/AGA/Registration Committee have discussed this issue several times over the past year and have requested that the Board enter into contract with consultants who will be able to advise the Board regarding best practices for conversion of residential rental properties when there is an increased allowance for density; and

WHEREAS, the Anti-Eviction Mapping Project (AEMP) is uniquely qualified to perform this work having engaged in numerous land use studies throughout the state with the lens of preserving affordability and preventing displacement of sitting tenants; and

WHEREAS, the IRA/AGA/Registration Committee voted on July 18, 2021, to fund the AEMP to write a report and deliver policy recommendations to the Board;

NOW, THEREFORE BE IT RESOLVED that the City of Berkeley Rent Stabilization Board hereby directs the Acting Executive Director to execute a contract with AEMP for \$32,000 to perform the work that is outlined in detail in the report from AEMP attached hereto as Exhibit A.

Dated: September 23, 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



P.O. Box 420442  
San Francisco, CA 94142  
302-397-2120  
<https://www.antievictionmap.com/>  
[antievictionmap@riseup.net](mailto:antievictionmap@riseup.net)  
[lisa@artsandmedia.net](mailto:lisa@artsandmedia.net)  
[erinmcel@gmail.com](mailto:erinmcel@gmail.com)

## Proposal for AEMP's Berkeley Upzoning Report

### Problem Statement

In updating the city's Housing Element, the Berkeley City Council intends to adopt the principles of equity and affordability and ensure more affordable housing throughout the city. To this end, the Council suggests that the Planning Commission increase density in certain residential zones by considering middle housing types such as accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), duplexes, triplexes, and fourplexes to match the scale of existing buildings in the neighborhood. The Berkeley City Council has also adopted a resolution to end exclusionary zoning in Berkeley by December 2022, arguing that "single family residential zoning has its roots in racist exclusionary zoning policy and leads to racial and economic segregation" and to promote multi-family housing throughout Berkeley.

Yet, it is unclear whether zoning for more multifamily housing would inevitably lead to more affordable housing, less displacement, and less segregation. While the Regional Housing Needs Allocation (RHNA) mandates Berkeley to zone for 8,934 additional homes (43% of which should be affordable for low or very low-income households), it does not actually mandate the city build housing. This essentially leaves the fate of affordable housing to the private sector. Just as the outlawing of redlining and racial covenants did not lead to more inclusionary housing, upzoning in and of itself may not necessarily alleviate the effects of exclusionary zoning. In some contexts, like New York City and Chicago,<sup>1</sup> upzoning has led to speculation and sharply increased housing and mortgage costs. New construction projects can lead to displacement for development or conversions, threatening the livelihoods of long-time residents.

### Historical Context

Modern zoning has its roots in Berkeley with the adoption of an ordinance in 1916 that was in part created to institutionalize and systematize the racial restrictions previously enforced through private deed restrictions. Neighborhoods could opt into the system, and they sometimes did so for explicitly racial reasons, for instance using zoning to push out businesses such as Chinese-run

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<sup>1</sup>Davis, Jenna. 2021. "How Do Upzonings Impact Neighborhood Demographic Change? Examining the Link between Land Use Policy and Gentrification in New York City." *Land Use Policy* 103 (April): 105347.  
<https://doi.org/10.1016/j.landusepol.2021.105347>.

laundries and dance halls serving the Black community.<sup>2</sup> Berkeley's zoning ordinance was the first in the US to institute single-family zoning, which was used to formalize and make implicit racism that had previously been explicit and enforced by private entities.<sup>3</sup> The spread of zoning coincided with the migration of Blacks, Chinese, and other racialized groups to new areas of the US, including into Berkeley.

While Berkeley's zoning laws were a key tool in racial segregation, their impact has been more complex than this history might indicate. Black and Japanese residents built political power and sometimes wealth in segregated South Berkeley, for example, and marginalized communities have used the land use process to fight gentrification and displacement. The current calls for upzoning in Berkeley harken to zoning's racist past, but also have the potential to address inequality by increasing density in the city.

In this report, we propose to analyze the relationship between upzoning and equity, specifically looking at the impact of upzoning on tenants. By supplementing qualitative research with analysis of demographic data from the American Community Survey and parcel-level data from the Berkeley Rent Stabilization Board and Alameda County Assessor, we will map out the relationship between zoning and the displacement of low-income residents and people of color in Berkeley. We will investigate cases in which single-family housing zones have excluded or displaced residents, but also cases in which they have historically protected Black and Japanese residents. Through this research we will answer the question of if and how neighborhoods can be upzoned in modes that prevent the displacement of low-income residents and residents of color.

### **Capacity and Experience of AEMP**

The Anti-Eviction Mapping Project (AEMP) is a data-visualization, critical cartography, and multimedia storytelling collective documenting dispossession and resistance upon gentrifying landscapes. Primarily working in the San Francisco Bay Area, Los Angeles, and New York City, we produce digital maps, software and tools, narrative multimedia work, murals, reports, and community events. Working with a number of community partners and in solidarity with housing movements globally, we study and visualize entanglements of housing policy, race, class, and political economy, while providing tools for resistance. Our narrative oral history and video work centers the displacement of people and complex social worlds, but also modes of resistance. Maintaining antiracist and feminist analyses as well as decolonial methodology, the project creates tools and disseminates data contributing to collective resistance and movement building. Some past reports that we have made can be found [here](#),<sup>4</sup> which includes analysis completed in San Francisco, Alameda County, San Mateo County, and more.

The primary work of AEMP is to inform, empower and activate individuals who are negatively impacted by housing inequity and displacement, and to support the work of organizations in this space. We are a multigenerational and multiracial collective, composed of local artists, evicted

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<sup>2</sup> Othering & Belonging Institute. 2019. "Roots, Race, & Place: Exclusionary Zoning." October 2019. <https://belonging.berkeley.edu/rootsraceplace/exclusionaryzoning>.

<sup>3</sup> Othering & Belonging Institute. 2019.

<sup>4</sup> Anti-Eviction Mapping Project. "Reports." Anti-Eviction Mapping Project. Accessed September 13, 2021. <https://antievictionmap.com/reports-new>.

tenants, oral historians, architects, filmmakers, geographers, data analysts, coders, writers and more. It is the dynamic, diverse and collective nature of AEMP's organizational structure that gives it its unique capacity to research and create strong tools and assets that support policy and educational work on contemporary housing issues. Our process allows us to bring together team members from diverse backgrounds and with varying working styles in order to develop the strongest outcomes. The team for this report will consist of AEMP members from different professional backgrounds who are all passionate about creating a more equitable Bay area housing landscape. They will each bring their knowledge and experience to the completion of this report.

*Please see detailed bios of the team at the end of this document.*

## **Approach**

### **Overview of Tenant Demographics in Berkeley**

Using data from the U.S. Census Bureau's American Communities Survey (ACS), we will produce a socio-demographic profile of Berkeley households which is relevant to the interpretation of upzoning impacts across the city. In providing an overview of the current status of Berkeley tenants across neighborhoods, we will provide context for the orientation of the report broadly which informs the specific policy analysis, interrogation of displacement risks, and addresses the applicability of case study comparisons. The presentation of socio-demographic data in maps and figures will also provide a useful snapshot of the state of Berkeley neighborhoods and the economic conditions of tenants.

### **Comparisons before and after upzoning in Downtown and South Side Berkeley neighborhoods**

To assess the potential impact of upzoning in Berkeley, we will analyze the impact of past upzoning projects. The passage of the Southside Area Plan in 2011 and the Downtown Area Plan in 2012 opened up those neighborhoods to taller, denser development. While both neighborhoods and both plans have their particularities, they provide an opportunity to analyze the impact of increasing density through upzoning Berkeley neighborhoods. Using ACS data, we will compare key demographic data (race, ethnicity, income and poverty levels, and disability) prior to upzoning, 5 years after upzoning, and in the present day. These data are available at both the census tract and block group levels. This work will allow us to answer: Does upzoning in Berkeley tend to displace non-white residents, as has been seen in other cities,<sup>5</sup> or does it have different impacts? What projections can we make about how present-day Berkeley may be impacted by upzoning based on past data?

Pending data availability, we will also use data from the Berkeley Rent Board to analyze the impact of the zoning changes on the rent-controlled units in these neighborhoods. Were rent-controlled units lost to demolitions, conversions, Ellis Act evictions, or owner move-in evictions? Did the average length of tenancy change over time? Were there impacts on the

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<sup>5</sup> Davis, 2021.

average rent ceiling? If these data are not available, we will use summary data from the Berkeley Rent Board's quarterly reports to assess the impact of upzoning by submarket area. How many new units were registered each year? How did average rent ceilings change over time?

We will also create case studies of several representative parcels to analyze the mechanics of the impact of upzoning. For these case studies, we will use rent registry data, planning data, and relevant ACS data to construct a history of these parcels over time. Finally, we will analyze data on building demolitions from the Planning Department and the Berkeley Rent Board to track the impact of upzoning. How successful were Berkeley's demolition ordinances in preventing displacement? Were there loopholes to the ordinance that developers tried to exploit?

### **The Vulnerability Index**

In order to assist the Board in assessing the equity impacts of rezoning choices, we will develop a multiscalar composite index of tenant displacement vulnerability in Berkeley neighborhoods. This index will include analyses of the likelihood of redevelopment at the property scale and vulnerability to displacement under conditions of upzoning at the census tract scale. The index will be created from an analysis of the relative performance of each parcel and neighborhood across several key indicators of redevelopment risk and displacement threat.

The redevelopment component of the index will evaluate the relative risk of the components of Berkeley's housing stock to displacement-causing redevelopment by analyzing the physical, economic, and locational characteristics of each parcel in the city, using data primarily derived from the Contra Costa County Assessor's property rolls, as well as the Board's rental registry. The displacement vulnerability component of the index will evaluate the relative risk that redevelopment spurred by upzoning will result in the displacement of low-income households (particularly tenants but with applicability to homeowners) in Berkeley's census tracts using sociodemographic data primarily derived from the American Communities Survey.

The composite index of displacement threat applicable to the neighborhood scale will be generated by integrating the two previously described indices. Geographical indices of risk are an increasingly popular policymaking tool. The determination of relevant metrics to be used in the construction of the index will be informed by a review of the robust scholarly literature on displacement analytics and the impacts of upzoning, including both theoretical and empirical research which investigates factors predictive of displacement risk.<sup>6</sup>

The composite index will provide the Board with an analysis of the relative risk of displacement faced by tenants under conditions of upzoning across Berkeley census tracts, assessed in relation to the statistically average Berkeley tenant. The purpose of the index is to enable the Board to make a data driven assessment of the equity concerns arising from choices concerning which areas within the city may be selected for upzoning.

### **Other Cities: Case Study Research**

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<sup>6</sup> For a survey of relevant topics, see: Chapple, Karen and Miriam Zuk. 2016. "Forewarned: The Use of Neighborhood Early Warning Systems for Gentrification and Displacement." *Cityscape* 18 (3): 109–30.

Cities that have recently updated their Housing Element or are implementing upzoning reforms include Minneapolis, Portland, Austin, San Diego, New York, Los Angeles, Sacramento, Chicago, Denver and Grand Rapids. We plan to comparatively evaluate rezoning plans and their impact on communities. We will create a comparative table with key characteristics of each city's rezoning, answering questions such as:

- When did the rezoning occur?
- What were the intentions and goals of the rezoning?
- How were these intentions reflected in the rezoning plan?
- What policies and regulations did each city put in place to achieve its goal?
- Were there unintended consequences?
- What criteria was used to draw rezoning boundaries?
- What were the density and height regulations?
- What were the zoning district types?
- How were equity and community benefits incentivized or mandated in the zoning plan?
- Were there special safeguards against displacement put in place?
- If rent stabilization laws were in place, how did zoning changes affect rent-controlled tenants?

By gathering and analyzing this comparative data, we will evaluate the effectiveness of upzoning in other cities, and in particular, their impact on affordable housing preservation, production, and protection.

### **Policy Recommendations**

Based on the literature review, research, and analysis described above we will synthesize findings and propose evidence-based policy directions. After thoroughly considering how previous upzoning has affected specific neighborhoods within Berkeley, the case studies of how zoning changes in other cities have changed demographics and affordability, and the displacement vulnerability of census tracts in Berkeley we expect to generate recommendations on:

- How to most effectively protect/preserve current rent-controlled units and avoid displacement of current tenants.
- Given the limitations of the Costa-Hawkins Rental Housing Act, how to ensure long-term affordability of the designated percentage (or more) of newly created units
- Best practices for collecting data so the effect on neighborhoods (demographically and affordability) can be clearly charted following zoning changes
- If/where upzoning should be utilized
- How to incorporate equity considerations

### **Budget Proposal**

Our estimate for completing this report is 32,000. These funds will support our team through the phases of qualitative research, data analysis, report writing and design. It also includes project management and other administrative work related to the creation of the report. As we are a



collective, all roles are paid at the same rate of 40.00 per hour. Given that we are able to attain all of the data sets necessary in the timeframe indicated, as well as receive timely feedback from the rent board on any report drafts, AEMP plans to deliver our initial findings to the Berkeley Rent Board at its November meeting where we will receive feedback. This feedback will be integrated into a first draft to be distributed to members for final feedback by mid-January 2022 and the final report will be completed, including design, by the end of February.

**Budget Breakdown**

Activity	Time commitment and deliverables	% of time and resources	(\$)
<b>Phase 1: Research + Data Analysis (September - November 2021)</b>			
Qualitative Research	Case study and historical research (16 hrs a week for 6 weeks @ 40.00 per hr.)	12%	\$3,840
Data Analysis	Heavy lift for 8 weeks to analyze series of datasets and produce visuals (30 hrs a week for 6 weeks @ 40.00 per hr.)	30%	\$9,600
	<b>Deliverable:</b> Presentation for Rent Board in November with initial data findings		
<b>Phase 2: Report Writing (December 2021 - mid-January 2022)</b>			
Qualitative Research	Continued qualitative research (10 hrs a week for 4 weeks @ 40.00 per hr.)	5%	\$1,600
Data analysis	Refine analysis, maps, and graphics based on feedback from Rent Board (10 hrs a week for 4 weeks @ 40.00 per hr.)	5%	\$1,600
Writing	Synthesize research and findings into draft report (13 hrs a week for 8 weeks @ 40.00 per hr.)	13%	\$4,160
	<b>Deliverable:</b> Draft report, send to partners for review + feedback		
<b>Phase 3: Final Report Production (mid- January - February 2022)</b>			
Writing	Integrate feedback from partners; copy/edit; proofread (8 hrs a week for 4 weeks @ 40.00 per hr.)	4%	\$1,280
Design	Layout and design for report once final copy is ready (13.3 hrs a week for 6 weeks @ 40.00 per hr.)	10%	\$3,200
	<b>Deliverable:</b> Final report		
<b>On-going</b>			
Project Management	(3.6 hrs a week for 20 weeks @ 40.00 per hr.)	9%	\$2, 880
Fiscal Sponsorship		12.0%	\$3,840
<b>TOTAL</b>		<b>100%</b>	<b>\$32,000</b>

## Team Bios

**Alex Ferrer** is an AEMP member and urban planning graduate student at UCLA. He has been a housing researcher with Strategic Actions for a Just Economy in Los Angeles for over 5 years, producing a series of public facing reports on gentrification and the corporate ownership of housing, and helping to develop the statistical methodology of a web-based displacement risk tool currently used by the Los Angeles County Development Authority.

**Anna Ferrarie** is a writer, filmmaker, and public health professional. While pursuing her Master's in Public Health (MPH) at UCLA she was awarded the Public Health Fellowship in Population Health Advocacy in 2016. In addition to her work with AEMP, she volunteers on the No Place To Go II committee and is a founding member of Public Health Awakened Los Angeles.

**Catherine Guimond** is a Program Analyst at Centro Legal, supporting the work of the Tenants' Rights Program by researching emerging trends in the challenges faced by tenants, managing the program's data, and analyzing local policies and services to help Centro determine how best to address the Bay Area's housing crisis. Before joining Centro Legal, Katy taught classes on geography and urban studies at University of California, Berkeley and the San Francisco Art Institute. Katy received her PhD in Geography from the University of California, Berkeley. Katy has been active in tenant organizing since 2010 in New York and the East Bay.

**Alexandra Lacey** is a San Francisco-based filmmaker and producer who works at the intersection of media and activism with a focus on anti-gentrification and housing rights. In her work with the Anti-Eviction Mapping Project, she has managed and overseen multiple projects, including *(Dis)location: Black Exodus*, a multi-media zine and workshop series, the *Counterpoints* virtual launch event, and the documentary, *Tenant's Rise Up!*. Most recently, she has also worked with the San Mateo Anti-Displacement Coalition on several projects, including the participatory research project and report, *Our Values, Our Voices*.

**Amy Lee** is a member of AEMP and teaches at UC Berkeley's Fall Program for Freshmen. Formerly, she worked with tenants facing building-wide evictions in New York City as a member of CAAAV: Organizing Asian Communities. She has published articles on the mediascapes of displacement, gentrification, and the disappearance of Chinatowns.

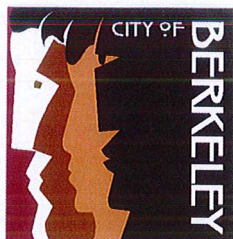
**Carla Leshne** has worked with AEMP since 2014 and contributed to the production of maps, articles, exhibits, presentations and actions. She has collaborated on a number of reports and online resources including *Disrupting Displacement Financing in Oakland 2018*, *Precarious Housing: The Loss of SRO Hotels in Oakland 2017*, *Counterpoints Alameda County 2016*, *Public Spaces San Francisco 2016*, the 'zine *We Are Here 2015*, *Evictorpages*, and the 2021 publication *Counterpoints: A San Francisco Bay Area Atlas of Displacement and Resistance*.

**Erin McElroy** is an Assistant Professor of American Studies and Digital Studies at the University of Texas at Austin with a focus on San Francisco Bay Area gentrification and landlord technologies, and is cofounder of the Anti-Eviction Mapping Project and the Radical Housing Journal. Erin has spearheaded numerous reports written by the AEMP in San Francisco, Alameda, and San Mateo counties, and was a co-editor of the AEMP's recently published

*Counterpoints: A San Francisco Bay Area Atlas of Displacement and Resistance.* Erin is currently working with the AEMP on a new digital lookup tool, Evictorbook, which brings together eviction and ownership data in San Francisco and Oakland, as well as a new report focused on intermediary lease occupancies in San Francisco.

**Claire Morton** is a student studying Mathematical and Computational Science at Stanford University. She has a background in quantitative environmental justice research and has collaborated with groups such as the United Nations, the Local Government Commission, and the City of Oakland on data analysis and presentation. Claire is passionate about using data and statistics to expose inequities, particularly in California.

**Manon Vergerio** is a Brooklyn-based housing advocate with a background in tenant organizing, research, and GIS analysis. In recent years, she has organized around rezonings and displacement in New York, taught GIS classes to municipal employees, and produced collaborative maps and research for numerous clients including UC Berkeley, UCLA, NYU, and the NYC Right to Counsel Coalition. She holds an MS in Design and Urban Ecologies from Parsons School of Design.



Rent Stabilization Board

## RENT STABILIZATION BOARD

DATE: September 23, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Matt Brown, Acting Executive Director MB

BY: Allison Pretto, Senior Management Analyst

SUBJECT: Request for waiver of late registration penalties

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### **Recommendation:**

That the Board approve the attached recommendations.

### **Background and Need For Rent Stabilization Board Action:**

The Board's penalty waiver process is governed by Regulations 883, 884 and 885. Regulation 883 lists the grounds for administrative waivers. In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria for an administrative waiver. Regulation 884 lists 12 categories, which will require a review of the totality of the circumstances by the full Board prior to granting any waiver request. Waivers that require a review of the totality of the circumstances are listed below as "Discretionary Waiver." If none of the 12 listed categories apply to the property, the waiver shall be granted/denied in a ministerial manner, based upon the formula outlined in Regulation 884(C). The Board may only alter these ministerial waivers if staff has incorrectly applied the criteria listed in Regulation 884 (B)(1-12).

2125 Milvia Street, Berkeley, California 94704

TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4940  
 E-MAIL: [rent@cityofberkeley.info](mailto:rent@cityofberkeley.info) • INTERNET: [www.cityofberkeley.info/rent](http://www.cityofberkeley.info/rent)

**Ministerial Waivers**

In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria enumerated in Regulation 883. The following waiver request will be decided ministerially, unless the Board has reason to believe the underlying basis of the recommended assessment is inappropriate.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
4982	2041 Lincoln St	Min Jia Chen & Chang Xie	\$2,000	\$1,200	\$800
4985	2321 Blake St	Liana Tahir	\$647	\$388	\$259
4987	1930 Blake St	Haydeh Nassrollahi	\$250	\$250	\$0
4994	1529 Tyler St	Rolando Argueta	\$750	\$600	\$150
4995	2541 Piedmont Ave	Anji R. Kudumula	\$2,000	\$2,000	\$0
<b>TOTAL</b>			\$5,647	\$4,438	\$1,209

**Financial Impact: Ministerial Waivers**

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$4,438**.

**Discretionary Waivers**

For the waiver requests listed below, staff recommendations are attached and presented to the full Board for its approval. With respect to these cases, the determination of good cause to waive some or all of the penalties depends on the totality of the circumstances.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
4980	1524 Arch St	Sung Yoon	\$4,000	\$2,000	\$2,000
4987	1520 Berkeley Way	Arnett Williams	\$500	\$500	\$0
4988	2238 Roosevelt Avenue	Arnett Williams	\$2,000	\$2,000	\$0
4989	2351 West Street	Arnett Williams	\$1,000	\$1,000	\$0
4991	2502 Webster Street	James Duffy & Lori Preston	\$3,000	\$1,800	\$1,200
4996	1619 Walnut Street	In God We Trust Investments LLC & Judd Kessler	\$3,500	\$1,750	\$1,750
<b>TOTAL</b>			\$14,000	\$9,050	\$4,950

**Financial Impact: Discretionary Waivers**

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$9,050**.

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

Matt Brown, Acting Executive Director  
Rent Stabilization Board  
2125 Milvia Street, Berkeley, CA 94704  
(510) 981-7368

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: 4980</b>	<b>Property address: 1524 ARCH ST</b>	<b>Transferred: 02/21/2019</b>
<b># of Units: 2</b>	<b>Exempt units (as of September 2021): 0</b>	
<b>Owner(s): SUNG YOON</b>		<b>Waiver filed by: Sung Yoon</b>
<b>Other Berkeley rental property owned: 2709 BENVENUE AVE</b>		

**Late payment/penalty history:** This property is a duplex that had never been registered with the Berkeley Rent Board prior to July 2020. The property came to the Rent Board's attention in June 2020 when a tenant contacted the agency with a question about whether the property should be registered. An investigation revealed that the the property is an owner-occupied exempt duplex, but that the both units had been rented for several years and therefore subject to the registration requirement. Staff contacted the owner, Sung Yoon, who also owns one other 4-unit property in Berkeley, and who had obtained the property in 2019. The filed registration forms, paid three years' fees for both units under the statute of limitations policy, and filed a waiver request for the penalties.

**Penalties Currently Under Consideration**

**Reason for Penalties:** Late Payment of 2018/2019, 2019/2020, and 2020/2021 Annual Registration Fees

<b>Registration Date or Year</b>	<b>Unit(s) registered late at this time</b>	<b>Registration fees paid</b>	<b>Date fees paid</b>	<b>Penalties charged</b>	<b>Penalties forgiven</b>	<b>Penalties Due</b>
2018/2019	2	\$500	04/20/2021	\$3000.00	\$2000.00	\$1000.00
2019/2020	2	\$500	04/20/2021	\$2000.00	\$1000.00	\$1000.00
2020/2021	2	\$500	04/20/2021	\$1000.00	\$0.00	\$1000.00
<b>Totals</b>				<b>\$6000.00</b>	<b>\$3000.00</b>	<b>\$3000.00</b>

**Grounds under Regulation 884(B):** (8) The penalty has accrued because registration fees have not been paid for three or more fiscal years.

**Good cause claimed by owner:** The owner states that "I was unaware that there has been a policy change regarding golden duplex buildings. I had previously been exempt and if I had known about this lapse in fee payment, I would have immediately paid." She goes on to say that "as an owner of other Berkeley residential rental properties, I am more than happy to comply and fulfill my responsibilities to the Rent Stabilization Board." She concludes that she will "take note of this rule for all other properties, and will be sure to register such units in a timely manner in the future."

**Recommendation:** Staff recommends waiving 50% of the waiver, or \$1,500, and imposing 50%, or \$1,500.

**Staff Analysis:** Staff does not completely understand what "policy change" the owner refers to -- this owner bought the property in 2019, and does not appear to have ever occupied the property. No policies changed during that time that would have affected the registration requirement for a rented duplex, and so the property should have been registered by both the previous and current owners. Furthermore, this owner has another property and is well aware of the Berkeley Rent Board. She should have known to reach out to the agency to at least inquire about registration requirements for her new rental property. Because of these omissions, staff recommends that the Board waive 50% of the penalty and impose the remaining 50%.

W-4940

CITY OF BERKELEY  
RENT STABILIZATION PROGRAM  
2125 Milvia Street, Berkeley, CA 94704  
PHONE: (510) 981-7368 • FAX: (510) 981-4910  
WEB: <https://www.cityofberkeley.info/rent/>

RECEIVED  
APR 21 2021  
Initial:  
Berkeley Rent Board

**Request for Waiver of Late Registration Penalties**  
*Please Read Important Information on Page 2*

Property Address: 1524 Arch Street, Berkeley, CA 94708

Owner: Sung Yoon

Date of acquisition, if new owner: \_\_\_\_\_

Name & relationship of person filing request, if not owner: \_\_\_\_\_

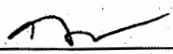
If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Dear Rent Stabilization Board,

I would like to submit this waiver request on the grounds that I was unaware that there has been a policy change regarding golden duplex buildings. I had previously been exempt and if I had known about this lapse in fee payment, I would have immediately paid. As an owner of other Berkeley residential rental properties, I am more than happy to comply and fulfill my responsibilities to the Rent Stabilization Board.

I will take note of this rule for all other properties, and will be sure to register such units in a timely manner in the future. Being that it is my first experience of going through this process with a single-family home, I am hoping the board will kindly waive the penalty. Thank you.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 4.19.2021 Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: Sunny.yoon@gmail.com

Mailing Address: 2709A BENUELLA AVE, BERKELEY CA 94705

Phone Number: 347.513.5155 Fax Number: \_\_\_\_\_

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.



**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: 4987</b>	<b>Property address: 1520 BERKELEY WAY</b>	<b>Transferred: 01/01/1900</b>
<b># of Units: 2</b>	<b>Exempt units (as of September 2021): Unit #NA - Section 8 Verified</b>	
<b>Owner(s): ARNETT WILLIAMS</b>		<b>Waiver filed by: Carolyn B. Edwards</b>
<b>Other Berkeley rental property owned: 2238 ROOSEVELT AVE, 2351 WEST ST</b>		

**Late payment/penalty history:** The property is a duplex; one unit is rented to a tenant on the Section 8 Housing Choice Voucher program; the other is a market-rate tenant. The owner, Arnett Williams, owns two other properties in Berkeley for a total of 9 units. The current manager, Carolyn B. Edwards, is a cousin of Mr. Williams. She recently took over power of attorney for Mr. Williams and started handling Mr. Williams' correspondence. In May 2021, she noted the receipt of past-due billing statements for the three rental properties owned by Mr. Williams and contacted the Registration Unit. She learned that the registration fees for the previous years had not been paid, and that penalties had accrued. She submitted fee payments for all three properties for both the 2020/2021 and 2021/2022 registration years, and submitted waiver requests.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
2019/2020	ALL	\$250.00	07/02/2019	250.00	0.00	250.00
2017/2018	ALL	\$270.00	07/20/2017	270.00	0.00	0.00
<b>Totals (penalties previously assessed)</b>				<b>\$520.00</b>	<b>\$0.00</b>	<b>\$250.00</b>

**Penalties Currently Under Consideration**

**Reason for Penalties:** Late Payment of 2020/2021 Annual Registration Fee

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2020/2021	1	\$250.00	05/19/2021	\$500.00	\$0.00	\$500.00
<b>Totals</b>				<b>\$500.00</b>	<b>\$0.00</b>	<b>\$500.00</b>

**Grounds under Regulation 884(B):** (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.

**Good cause claimed by owner:** The person requesting the waiver is the owner's cousin, Carolyn Edwards, who also is power of attorney for the owner. She states in her waiver request that the owner, Arnett Williams, is elderly and in poor health. She says that some years ago, he "turned over all rental business operations to his son" and "did not oversee any aspect of the rental management activities once all property management operations were turned over to his son." She states that this is why he did not realize that the 2020/2021 fee had not been paid "until sometime after the discovery of his son's unexpected death." She goes on to say that "Mr. Williams was unaware of his son's illness and was shocked when his son was found dead on January 22, 2021."

Ms. Edwards concludes that the management has been turned over to her, and asks that the penalties be waived.

**Recommendation:** Staff recommends that the penalty be waived in full.

**Staff Analysis:** Mr. Williams is a longtime property owner in Berkeley; he has been registering the three properties in question since the inception of the Berkeley Rent Ordinance. Staff is saddened to hear of his son's unexpected passing. Ms. Edwards has had extensive conversations with staff about the Rent Ordinance, and has been diligent about bringing the properties back into compliance with the registration requirements. Staff has little doubt that fees will be paid timely in the future, and recommends a full waiver.

W-4987

CITY OF BERKELEY  
RENT STABILIZATION PROGRAM  
2125 Milvia Street, Berkeley, CA 94704  
PHONE: (510) 981-7368 • FAX: (510) 981-4910  
WEB: <https://www.cityofberkeley.info/rent/>

RECEIVED

JUN 08 2021

Initial: W B  
Berkeley Rent Board

**Request for Waiver of Late Registration Penalties**

*Please Read Important Information on Page 2*

Property Address: 1520 Berkeley Way Berkeley, CA

Owner: Arnett Williams

Date of acquisition, if new owner: \_\_\_\_\_

Name & relationship of person filing request, if not owner: Carolyn B Edwards (cousin)

Durable power of attorney for property management California Probate Code 44001  
If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Please see attached.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 6/1/2021 Signature: Carolyn B Edwards

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: cjbrom828@yahoo.com

Mailing Address: 100 Northern Oaks Dr. Fayetteville, GA 30214

Phone Number: (706) 255-3521 Fax Number: \_\_\_\_\_

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

June 1, 2021

**TO:** City of Berkeley Rent Stabilization Program  
2125 Milvia Street  
Berkeley, CA 94704

**Request for Waiver of Late Registration Penalties**

Arnett Williams, rental property owner turned over all rental business operations to his son a few years ago. Mr. Williams who is elderly and not in good health did not oversee any aspect of the rental management activities once all property management operations were turned over to his son. Therefore, he was unaware that registrations and other business operations associated with the rental properties were not being kept current until sometime after the discovery of his son's unexpected death. Mr. Williams was unaware of his son's illness and was shocked when his son was found dead on January 22, 2021.

Mr. Williams has legally turned over all Berkeley, CA rental management operations to Ms. Carolyn B. Edwards as of April 2021. I can be reached at (706) 255-3521 or email [cjbrom828@yahoo.com](mailto:cjbrom828@yahoo.com) if additional information is required for the consideration this request for the waiver of the late registration penalties.

**Berkeley properties included in this request:**

**1520 Berkeley Way**

**2351 West Street**

**2238 Roosevelt Avenue**

Sincerely,



Carolyn B. Edwards

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: 4988</b>	<b>Property address: 2238 ROOSEVELT AVE</b>	<b>Transferred: 01/01/1975</b>
<b># of Units: 5</b>	<b>Exempt units (as of September 2021): Unit #C - Not Available for Rent</b>	
<b>Owner(s): ARNETT WILLIAMS</b>		<b>Waiver filed by: Carolyn B. Edwards</b>
<b>Other Berkeley rental property owned: 1520 BERKELEY WAY, 2351 WEST ST</b>		

**Late payment/penalty history:** The property comprises five units, four of which are rented, and one of which is not available for rent as it is undergoing renovation work after the previous tenant vacated. The owner, Arnett Williams, owns two other properties in Berkeley for a total of 9 units. The current manager, Carolyn B. Edwards, is a cousin of Mr. Williams. She recently took over power of attorney for Mr. Williams and started handling Mr. Williams' correspondence. In May 2021, she noted the past-due billing statements for the three rental properties owned by Mr. Williams and contacted the Registration Unit. She learned that the registration fees for the previous years had not been paid, and that penalties had accrued. She submitted fee payments for all three properties for both the 2020/2021 and 2021/2022 registration years, and submitted waiver requests.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
2019/2020	ALL	\$1000.00	07/02/2019	1000.00	0.00	1000.00
2017/2018	ALL	\$1080.00	07/20/2017	1080.00	0.00	0.00
<b>Totals (penalties previously assessed)</b>				<b>\$2080.00</b>	<b>\$0.00</b>	<b>\$1000.00</b>

**Penalties Currently Under Consideration**

**Reason for Penalties:** Late Payment of 2020/2021 Annual Registration Fee

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2020/2021	4	\$1000.00	05/19/2021	\$2000.00	\$0.00	\$2000.00
<b>Totals</b>				<b>\$2000.00</b>	<b>\$0.00</b>	<b>\$2000.00</b>

**Grounds under Regulation 884(B):** (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.

**Good cause claimed by owner:** The person requesting the waiver is the owner's cousin, Carolyn Edwards, who also is power of attorney for the owner. She states in her waiver request that the owner, Arnett Williams, is elderly and in poor health. She says that some years ago, he "turned over all rental business operations to his son" and "did not oversee any aspect of the rental management activities once all property management operations were turned over to his son." She states that this is why he did not realize that the 2020/2021 fee had not been paid "until sometime after the discovery of his son's unexpected death." She goes on to say that "Mr. Williams was unaware of his son's illness and was shocked when his son was found dead on January 22, 2021."

Ms. Edwards concludes that the management has been turned over to her, and asks that the penalties be waived.

**Recommendation:** Staff recommends that the penalty be waived in full.

**Staff Analysis:** Mr. Williams is a longtime property owner in Berkeley; he has been registering the three properties in question since the inception of the Berkeley Rent Ordinance. Staff is saddened to hear of his son's unexpected passing. Ms. Edwards has had extensive conversations with staff about the Rent Ordinance, and has been diligent about bringing the properties back into compliance with the registration requirements. Staff has little doubt that fees will be paid timely in the future, and recommends a full waiver.

W-4944

CITY OF BERKELEY  
RENT STABILIZATION PROGRAM  
2125 Milvia Street, Berkeley, CA 94704  
PHONE: (510) 981-7368 • FAX: (510) 981-4910  
WEB: <https://www.cityofberkeley.info/rent/>

RECEIVED

JUN 08 2021

Initial: W  
Berkeley Rent Board

**Request for Waiver of Late Registration Penalties**

*Please Read Important Information on Page 2*

Property Address: 2238 Roosevelt Avenue Berkeley, CA

Owner: Arnett Williams

Date of acquisition, if new owner: \_\_\_\_\_

Name & relationship of person filing request, if not owner: Carolyn B. Edwards (cousin)

Durable Power of Attorney for property management California

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Please see attached.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 6/1/2021 Signature: Carolyn B. Edwards

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: cjbroms28@yahoo.com

Mailing Address: 100 Northern Oaks Dr. Fayetteville, GA 30214

Phone Number: (706) 255-3521 Fax Number: \_\_\_\_\_

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

June 1, 2021

**TO:** City of Berkeley Rent Stabilization Program  
2125 Milvia Street  
Berkeley, CA 94704

**Request for Waiver of Late Registration Penalties**

Arnett Williams, rental property owner turned over all rental business operations to his son a few years ago. Mr. Williams who is elderly and not in good health did not oversee any aspect of the rental management activities once all property management operations were turned over to his son. Therefore, he was unaware that registrations and other business operations associated with the rental properties were not being kept current until sometime after the discovery of his son's unexpected death. Mr. Williams was unaware of his son's illness and was shocked when his son was found dead on January 22, 2021.

Mr. Williams has legally turned over all Berkeley, CA rental management operations to Ms. Carolyn B. Edwards as of April 2021. I can be reached at (706) 255-3521 or email [cjbrom828@yahoo.com](mailto:cjbrom828@yahoo.com) if additional information is required for the consideration this request for the waiver of the late registration penalties.

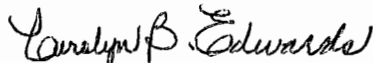
**Berkeley properties included in this request:**

**1520 Berkeley Way**

**2351 West Street**

**2238 Roosevelt Avenue**

Sincerely,

  
Carolyn B. Edwards



**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: 4989</b>	<b>Property address: 2351 WEST ST</b>	<b>Transferred: 09/01/1964</b>
<b># of Units: 2</b>	<b>Exempt units (as of September 2021): 0</b>	
<b>Owner(s): ARNETT WILLIAMS</b>		<b>Waiver filed by: Carolyn B. Edwards</b>
<b>Other Berkeley rental property owned: 1520 BERKELEY WAY, 2238 ROOSEVELT AVE</b>		

**Late payment/penalty history:** The property is a duplex; both units are rented to market tenants. The owner, Arnett Williams, owns two other properties in Berkeley for a total of 9 units. The current manager, Carolyn B. Edwards, is a cousin of Mr. Williams. She recently took over power of attorney for Mr. Williams and started handling Mr. Williams' correspondence. In May 2021, she noted the receipt of past-due billing statements for the three rental properties owned by Mr. Williams and contacted the Registration Unit. She learned that the registration fees for the previous years had not been paid, and that penalties had accrued. She submitted fee payments for all three properties for both the 2020/2021 and 2021/2022 registration years, and submitted waiver requests.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
2019/2020	ALL	\$	07/02/2019	500.00	0.00	500.00
<b>Totals (penalties previously assessed)</b>				<b>\$500.00</b>	<b>\$0.00</b>	<b>\$500.00</b>

**Penalties Currently Under Consideration**

**Reason for Penalties:** Late Payment of 2020/2021 Annual Registration Fee

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2020/2021	2	\$500.00	05/24/2021	\$1000.00	\$0.00	\$1000.00
<b>Totals</b>				<b>\$1000.00</b>	<b>\$0.00</b>	<b>\$1000.00</b>

**Grounds under Regulation 884(B):** (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.

**Good cause claimed by owner:** The person requesting the waiver is the owner's cousin, Carolyn Edwards, who also is power of attorney for the owner. She states in her waiver request that the owner, Arnett Williams, is elderly and in poor health. She says that some years ago, he "turned over all rental business operations to his son" and "did not oversee any aspect of the rental management activities once all property management operations were turned over to his son." She states that this is why he did not realize that the 2020/2021 fee had not been paid "until sometime after the discovery of his son's unexpected death." She goes on to say that "Mr. Williams was unaware of his son's illness and was shocked when his son was found dead on January 22, 2021."

Ms. Edwards concludes that the management has been turned over to her, and asks that the penalties be waived.

**Recommendation:** Staff recommends that the penalty be waived in full.

**Staff Analysis:** Mr. Williams is a longtime property owner in Berkeley; he has been registering the three properties in question since the inception of the Berkeley Rent Ordinance. Staff is saddened to hear of his son's unexpected passing. Ms. Edwards has had extensive conversations with staff about the Rent Ordinance, and has been diligent about bringing the properties back into compliance with the registration requirements. Staff has little doubt that fees will be paid timely in the future, and recommends a full waiver.

W-4999

CITY OF BERKELEY  
RENT STABILIZATION PROGRAM  
2125 Milvia Street, Berkeley, CA 94704  
PHONE: (510) 981-7368 • FAX: (510) 981-4910  
WEB: <https://www.cityofberkeley.info/rent/>

RECEIVED

JUN 08 2021

Initial: [Signature]  
Berkeley Rent Board

**Request for Waiver of Late Registration Penalties**

Please Read Important Information on Page 2

Property Address: 2351 West Street Berkeley CA

Owner: Arnett Williams

Date of acquisition, if new owner: \_\_\_\_\_

Name & relationship of person filing request, if not owner: Carolyn B Edwards (cousin)

Durable Power of Attorney for property management California Probate Code 47401

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Please see attached,

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 6/1/2021 Signature: Carolyn B Edwards

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: cjbrom828@yahoo.com

Mailing Address: 100 Northern Oaks Dr. Fayetteville, GA 30214

Phone Number: (706) 255-3521 Fax Number: \_\_\_\_\_

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

June 1, 2021

**TO:** City of Berkeley Rent Stabilization Program  
2125 Milvia Street  
Berkeley, CA 94704

**Request for Waiver of Late Registration Penalties**

Arnett Williams, rental property owner turned over all rental business operations to his son a few years ago. Mr. Williams who is elderly and not in good health did not oversee any aspect of the rental management activities once all property management operations were turned over to his son. Therefore, he was unaware that registrations and other business operations associated with the rental properties were not being kept current until sometime after the discovery of his son's unexpected death. Mr. Williams was unaware of his son's illness and was shocked when his son was found dead on January 22, 2021.

Mr. Williams has legally turned over all Berkeley, CA rental management operations to Ms. Carolyn B. Edwards as of April 2021. I can be reached at (706) 255-3521 or email [cjbrom828@yahoo.com](mailto:cjbrom828@yahoo.com) if additional information is required for the consideration this request for the waiver of the late registration penalties.


**Berkeley properties included in this request:**

**1520 Berkeley Way**

**2351 West Street**

**2238 Roosevelt Avenue**

Sincerely,

  
Carolyn B. Edwards

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: 4991</b>	<b>Property address: 2502 WEBSTER ST</b>	<b>Transferred: 09/21/2006</b>
<b># of Units: 2</b>	<b>Exempt units (as of September 2021): 0</b>	
<b>Owner(s): JAMES DUFFY</b>		<b>Waiver filed by: James Duffy &amp; Lori Preston</b>
<b>Other Berkeley rental property owned: None</b>		

**Late payment/penalty history:** The property is a duplex which was purchased by the current owners in 2006 and initially moved into the property as their principal residence. The property is an exempt duplex when owner-occupied, and so the owners did not register their rental unit at that time. Sometime in 2012, the owners moved out of the property and rented out both units; the owners did not register the units at that time. In 2020, the owners received a mailing from the Rent Board regarding the agency's change in owner-occupancy requirements for properties owned in trust, and reached out to the Rent Board. After talking with a member of the agency's legal staff, the owner learned that he should have registered the rented units when he moved out of the property back in 2012. The owner was referred to the Registration Unit, submitted updated tenancy registration forms, paid three years' fees under the agency's statute of limitations policy, and is seeking a waiver of the penalties for that period.

**Penalties Currently Under Consideration**

**Reason for Penalties:** Late Payment of 2018/2019, 2019/2020, and 2020/2021 Annual Registration Fees

<b>Registration Date or Year</b>	<b>Unit(s) registered late at this time</b>	<b>Registration fees paid</b>	<b>Date fees paid</b>	<b>Penalties charged</b>	<b>Penalties forgiven</b>	<b>Penalties Due</b>
2018/2019	2	\$500.00	04/19/2021	\$3000.00	\$2000.00	\$1000.00
2019/2020	2	\$500.00	04/19/2021	\$2000.00	\$1000.00	\$1000.00
2020/2021	2	\$500.00	04/19/2021	\$1000.00	\$0.00	\$1000.00
<b>Totals</b>				<b>\$6000.00</b>	<b>\$3000.00</b>	<b>\$3000.00</b>

**Grounds under Regulation 884(B):** (8) The penalty has accrued because registration fees have not been paid for three or more fiscal years

**Good cause claimed by owner:** The owners state that they were unaware of the registration requirements for owner-occupied exempt duplexes, and did not realize that they had to register when they no longer occupied the property. They state that they started receiving some mailings from the Rent Board, which caused them to reach out to determine whether any action was required on their part. Once they learned about the requirements from Rent Board staff, they came into compliance by paying past-due fees. They conclude by stating that they enjoy good relations with their tenants and have not raised the rents for one of their tenants since 2013. They assure the Board that the late registration is due to their misunderstanding, and that they will pay all fees promptly in the future.

**Recommendation:** Staff recommends waiving 60% of the penalty, or \$1,800, and imposing 40%, or \$1,200.

**Staff Analysis:** The exemption for owner-occupied duplexes is one of the least understood exemptions in the Berkeley Rent Ordinance. It is not uncommon for staff to learn from an owner that they thought these duplexes are always exempt -- whether the owner occupies a unit or not. Therefore the owner's explanation seems entirely reasonable. Also reasonable is the owner's explanation that they received nothing from the Board until 2020. Still, due to the number of years that have gone by without this property being registered at all, staff feels some penalty is due. Staff recommend waiving 60% of the penalty.

RECEIVED  
JUN 18 2021

CITY OF BERKELEY  
RENT STABILIZATION PROGRAM  
2125 Milvia Street, Berkeley, CA 94704  
PHONE: (510) 981-7368 • FAX: (510) 981-4910  
WEB: <https://www.cityofberkeley.info/rent/>

W-4991

Initial:  
Berkeley Rent Board

**Request for Waiver of Late Registration Penalties**  
*Please Read Important Information on Page 2*

Property Address: 2502 - 04 WEBSTER ST. 94705

Owner: JAMES DUFFY, LORI PRESTON

Date of acquisition, if new owner: \_\_\_\_\_

Name & relationship of person filing request, if not owner: \_\_\_\_\_

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

PLEASE SEE ATTACHED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: May 15, 2020 Signature: J.A. Duffy

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: JADUFFY1@AOL.COM 94618

Mailing Address: 5 ROCKRIDGE PLACE, OAKLAND, CA 94705

Phone Number: 510-379-8877 Fax Number: \_\_\_\_\_

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

BERKELEY RENT BOARD,

APOLOGIES FOR THE LATE PAYMENT OF THE REGISTRATION FEES.

WE HAVE NO OTHER RENTAL PROPERTY IN BERKELEY.  
WE WERE CONFUSED ABOUT THE GOLDEN DUPLEX RULES AND THEREFORE  
HAD NOT REGISTERED THE UNITS.

WE HAVE PAID ALL PAST REGISTRATION FEES BUT ARE ASKING FOR  
FORGIVENESS OF THE PENALTIES.

WE DID RECEIVE SOME MAILINGS-AT FIRST SENT IN THE NAME OF THE  
PREVIOUS OWNER- REGARDING PROPERTIES REGISTERED IN TRUSTS, AND  
THEN IN OUR NAMES-REGARDING LIVING TRUSTS, WHICH WE ARE NOT.  
ANOTHER RECENT MAILING REGARDING SINGLE FAMILY HOMES, CONDOS AND  
CERTIFICATE OF OCCUPANCY AFTER JUNE, 1980-NOT APPLICABLE FOR OUR  
PROPERTY.

THESE RECENT MAILINGS PROMPTED ME TO CALL MATTHEW SIEGEL TO ASK IF  
THERE WAS ANYTHING WE NEEDED TO DO REGARDING THE ABOVE. WE ALSO  
SPOKE WITH ALLISON PRETTO, WHO PROVIDED FURTHER CLARIFICATION. WE  
EVENTUALLY FIGURED OUT THAT THE TRUST ISSUE WAS NOT FOR US BUT THAT  
WE SHOULD REGISTER THE UNITS. WE DID THIS AND PROMPTLY PAID THE  
ANNUAL FEES DUE.

WE HAVE ALWAYS ENJOYED GOOD RELATIONSHIPS WITH OUR TENANTS AND  
OUR TENANTS HAVE ENJOYED LIVING THERE. WE RESPOND QUICKLY TO ANY  
CONCERNS AND HAVE DONE OUR BEST TO CARE FOR THE OVERALL PROPERTY.

WE HAVE ONLY RAISED RENTS WHEN TENANTS HAVE MOVED AND HAVE NOT  
RAISED THE RENT FOR PETER AND MARIA-2504-SINCE THEY MOVED IN, IN 2013.

AGAIN, WE WOULD HAVE PAID THE REGISTRATION FEES IN A TIMELY MANNER  
HAD WE UNDERSTOOD THE GOLDEN DUPLEX REQUIREMENTS. ALL  
REGISTRATION FEES HAVE BEEN BROUGHT UP TO DATE AND WE WILL OF  
COURSE CONTINUE TO PAY FUTURE FEES PROMPTLY.

THANKS FOR YOUR CONSIDERATION.  
SINCERELY,  
JIM DUFFY AND LORI PRESTON

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No:</b> 4996	<b>Property address:</b> 1619 WALNUT ST	<b>Transferred:</b> 10/15/2020
<b># of Units:</b> 7	<b>Exempt units (as of September 2021):</b> 0	
<b>Owner(s):</b> IN GOD WE TRUST INVESTMENTS LLC		<b>Waiver filed by:</b> Judd Kessler
<b>Other Berkeley rental property owned:</b> None		

**Late payment/penalty history:** The property comprises seven units, all of which are used as residential rental units. The property was obtained by the current owner, In God We Trust Investments LLC & Judd Kessler, on October 15, 2020. Staff learned of the ownership change in April 2021 when making calls in preparation for the filing of small claims lawsuits against owners of delinquent accounts. The property's 2020/2021 fees had not been paid by the previous owner, and both the July 2 and January 1 penalties had accrued on the outstanding fee. The current owner paid the fees in April 2021, and filed a waiver request.

**Penalties Currently Under Consideration**

**Reason for Penalties:** Late Payment of 2020/2021 Annual Registration Fee

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2020/2021	7	\$1750.00	04/08/2021	\$3500.00	\$0.00	\$3500.00
<b>Totals</b>				<b>\$3500.00</b>	<b>\$0.00</b>	<b>\$3500.00</b>

**Grounds under Regulation 884(B):** (5) A tenant at the property for which the waiver is requested filed an Individual Rent Adjustment or Rent Withholding petition during the prior five years; (7) the landlord requesting the waiver was not the owner of the property when the penalty first accrued.

**Good cause claimed by owner:** The owner, Judd Kessler, who has indicated that the property was transferred through a foreclosure, states that he is a new owner and "just received past due notice." His waiver request indicates that the lender and loan servicer "was responsible for collections, loan payments, and making sure all obligations like this one were paid, but servicer didn't."

**Recommendation:** Staff recommends waiving 50% of the penalties, or \$1,750, and imposing 50%, or \$1,750.

**Staff Analysis:** As the owner thought that the loan servicer would take care of all outstanding financial obligations, it is perhaps understandable that he would expect that these fees to have been addressed prior to the transfer. However, there is no sign that the owner of a seven-unit property in Berkeley reached out to the Berkeley Rent Board to learn more of his obligations as the owner of a mutli-family rental property in a rent-control jurisdiction prior to spring of 2021. If he had, he would have quickly learned of the outstanding fees and could have resolved the account earlier. Staff thus recommends that 50% of the penalty be waived - this relieves the owner of the July 2 penalty that he did not incur, and imposes the January 1 penalty.



W-4996

**Request for Waiver of Late Registration Penalties**

*Please Read Important Information on Page 2*

Property Address: 1619 WALNUT ST. BERKELEY

Owner: JUDD KESSLER, TRUSTEE, AND OTHERS

Date of acquisition, if new owner: 9/23/20 BY FORECLOSURE

Name & relationship of person filing request, if not owner: \_\_\_\_\_

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

NEW OWNER, JUST RECEIVED PAST DUE NOTICE  
WAS PREVIOUSLY LENDER AND LOAN SERVICER WAS RESPONSIBLE FOR  
COLLECTING LOAN PAYMENTS AND MAKING SURE ALL OBLIGATIONS  
LIKE THIS ONE WERE PAID BUT SERVICER DIDN'T.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 4/9/21 Signature: J Kessler

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: JUDD@JUDDKESSLER.COM

Mailing Address: PO BOX L RANCHO SANTA FE, CA 92067

Phone Number: 858 367 9545 Fax Number: \_\_\_\_\_

**RESOLUTION 21-20**

**APPROVING EMPLOYMENT AGREEMENT FOR RENT STABILIZATION BOARD  
GENERAL COUNSEL WITH MATTHEW BROWN**

**BE IT RESOLVED** by the Rent Stabilization Board of the City of Berkeley (“Board”) as follows:

**WHEREAS**, the Board is authorized under Article XVII Section 123(2) of the Charter of the City of Berkeley to employ staff as necessary to perform its functions; and

**WHEREAS**, the Board desires to appoint a General Counsel to independently report directly to the Board and serve as its legal advisor; and

**WHEREAS**, the General Counsel shall serve as the chief legal advisor and litigator for the Board and is charged with the responsibility of protecting the interests of the Board and its employees as provided for under California law and the Article XVII of the Charter of the City of Berkeley; and

**WHEREAS**, Matthew Brown has long served as the Board’s Staff Attorney III and has been working for the Board since January 5, 2004, and

**WHEREAS**, based upon Mr. Brown’s background, qualifications, experience and expertise, Mr. Brown is qualified to serve as General Counsel to the Board; and the Board desires to appoint Matthew Brown as its General Counsel

**NOW, THEREFORE, BE IT RESOLVED** that the City of Berkeley Rent Stabilization Board hereby authorizes the Board Chair to execute an employment agreement with Matthew Brown in the form attached hereto as Exhibit “A”.

Dated: September 23, 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: \_\_\_\_\_  
Board Secretary

**EMPLOYMENT AGREEMENT**

This Employment Agreement (“Agreement”) is made and entered into on this \_\_\_\_ day of September, 2021, by and between the **Rent Stabilization Board of the City of Berkeley** (the “Board”) and **Matthew Brown** (“Employee”) for services to be performed by Employee in the position of General Counsel. Board and Employee are collectively hereinafter referred to as “Parties.”

**NOW, THEREFORE**, in consideration of the mutual promises and covenants set forth herein, the Parties agree as follows:

1. **Term.** The Board hereby employs Employee as General Counsel to the Board and Employee hereby accepts employment for a period of five (5) years commencing on September \_\_\_\_, 2021 and ending on September \_\_\_\_, 2026, subject to the limitations of this Agreement.
2. **Duties.** Employee shall serve as General Counsel to the Board and staff in a manner consistent with the City of Berkeley Charter, Ordinances of the City of Berkeley, and applicable law. Employee shall provide a full range of legal services to the Board including preparation of legal opinions, research and support, representation in legal actions, preparation of documents and agreements. Employee shall also perform other legally permissible and proper duties and functions as may be assigned by the Board and which are reasonably related to the duties of a General Counsel to a public agency. Employee shall not render any compensated services of a business, commercial or professional nature to any other person or organization during the term of this Agreement without prior written consent of the Board.
3. **Compensation and Benefits.** For services rendered pursuant to this Agreement the Board shall pay Employee an annual base salary of Two Hundred Twenty-Eight Thousand Two Hundred Fifty-Nine Dollars (\$228,259), which is 15% above the top salary of the Staff Attorney III classification in the City of Berkeley. Said salary shall be paid on the dates and in the manner consistent with the payroll procedures of the City of Berkeley. Except as otherwise provided in this Agreement, Employee shall receive such employee benefits, for example, pension and vacation benefits, as are payable to that class of City of Berkeley employees designated in Unit Z9 under the City of Berkeley’s Unrepresented Employee Manual. Employee shall receive any cost-of-living adjustments awarded to the Staff Attorney III classification to the extent such increases do not exceed cost-of-living as defined in Government Code Section 3511.1. Any annual increase awarded to the Staff Attorney III classification above cost-of-living shall be subject to the sole and absolute discretion of the Board, although it is the parties intent that the salary of the General Counsel remain at least 15% above that of a Board Staff Attorney III. Nothing herein prevents the Board from otherwise adjusting the annual base salary of Employee at such times and to such extent as the Board may determine.
4. **Annual Performance Evaluation.** Annually, prior to the anniversary date of the commencement of this Agreement, the Board and Employee shall meet to evaluate the performance of Employee. The Board may, in its sole discretion, use any professional assistance in establishing standards for performance assessment. Nothing in this section shall be construed to require Board to grant Employee any pay increases based on the performance standards, if any, mentioned above nor to limit in any manner the discretion of Board to grant or not pay increases. Nor shall anything in

this Agreement be interpreted to require Board to evaluate Employee solely upon the performance standards, nor to limit the discretion of the Board to evaluate Employee as it deems necessary in the sole discretion of the Board.

5. **Termination and Severance.**

- a. Due to the confidential relationship and the legal services provided by Employee to Board, the Employee serves at-will at the pleasure of the Board, and nothing herein shall prevent, limit, or otherwise interfere with the right of the Board to terminate Employee with or without cause. Employee shall have no right to a termination hearing.
- b. Employee shall be subject to Section 9.5 of the City of Berkeley Unrepresented Employee Manual and shall be entitled to reinstatement as provided under said section. After the first six (6) months of this Agreement, if Employee is terminated by the Board while the Employee is still willing and able to perform the duties of General Counsel, the Board agrees to pay Employee a lump sum payment, of twelve (12) months aggregate salary for termination on or before the four-year anniversary of the commencement of this Agreement. For termination arising after the four-year anniversary of this Agreement, Employee shall receive severance in the amount of the number of months remaining on the term of this Agreement at the time of termination of employment. Any severance payment made by the Board pursuant to this section, shall release the Board from any further obligations under this Agreement. Contemporaneously with the payment of severance under this section, the Employee shall execute and deliver to Board a release releasing the Board and the City of Berkeley from liability for all claims that the Employee may have against the Board or the City, except those claims prohibited from such release under either California or Federal law.
- c. Notwithstanding section 5(b) above, the Board shall not be obligated to pay, and shall not pay any amounts under section 5(b) to Employee if Employee is terminated because of:
  - i. The conviction of felony or misdemeanor or plea of nolo contendere to a crime,
  - ii. the conviction of any felony or misdemeanor involving moral turpitude,
  - iii. the loss or suspension of Employee's license to practice law,
  - iv. the willful or persistent material breach of duties or inattention to duties,
  - v. a violation of statute or law constituting misconduct in office, or
  - vi. willful misconduct.

Further, Board shall not be obligated to pay Employee any severance amount under section 5(b) if Employee voluntarily retires or resigns in writing prior to termination. In the event Employee voluntarily retires or resigns, Employee shall provide advance written notice to the Board of at least one (1) month.

- d. This Agreement shall be immediately terminated upon Employee's death or legal incapacity by operation of Labor Code section 2920.

6. **Indemnification and Defense.** Board shall indemnify, defend, and hold Employee harmless from and against all demands, claims, suits, actions, and legal proceedings brought against Employee and arising out of events within the scope of Employee's employment and performance of professional duties as General Counsel, except to the extent that Employee's actions are the result of gross negligence or willful misconduct. Employee shall cooperate in good faith with the Board with respect to defense of such claims, demands, or legal actions.
7. **Severability.** In the event that any term of this Agreement is finally held or determined to be illegal or void by a court having jurisdiction over the Board and Employee, the remainder of this Agreement shall remain in full force and effect unless the term or terms held to be illegal or void are wholly inseparable from the remaining provisions of the Agreement.
8. **Governing Law.** This Agreement shall be governed by the laws of the State of California.
9. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.
10. **Entire Agreement.** This Agreement is the entire agreement between the parties regarding Board's employment of Employee and supersedes all prior oral or written understandings. This Agreement cannot be modified except by a written amendment signed by both Parties.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement which shall be effective upon the commencement date specified in Section 1 herein.

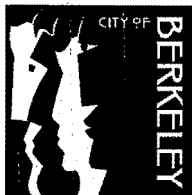
**RENT STABILIZATION BOARD OF THE CITY OF BERKELEY**

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Leah Simon-Weisberg, Chair

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Matthew Brown



Rent Stabilization Board  
Legal Department

## MEMORANDUM

DATE: September 23, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Honorable Members of the IRA/AGA/Registration Committee

By: Matthew Siegel, Staff Attorney *MS*

SUBJECT: Proposed Amendment to Regulation 503 – Definition of Principal Residence [First Reading]

### **Recommendation:**

That the Board adopt an amendment to Regulation 503, eliminating the “sunset” provision in 503(B)(2) as stated in 503(E) and to enact an amendment to Regulation 503 re-inserting 503(B)(2).

The provision in 503(B)(2) allows for the grantor of a revocable living trust to maintain an exemption as a natural person who is owner-occupying a unit when they have named another person as the trustee of the trust but has maintained oversight over the amount of rent charged at the property as well as any decision to evict any tenant from the property. The IRA/AGA/Registration Committee unanimously recommended this change at their July 28, 2021 meeting.

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

On September 19, 2019 the Board amended Regulation 503 to allow for a natural person who has granted their property into a revocable living trust to maintain an owner-occupancy exemption of their unit under three distinct criteria. For all three criteria the unit must be owner-occupied by the grantor.

The first criteria for allowing the exemption is when the person claiming residence at the unit is both the grantor and the trustee of the trust. The second criteria is when the grantor has named another person as the trustee of the trust but have maintained oversight over the amount of rent charged at the property as well as any decision to evict any tenant from the property. The final criteria is when the natural person is the sole surviving beneficiary of a revocable living trust for which all grantors/trustees are deceased and the sole surviving beneficiary is residing at the property.

The second criteria that pertains to another person being named the trustee has a sunset provision of September 19, 2020. This provision was extended by the Board via Resolution 20-17 to March 31, 2021. Thus, as of April 1, 2021, section 503(B)(2) was repealed.

The concern of the committee and the Board in adopting this section revolved around the level of control and decision-making that the grantor preserved as it related to any tenant also residing at the property. To alleviate that concern, the sunset provision was enacted and staff was directed to review rent levels and eviction activity going back two years for properties that claimed exemption under 503(B)(2).

## Proposed Revisions to Regulation 503

### 1. Response to Enactment of Regulation

In response to the amendments made to the regulation, staff subsequently identified 128 potential "golden duplexes" that appeared to possibly be owned in trust.<sup>1</sup> Staff also created a Living Trust Declaration for Owner-Occupancy Exemption Form to be filled out by owners whose properties qualified for the exemption under any of the three criteria.

In response, two properties claimed exemption under 503(B)(2). For one of the duplexes, the grantor has named family members as the trustees. The grantor still resides at the property and after being contacted by staff stated that there have been no evictions for at least ten years nor have there been any rent increases the past two years. The grantor further stated that he was actually contemplating lowering the rent for his tenants.

The second claim entailed the grantor creating the trust as a means to protect her identity due to fear of violence from a third person. The claim was supported by a letter from the grantor's attorney and reiterated that the grantor did reside on the property and maintained all the rent-control decisions as it related to the tenant in the second unit. The attorney for the property owner stated that no eviction has taken place in the past two years and the rent on the tenant has been raised \$10.00.

### 2. Rationale for Amendment

The number of claims under 503(B)(2) is minimal. Of the two claims, neither have had evictions nor any substantial rent increases. The Board's concern in permitting the exemption under 503(B)(2) appear to be allayed.

The two claims under 503(B)(2) illustrate the value of this form of trust structure as there can be various motives for creating a trust where the grantor is different from the trustee. The Board's concern that an absentee trustee would operate the property from a more business-like perspective as opposed to an on-site owner-occupant for which the policy basis of the grant of exemption stems from permitting the landlord greater leeway when they are living in such close proximity to one other household is not supported by the cases we have reviewed. Given the minimal number of claims under this section and the legitimacy for trusts being created in this format, staff recommends amending Regulation 503 to re-enact Section 503(B)(2).

Proposed Regulation 503 is attached hereto. Additions are underlined.

### Name and Telephone Number of Contact Person:

Matthew Siegel, Staff Attorney      (510) 981-4930  
Rent Stabilization Board

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<sup>1</sup> A "golden duplex" is a two-unit property where one unit was owner-occupied by at least a 50% owner of record as of December 31, 1979 and where one unit is currently owner-occupied by at least a 50% owner of record (B.M.C. 13.76.050F)



503. Definition of Principal Residence

(A) **Background and Purpose.** Like many of the exemptions listed in Berkeley Municipal Code Section 13.76.050, the exemptions identified in Berkeley Municipal Code Sections 13.76.050F. and 13.76.050G. (Sections 5(f) and 5(g) of the Ordinance) are transitory. A landlord may not claim an exemption pursuant to Sections 5(f) or 5(g) of the Ordinance unless the landlord occupies a unit on the property as his/her principal residence at the time the landlord asserts or claims the exemption.

(B) "Person" limited to "natural person." Only a natural person may claim principal residence in a unit when claiming an exemption under Sections 5(f) or 5(g) of the Ordinance. For purposes of this Regulation, "person" shall mean only a "natural person." A successor in interest is not entitled to the exemptions in either Sections 5(f) or 5(g) of the Ordinance merely because a previous landlord claimed entitlement to one of these exemptions. A bank, corporation, or other business entity may never claim a unit as exempt under Sections 5(f) or 5(g) of the Ordinance as such entities are not natural persons. A natural person who has granted the subject property into a revocable living trust may claim principal residence only as follows:

- (1) The person claiming principal residence is both the grantor and the trustee of the revocable living trust, or
- (2) The grantor has named another natural person as trustee but has retained oversight over the amount of rent charged at the property and any decision to evict any tenant from the property.
- (3) A natural person who is the sole surviving beneficiary of a revocable living trust for which all grantor(s)/trustee(s) are deceased may claim principal residence.
- (4) All applicable criteria set forth in Subsections C and D shall apply equally to natural persons claiming principal residence pursuant to a revocable living trust as if they were owners of record. The Board may require appropriate documentation, including but not limited to an affidavit signed under penalty of perjury and/or a Certification of Trust for the purpose of establishing exemption.

(C) Principal residence, as used in Sections 5(f) and 5(g) of the Ordinance, is that dwelling place where the person actually resides a majority of the time. For the purpose of this Ordinance, a person may have only one principal residence.

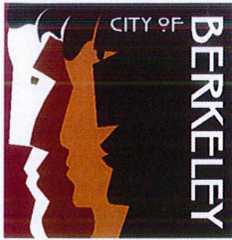
(D) In the determination as to the principal residence status of the dwelling place, the following factors shall be considered:

- (1) whether the person carries on basic living activities at the dwelling place;

- (2) whether the person maintains another dwelling and, if so, the amount of time that the person spends at each dwelling place;
- (3) whether the person has filed for and obtained a homeowner's exemption for the dwelling place;
- (4) whether the person is a registered voter at the dwelling place;
- (5) other relevant factors.

~~(E) Sunset Provision. Subsection (B)(2) of this regulation shall remain in effect only until September 19, 2020, and as of that date is repealed, unless a later enacted regulation, which is enacted before September 19, 2020, deletes or extends that date.~~

[Effective Date: 11/26/80; renumbered 04/09/99; added new Sections A and B, and enumerated sub-section identifiers of new Section D (previously A through D) 06/17/13; amended Section B to make clear that properties held in certain types of revocable living trusts will qualify for exemption when applicable criteria is met; sunset provision identified in Section E – 9/1919; Subsection E removed-9/23/2021]



Rent Stabilization Board  
Office of the Executive Director

DATE: September 23, 2021

TO: Honorable Members of the Berkeley Rent Board

FROM: Honorable Members of the IRA/AGA/Registration Committee  
By: Matt Brown, Acting Executive Director *MB*

SUBJECT: Recommendation to adopt Resolution 21-23 allowing landlords to use Regulation 1017 to provide temporary, below-market rental housing in Berkeley to disaster victims displaced by the Northern California wildfires and to refugees fleeing the Afghanistan conflict

**Recommendation:**

That the Board adopt Resolution 21-23, which would activate Regulation 1017 allowing Berkeley landlords to provide housing to disaster victims displaced by the Northern California wildfires and refugees fleeing the Afghanistan conflict at below-market rents for a temporary (but fixed) period of time.<sup>1</sup> The IRA/AGA/Registration Committee reviewed this report at its meeting on September 8, 2021, and voted to recommend that the Board adopt this Resolution.

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

In the wake of Hurricane Katrina in 2005, the Board adopted Regulation 1017 which allowed landlords to offer below-market rate housing to victims displaced by national disasters<sup>2</sup> without risk of suffering long-term financial disadvantage. Landlords are permitted to rent to these disaster victims for a lower, temporary rent as long as the agreement is in writing. Regulation 1017(D) states:

Notwithstanding any other provisions of these regulations, when a displaced tenant as outlined in section (B) of this regulation, and the landlord of the replacement unit agree in writing for the tenant to rent the unit temporarily at a below-market rental rate, the landlord may increase the rent to market-level at the end of the temporary period

<sup>1</sup> The Board has adopted similar Resolutions numerous times in the past to permit landlords to utilize the provisions set forth in Regulation 1017 which allow them to rent to disaster victims and refugees without risking financial disadvantage.

<sup>2</sup> The Regulation was amended on February 22, 2016, to allow landlords to assist victims displaced by state and local disasters (such as fires), as well, when authorized by the Board or executive director when the Board is not in session or otherwise unavailable. At that time the regulation was also amended to permit landlords to rent to refugees displaced by political unrest and be covered by the terms set forth therein.

provided that the agreement states the amount of rent that will be charged. The subsequent rent to be charged, as identified in the lease agreement, shall be treated as the initial rent for purposes of Regulation 1013. The temporary period of discounted rent may be extended by mutual agreement at any time. Any agreement entered into pursuant to this regulation must permit the disaster victim, refugee, or temporarily-displaced tenant, to terminate the agreement during the temporary period on notice of no less than 30 days.

A rental agreement between a landlord and a disaster victim, then, must clearly state the time period that the landlord is accepting below-market rent and must allow for the landlord to raise the rent (and identify the amount that the rent will be raised) after that fixed period as she would otherwise be able to on a vacant unit pursuant to Costa-Hawkins and Regulation 1013. The regulation allows for the landlord and tenant to extend the period of discounted rent by mutual agreement and further allows the disaster victim to terminate the agreement with 30 days' notice. Lastly, should the Board adopt Resolution 20-xx, the provisions of Regulation 1017 will remain in effect for six months.

Unlike other Board rules, Regulation 1017(B) requires that the Board invoke its provisions by Resolution. Regulation 1017 further provides that a federal, state or local disaster must be declared by the appropriate government agency. On Monday, August 30, 2021, Governor Newsom declared a State of Emergency in Alpine, Amador, and Placer Counties due to the Caldor Fire, and President Biden issued a Major Disaster Declaration related to the fires the week prior. Thousands of people in Northern California continue to be displaced from their homes and are still in need of temporary housing as neither the extent of the damage nor the duration of the recovery is known at this time. The need for temporary housing is exacerbated by the COVID-19 global pandemic, which renders evacuation centers a less than ideal option for high-risk individuals.

Moreover, the civil unrest in Afghanistan has displaced thousands from that region in recent weeks. Regulation 1017(B)(2) specifically allows refugees to qualify for coverage under the regulation. The regulation uses the definition set forth in the United Nations 1951 Refugee Convention: "a person with a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it.'"

Board staff have received a call from a Berkeley landlord who has expressed interest in renting to Afghan refugees should any seek housing in the area. She is working with a local humanitarian organization that places refugees and has said she will utilize the arrangement set forth in Regulation 1017 should she be contacted by the organization and should the Board activate it.

**Conclusion:**

Regulation 1017 was adopted to allow landlords to provide housing to disaster victims and refugees fleeing conflict at a temporarily-reduced rental rate. Landlords have the choice as to whether they wish to provide below-market housing, but if they do, they will retain the right to

increase the rents to market if they indicate that they intend to do so in the lease agreement signed at the inception of the tenancy. Given the number of disaster victims displaced by the Northern California wildfires and the major civil unrest in Afghanistan, it would be helpful to give Berkeley landlords a viable option to provide temporary housing for them and still retain rights to market rate rents following the initial term. The IRA/AGA/Registration Committee reviewed this report at its meeting on September 8, 2021, and recommended the Board adopt this Resolution.

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

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

**Attachments:**

1. Rent Board Regulation 1017
2. Proposed Resolution 21-23

1017. Temporary Housing for Disaster Victims

(A) This regulation is intended to enable landlords to provide emergency housing to disaster victims, refugees, and tenants displaced by local emergencies without risk of suffering long-term financial disadvantage and to assist such displaced persons in finding temporary housing while coping with the effects of the disaster, refugee crisis, or temporary displacement.

(B) Upon being informed of the following the Board may, by resolution, invoke the provisions of this regulation; said resolution will remain in effect for six months unless either rescinded earlier or extended by the Board:

1. A federal, state, or local disaster has been declared by the appropriate governmental authority and persons displaced by the disaster ("disaster victims") may be in need of temporary housing in Berkeley.
2. A refugee crisis has emerged and displaced refugees may be in need of temporary housing in Berkeley. A refugee, as defined by the United Nations 1951 Refugee Convention and subsequent Protocol, is a person with a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it."
3. A tenant or group of tenants currently residing in Berkeley receives written certification by the Building Official, Fire Marshal, or their designee, that as a matter of public health and safety and/or as a matter of habitability, the tenant's rental unit is in such unsafe or unhealthy condition following a fire, earthquake, landslide, or similar local emergency that the tenant cannot or should not reside in the affected rental unit until it has been appropriately repaired.

(C) When the Board is not in session or is otherwise unavailable, the Executive Director, or his or her designee, may intervene on the Board's behalf without prior Board approval, to issue an order temporarily invoking the provisions of this regulation on a form provided by the Board. The order shall detail the nature of the disaster, refugee crisis, or local emergency, and the need for immediate action. The order shall have the same effect as the Board's invocation of the provisions of this regulation as outlined in Paragraph (B), and shall remain in effect until the Board next meets and is able to vote on the matter. The Executive Director or his or her designee shall notify the Board Chair and Vice Chair in writing that an Executive Order under this regulation was issued, and shall attach a copy to the communication.

(D) Notwithstanding any other provisions of these regulations, when a displaced tenant as outlined in section (B) of this regulation, and the landlord of the replacement unit agree in writing for the tenant to rent the unit temporarily at a below-market rental rate, the landlord

may increase the rent to market-level at the end of the temporary period provided that the agreement states the amount of rent that will be charged. The subsequent rent to be charged, as identified in the lease agreement, shall be treated as the initial rent for purposes of Regulation 1013. The temporary period of discounted rent may be extended by mutual agreement at any time. Any agreement entered into pursuant to this regulation must permit the disaster victim, refugee, or temporarily-displaced tenant, to terminate the agreement during the temporary period on notice of no less than 30 days.

[Effective: October 17, 2005; Amended February 22, 2016.]

## RESOLUTION 21-23

**ALLOWING LANDLORDS TO INVOKE THE PROVISIONS OF REGULATION 1017 TO OFFER BELOW-MARKET RATE RENTAL HOUSING TO DISASTER VICTIMS DISPLACED BY THE FIRES IN NORTHERN CALIFORNIA AND AFGHAN REFUGEES FLEEING POLITICAL UNREST WITHOUT RISK OF SUFFERING LONG-TERM FINANCIAL DISADVANTAGE**

WHEREAS, On Monday, August 30, 2021, Governor Newsom declared a State of Emergency in Alpine, Amador, and Placer Counties due to the Caldor Fire, and President Biden issued a Major Disaster Declaration related to the fires the week prior; and

WHEREAS, many Northern California residents continue to be displaced from their homes and are still in need of temporary housing as neither the extent of the damage nor the duration of the recovery is known at this time; and

WHEREAS, the need for temporary housing is exacerbated by the COVID-19 global pandemic, which renders evacuation centers a less than ideal option for high-risk individuals; and

WHEREAS, the civil unrest in Afghanistan has displaced thousands from that region in recent weeks; and

WHEREAS, thousands of homeowners and tenants (“disaster victims”) were displaced by these natural disasters and political unrest; and

WHEREAS, many of the disaster victims and refugees are still homeless or marginally housed and in need of temporary housing while their communities are being rebuilt; and

WHEREAS, the Board adopted Regulation 1017 in the wake of Hurricane Katrina in 2005 to allow landlords to rent to displaced national disaster victims at below-market rents without risk of suffering long-term financial disadvantage; and

WHEREAS, the Board amended Regulation 1017 on February 22, 2016, to permit landlords to rent to refugees displaced by political unrest and be covered by the terms set forth therein; and

WHEREAS, Regulation 1017 permits landlords to craft written rental agreements for disaster victims that provide a period of reduced rent and then raise the rent to market; and

WHEREAS, Regulation 1017 provides that landlords must identify the temporary period of reduced rent and the amount of rent to which it will be increased should the tenants remain in the unit; and

WHEREAS, Regulation 1017 allows the tenants to terminate the rental agreement with at least 30 days’ notice; and

WHEREAS, the Board must invoke the provisions of Regulation 1017; and

WHEREAS, there is currently an identifiable need for short-term, below-market housing to assist disaster victims and refugees; and



**RESOLUTION 21-23**

**ALLOWING LANDLORDS TO INVOKE THE PROVISIONS OF REGULATION 1017 TO OFFER BELOW-MARKET RATE RENTAL HOUSING TO DISASTER VICTIMS DISPLACED BY THE FIRES IN NORTHERN CALIFORNIA AND AFGHAN REFUGEES FLEEING POLITICAL UNREST WITHOUT RISK OF SUFFERING LONG-TERM FINANCIAL DISADVANTAGE (Page 2)**

WHEREAS, the Board has invoked the provisions of Regulation 1017 a number of times over the past several years under similar circumstances; and

WHEREAS, the IRA/AGA/Registration Committee voted to recommend that the full Board adopt this Resolution at its September 8, 2021 meeting; and

WHEREAS, Regulation 1017 is entirely voluntary, and landlords may choose to offer temporary, below-market rental housing if they wish;

NOW, THEREFORE BE IT RESOLVED that the City of Berkeley Rent Stabilization Board hereby invokes the provisions of Regulation 1017 to allow landlords to rent to disaster victims displaced by the fires in Northern California and to Afghan refugees fleeing political unrest at below-market rents without risk of suffering long-term financial disadvantage; and

BE IT FURTHER RESOLVED that the provisions of Regulation 1017 shall remain in effect for six months; and

BE IT FURTHER RESOLVED that the City of Berkeley Rent Stabilization Board may extend the invocation of Regulation 1017 at the end of this six-month period; and

BE IT FURTHER RESOLVED that the City of Berkeley Rent Stabilization encourages landlords to rent to displaced disaster victims and refugees at temporarily reduced rates as they have suffered greatly by the effects of these tragedies, and many are still in search of homes.

Dated: September 23, 2021

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

YES:

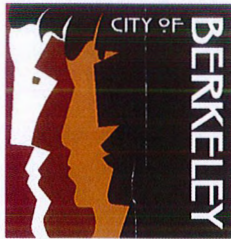
NO:

ABSTAIN:

ABSENT:

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


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



Rent Stabilization Board  
Office of the Executive Director

DATE: September 23, 2021

TO: Honorable Members of the Berkeley Rent Board

FROM: Honorable Members of the IRA/AGA/Registration Committee  
By: Matt Brown, Acting Executive Director 

SUBJECT: Recommendation to adopt Resolution 21-24 to support the Mayor's proposal to expand the Berkeley Fair Elections Program to include the Rent Board Commissioners

**Recommendation:**

That the Board adopt Resolution 21-24, support the Mayor's proposal to expand the Berkeley Fair Elections Program to include the Rent Board Commissioners. The IRA/AGA/Registration Committee reviewed this report at its meeting on September 8, 2021, and voted unanimously to recommend that the Board adopt this Resolution.

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

This proposal would simply adjust the Fair Elections Act (passed by Berkeley voters in November 2016) to have the same rules apply to Board Commissioners associated with public financing for elections that currently apply to the Council and Mayor. Please see the attached Council Item from September 14, 2021, for more information. This proposal has been initially adopted by the Council.

**Conclusion:**

The IRA/AGA/Registration Committee reviewed the mayor's report at its meeting on September 8, 2021, and unanimously recommended the Board adopt this Resolution.

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

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

Attachment:

1. Council report from Mayor Arreguin
2. Proposed Resolution 21-24



Office of the Mayor

CONSENT CALENDAR

September 14, 2021

To: Members of the City Council

From: Mayor Jesse Arreguin (Author), Vice Mayor Lori Droste, Councilmember Rashi Kesarwani, Councilmember Kate Harrison (Co-Sponsors)

Subject: Expansion of the Berkeley Fair Elections Program

RECOMMENDATION

Refer to the Fair Campaign Practices Commission (FCPC) to develop an ordinance to expand the Berkeley Fair Elections Program to include School Board Director, Rent Board Commissioner and City Auditor among the offices eligible to participate in the public financing program.

BACKGROUND

In November 2016 Berkeley voters approved Measure X1 by a vote of 65% Yes, 35% No. This measure amended the City Charter and Berkeley Election Reform Act to create a system of public funding of municipal election campaigns, called the Berkeley Fair Elections Act. The Fair Elections Act provides limited public matching funds to participating candidates who commit to raising small dollar donations from Berkeley residents.

The Fair Elections Act is currently available to candidates for City Council and Mayor. The program has worked as designed in both the 2018 and 2020 Berkeley elections, decreasing barriers to running for office and helping increase trust in government, as participating candidates are funded by small donations from Berkeley residents instead of relying on larger donations from individuals and wealthy interest groups.

The Fair Elections Act is currently funded, per Article III, Section 6.2 of the City Charter, with a specified amount every year. This amount was \$~~250~~500,000 in 2016 and is adjusted for inflation and population changes each year. The program was designed with funding sufficient to support all five City offices: Mayor, City Councilmember, School Board Director, Rent Board Commissioner, and City Auditor. However, the supporters of Measure X1, which included California Common Cause, MapLight, the NAACP, the ACLU, and other groups and citizens, decided to write the measure to implement the program for Mayor and Council first, starting in 2018, thus allowing the Council and the Berkeley Fair Campaign Practices Commission (FCPC) to expand the program to School Board, Rent Board, and Auditor later. This allowed the City the opportunity to launch the program and evaluate its effectiveness before expanding it to other offices.

Since launching the program in 2018, the City has been able to sufficiently budget funding for administration and matching funds, while also balancing other budget priorities. Additionally, numerous candidates have participated in the program, and the City has adjusted regulations and administration procedures to streamline implementation.

The City Council and FCPC can implement this expansion to School Board Director, Rent Board Commissioner, and City Auditor with the "double green light" process of amending the Berkeley Election Reform Act, as prescribed in Berkeley Municipal Code Section 2.12.051. This process requires a two-thirds vote of the Commission, followed by a two-thirds vote of the Council. By passing this referral today, the Council signals its strong support for expanding the program to these additional offices, to level the playing field, increase opportunities for residents to have a voice in our elections and reduce the impact of money in politics. The specific details of the expanded program would be developed and potentially passed by the Commission and then come to Council for review and potential approval.

#### FINANCIAL IMPLICATIONS

To be determined

#### ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

#### CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

#### Attachments:

- 1: BMC Chapter 2.12, Article 8. Berkeley Fair Elections Act of 2016
- 2: City of Berkeley campaign expenditures 2014-2020 for School Board, Rent Board, and Auditor

**RESOLUTION 21-24**

IN SUPPORT OF THE MAYOR'S PROPOSAL TO EXPAND THE BERKELEY FAIR ELECTIONS PROGRAM TO INCLUDE THE RENT BOARD COMMISSIONERS

WHEREAS, Mayor Arreguin submitted a proposal to adjust the Fair Elections Act (passed by Berkeley voters in November 2016) to have the same rules apply to Board Commissioners associated with public financing for elections that currently apply to the Council and Mayor; and

WHEREAS, Council considered and adopted this proposal at its September 14, 2021 meeting; and

WHEREAS, the IRA/AGA/Registration Committee reviewed the mayor's report at its meeting on September 8, 2021, and unanimously recommended the Board adopt this Resolution;

NOW, THEREFORE BE IT RESOLVED that the City of Berkeley Rent Stabilization Board hereby supports the Mayor's proposal to expand the Berkeley Fair Elections Program to include the Rent Board Commissioners.

Dated: September 23, 2021

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

YES:

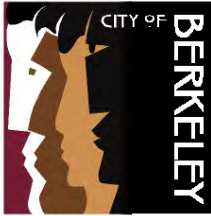
NO:

ABSTAIN:

ABSENT:

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

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



Rent Stabilization Board

Date: September 23, 2021

To: Honorable Members of the Rent Stabilization Board

From: Vice Chair Soli Alpert (Author), Chair Leah Simon-Weisberg (Co-Author),  
Commissioner Andy Kelley

Subject: Support Net Energy Metering

### RECOMMENDATION

Send the enclosed Resolution in support of Net Energy Metering and transmit copies to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC). The investor-owned utilities' proposal before the CPUC threatens access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike, thus interfering with Berkeley's and California's climate action and equity goals.

### BACKGROUND

Customers who install small solar, wind, biogas, and fuel cell generation facilities to serve all or a portion of onsite electricity needs are eligible for the state's Net Energy Metering (NEM) program. NEM allows customers who generate their own energy to serve their energy needs directly onsite and to receive a financial credit on their electric bills for any surplus energy fed back to their utility.

The current NEM program was adopted by the California Public Utilities Commission (CPUC) in Decision (D.)16-01-044 on January 28, 2016. The program provides customer-generators rate credits for energy exported to the grid and requires them to pay charges that align NEM customer costs more closely with non-NEM customer costs. NEM is designed to support the installation of customer-sited renewable energy generation.

Recently, the CPUC launched a formal proceeding to update the current NEM structure. The new rulemaking is referred to as NEM 3.0 because this is the third iteration of the NEM program. Over 17 proposals have been submitted to the CPUC for consideration, including joint proposal from the state's big three investor-owned utilities (IOUs), Pacific Gas & Electric, Southern California Edison and San Diego Gas & Electric. Opponents of the big three IOUs' joint proposal claim that it would hinder the state's highly successful rooftop solar market which is a key strategy in the state reaching its lofty clean energy and environmental goals.

Notably, the big three IOUs' joint proposal will directly interfere with the ability of tenants and property owners alike to benefit from a clean and increasingly affordable source of energy. This will make solar unaffordable for most people, right when just under half of all new solar is going

into working and middle class neighborhoods, serving both homeowners and renters.<sup>1</sup> Over 150,000 solar roofs serve customers in the CARE discount program.<sup>2</sup> This year, an additional 30,000 rental units serving more than 100,000 people at multifamily affordable housing projects are under development due to net metering, and another 200,000 families in affordable multi-family homes are projected to get solar by 2030.<sup>3</sup>

NEM 3.0 is currently progressing through the necessary steps at the CPUC as part of the rulemaking proceeding. While it would be premature at this time to advocate for one particular proposal of the over 17 submitted, the Berkeley Rent Stabilization Board should adopt the attached Resolution, which is general in nature but includes key goals and themes that are consistent with what the City of Berkeley has supported in the past.

These include:

- Protecting and expanding rooftop solar via a strong succeeding NEM tariff and expanding clean energy access by making it easier, not harder, for people to adopt rooftop solar and energy storage in order to meet California's ambitious clean energy targets and deploy solar in all communities and households, particularly those struggling to pay for electricity; and
- Expressing its support for the items as stated above, including urging the CPUC to:
  - (i) strengthen NEM to expand access to all households, particularly of low-and-moderate income;
  - (ii) expand access to other clean energy technologies that pair with solar, such as batteries;
  - (iii) ensure that the solar installations continue to grow in order to meet State and City climate goals; and
  - (iv) exclude provisions set forth in the IOU Proposal such as high monthly fixed fees and reducing or eliminating credits for sharing electricity with the power grid.

While the big three IOUs' plan and the solar and environmental advocates plan are largely in opposition, a consensus is emerging that a fair and effective rooftop solar policy must share its benefits with low-income and disadvantaged communities that have previously been left out.

#### FINANCIAL IMPLICATIONS

Limited staff time associated with sending a letter to designated recipients.

#### ENVIRONMENTAL SUSTAINABILITY

No direct identifiable environmental sustainability savings are associated with this item.

However, the passage of the IOUs' proposal is likely to squelch the deployment of rooftop-scale

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1 Neighborhood level adoption data: The Berkeley Lab: [Solar Demographics Tool](#) and [Income Trends among U.S. Residential Rooftop Solar Adopters](#)

2 CARE data

3 California DG Stats. <https://www.californiadgstats.ca.gov>.

solar and storage in the City of Berkeley, which would interfere with a key strategy in the realization of Berkeley's Climate Action goals.

CONTACT PERSON

Vice Chair Soli Alpert

RSBAlpert@cityofberkeley.info

Attachment:  
1: Resolution



**RESOLUTION 21-25**

**IN SUPPORT OF NET ENERGY METERING**

WHEREAS, Net Energy Metering (NEM) is designed to support the installation of customer-sited renewable energy generation; and

WHEREAS, NEM allows customers to receive bill credits for power generated by their solar system and shared with the power grid and ultimately save money on their utility bills; and

WHEREAS, NEM is what has allowed solar to become increasingly accessible to low- and moderate- income households; and

WHEREAS, the California Public Utilities Commission (CPUC) has launched a formal proceeding to update the current NEM structure to be introduced in 2022 as NEM 3.0 and a number of parties have submitted their proposal for what they believe NEM 3.0 should look like; and

WHEREAS, the California Investor Owned Utilities (IOUs), Pacific Gas and Electric, San Diego Gas & Electric and Southern California Edison, have submitted a joint proposal (the “IOU Proposal”) that calls for drastic changes to NEM that would make customer-sited renewable energy more expensive, increase the amount of time it takes for customers to pay off their systems, and ground to a halt the installation of distributed solar in California; and

WHEREAS, The IOU Proposal would make it impossible for customer-sited renewables to continue to grow sustainably as mandated by law as a result of high monthly fixed fees for all solar installations, and slashing credits customers receive for sharing their excess electricity with the power grid; and

WHEREAS, proposals submitted to CPUC by Protect Our Communities Foundation, California Solar & Storage Association, Vote Solar, GRID Alternatives, Solar Energy Industries Association, and others not only would encourage new solar adoption but also include additional subsidies for low income customers; and

WHEREAS, California cannot meet its clean energy targets in time with utility scale solar alone and needs to triple the amount of rooftop solar, as reported by the California Energy Commission 2021 SB 100 Joint Agency Report Summary; and

WHEREAS, protecting rooftop solar and expanding access to rooftop solar in communities of concern will help California as well as our own city to move toward 100 percent clean energy, lessen the impacts of the climate crisis, and reduce climate injustices from dirty energy; and

WHEREAS, we are in a climate crisis and need to make the transition to clean energy more accessible.

**RESOLUTION 21-25**

**IN SUPPORT OF NET ENERGY METERING**

(Page 2)

NOW THEREFORE, BE IT RESOLVED by the City of Berkeley Rent Stabilization Board that it supports protecting and expanding rooftop solar via a strong succeeding NEM tariff and expanding clean energy access by making it easier, not harder, for people to adopt rooftop solar and energy storage in order to meet California's ambitious clean energy targets and deploy solar in all communities and households, particularly those struggling to pay for electricity;

BE IT FURTHER RESOLVED that the Berkeley Rent Stabilization Board urges the CPUC to:

- (i) strengthen NEM to expand access to all households, particularly of low-and-moderate income;
- (ii) expand access to other clean energy technologies that pair with solar, such as batteries;
- (iii) ensure that the solar installations continue to grow in order to meet State and City climate goals; and
- (iv) exclude provisions set forth in the IOU Proposal such as high monthly fixed fees, and reducing or eliminating credits for sharing electricity with the power grid.

BE IT FURTHER RESOLVED that that copies of this Resolution shall be sent to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board.

Dated: September 23, 2021

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

YES:

NO:

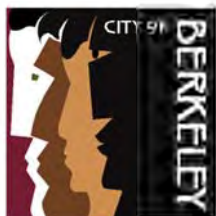
ABSTAIN:

ABSENT:

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Leah Simon-Weisberg, Chair  
Rent Stabilization Board

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



Rent Stabilization Board

# Rent Stabilization Board Regular Meeting Schedule

The Board's regular monthly meetings will be held as indicated below, *unless otherwise specified on our website*. The Board may also schedule Special Meetings or amend this regular meeting schedule as needed throughout the year.

**DAY:** Third Thursday of each month (\*except holidays)

**TIME:** 7:00 p.m.

**LOCATION:** **Virtual\*\***

\*\*All meetings of the Berkeley Rent Stabilization Board held during the COVID-19 State of Emergency period will be conducted exclusively through videoconference and teleconference per City of Berkeley Health Officer Orders.

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## 2021 Regular Meeting Dates

January 21

February 18

March 18

April 15

May 6 – *Rescheduled by Board vote on April 15*

June 17

July 15

August 19

September 23\*

October 21

November 18

December 16

*\*The September meeting date above is the fourth Thursday of the month because the third Thursday (September 16<sup>th</sup>) falls on Yom Kippur.*

Board meetings are open to the public. They are also televised live on Berkeley's Cable Channel 33, and broadcast live by KPFB radio station (89.3 FM). You can also watch Board meetings via live webcast. For more information and links to live webcasts, agendas and minutes of past meetings, please go to [www.cityofberkeley.info/rent/](http://www.cityofberkeley.info/rent/) and click on the “Elected Rent Board” button on our Home Page.

**Brown, Matthew (Matt)**

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**From:** Wu, Lynn  
**Sent:** Thursday, September 2, 2021 10:33 AM  
**To:** Brown, Matthew (Matt)  
**Subject:** Fw: possible violation of FCO at OPSA

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**From:** Law, Moni T. <MLaw@cityofberkeley.info>  
**Sent:** Friday, July 23, 2021 4:05 PM  
**To:** >  
**Cc:** Wu, Lynn <LWu@cityofberkeley.info>  
**Subject:** FW: possible violation of FCO at OPSA

I don't think I had a chance to forward you a copy of this letter that we received yesterday. The new board president is removing the illegal question. We did not reference the name of the potential applicant, so they do not know who filed the initial complaint.

Good news- the law is working.

Moni

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**From:** Jack Cousineau <jackopsa@protonmail.com>  
**Sent:** Thursday, July 22, 2021 3:37 PM  
**To:** Law, Moni T. <MLaw@cityofberkeley.info>  
**Subject:** possible violation of FCO at OPSA

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

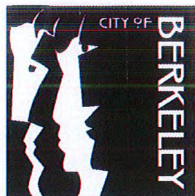
Dear Ms. Law,  
As a newly elected OPSA Board member, and the new president of the board, I immediately recognized the importance of the letter dated 07/14/21, re: Possible violation of the Fair Chance Ordinance...in your rental application, signed by Staff Attorney Lynn Wu.

I am taking immediate action, along with our manager, to assure that no application form that possibly violates the ordinance will be used going forward, and that any statement elicited in response to such a violation, if there be such, will be deleted before the application moves further through our process.

Thank you for letting us know.

Sincerely Jack Cousineau, OPSA Board President  
c/o Management at Oregon Park Senior Apartments  
1425 Oregon St.  
Berkeley, CA 94702  
Phone: 626-710-7915

Sent with [ProtonMail](#) Secure Email.



Rent Stabilization Board

July 14, 2021

Management at Oregon Park Senior Apartments  
1425 Oregon Street  
Berkeley, CA 94702

**Re: Possible violation of the Fair Chance Ordinance (Berkeley Municipal Code Section 13.106) in your Rental Application**

Dear Oregon Park Management:

The Berkeley City Council recently enacted the Ronald V. Dellums Fair Chance Access to Housing Ordinance (Berkeley Municipal Code Section 13.106). This legislation prohibits, in most cases, inquiring about or considering criminal history during the tenant selection process for rental housing. The City has contracted with the Rent Board to administer this ordinance.

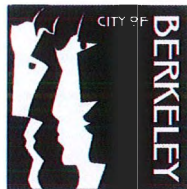
It has recently come to our attention that page 3 of your standard application contains a question "Have you ever been convicted of a felony?" This appears to expressly violate B.M.C. Section 13.106.040A, which specifically provides that "a Housing Provider shall not, at any time or by any means, whether direct or indirect, inquire about an Applicant's Criminal History, require an Applicant to disclose their Criminal History, require an Applicant to authorize the release of their Criminal History or, if such information is received, base an Adverse Action in whole or in part on an Applicant's Criminal History." There are exceptions to this prohibition, but it is not clear whether any exceptions apply to the units at Oregon Park Senior Apartments.

The Fair Chance Ordinance permits the City to issue an administrative citation to violators of the ordinance or bring an action seeking injunctive relief. The Ordinance also allows individuals to file a private right of action in a court of competent jurisdiction and potentially receive injunctive relief, as well as actual and statutory damages. We will advise members of the community who believe there has been a violation of the Ordinance, including if they believe they have suffered an adverse action, to exercise their rights accordingly. I urge you to review your rental application to ensure that you are not violating the Fair Chance Ordinance. Failure to do so may result in the imposition of monetary and injunctive awards in addition to costs associated with defending against a municipal or court action brought by an aggrieved applicant.

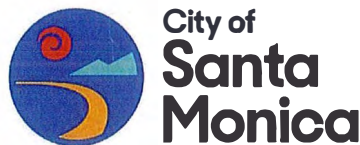
If you have questions about the Ordinance, you can contact Moni Law (510) 981-4906, [mlaw@cityofberkeley.info](mailto:mlaw@cityofberkeley.info)). Please keep in mind that our office cannot provide you with legal advice.

Sincerely,

Lynn Wu  
Staff Attorney



Rent Stabilization Board  
Office of the Executive Director



Santa Monica Rent Control Board  
Office of the Executive Director

August 24, 2021

Honorable Governor Gavin Newsom  
State Capitol  
Sacramento, CA 95814

**Re: Extension of Allowance for Fully Remote Meetings for all Public Meetings of Legislative Bodies**

Dear Honorable Governor Newsom,

We write to strongly urge you to extend the provisions articulated in Paragraph 42 of Executive Order N-08-21 related to the temporary suspension of Brown Act provisions requiring the physical presence of members of various legislative bodies at public meetings. As public entities with elected governing boards, we are deeply concerned about the potential expiration of the allowance for fully remote meetings at the end of September. Without an extension, our local legislative bodies – like most other public entities – will face the untenable challenge of attempting to conduct meetings accessible to the public while also complying with social distancing and other pandemic-related public health protections. Simply put, our facilities are not set up to allow for safe congregation of elected officials and members of the public during a time when COVID-19 viral transmission remains such a concern.

Current viral community spread has given rise to health concerns for both vaccinated and unvaccinated members of the public alike. If we were to go back to in-person public meetings in October, we will be putting members of our community at risk. Moreover, we face challenges regarding setting up a hybrid system of on-site and remote participation that will be technologically challenging. Without going into too much detail, we are not currently set up to hold all public meetings both in-person and with significant remote participation. We have received overwhelmingly positive feedback from the public regarding their ability to participate in meetings since you granted the ability to hold them remotely during this public health crisis. Berkeley and Santa Monica remain committed to encouraging both public participation *and* public health safety.

We understand that Assemblymember Robert Rivas has introduced Assembly Bill 361 which would permit local jurisdictions to allow teleconferencing of public meetings during times when those cities make a determination that meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency. We encourage you to support this bill,

Request to Governor Newsom to extend provisions of Executive Order N-08-21  
August 24, 2021  
Page 2

but unless this legislation becomes operational before October 1, 2021, there will be a period where we will be required to gather unsafely.

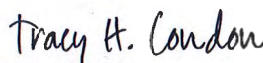
**Please consider extending the temporary suspension of Brown Act provisions requiring the physical presence of members of various legislative bodies at public meetings from September 30, 2021 to at least December 31, 2021.** We continue to believe that this is the safest way to encourage public participation while protecting those who are elected to serve and those from the public who choose to participate.

Thank you for your consideration of this matter, and thank you for your exceptional leadership during this public health crisis. Please contact our lobbyist, Brian Augusta, if you have any questions.

Very truly yours,

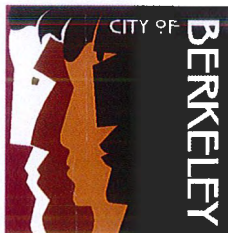
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Matt Brown  
General Counsel/Acting Executive Director  
Berkeley Rent Board

DocuSigned by:  
  
ECC72B3A2E76404...

Tracy Condon  
Executive Director  
Santa Monica Rent Control Board

cc: Honorable Robert Rivas, Assemblymember, 30<sup>th</sup> Assembly District  
Honorable Berkeley Mayor Jesse Arreguin and City Councilmembers  
Honorable Santa Monica Mayor Sue Himmelrich and City Councilmembers



Rent Stabilization Board

DATE: September 23, 2021

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Matthew Siegel, Staff Attorney *MS*

SUBJECT: Report regarding COVID-related state financial assistance and eviction numbers for the City of Berkeley

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The Board chair has requested an update on eviction data as of March 2020 in addition to an update on tenant relief funding via the federal Emergency Rental Assistance Program.

### **Eviction Data**

In response to COVID-19, Berkeley declared a state of emergency effective March 3, 2020 and the City has been under various Berkeley Health Officer Orders since March 16, 2020. The City passed an eviction moratorium on March 17, 2020, prohibiting all evictions except those filed under the Ellis Act and those necessary for the health and safety of residents (B.M.C. 13.110 et.seq.)

Pursuant to Rent Board Regulation 1312, landlords must file with the Board copies of eviction notices and copies of eviction lawsuits within ten days of service on the tenant. The agency enters notices and lawsuits into a database for reporting purposes. It should be noted that there may be actual notices and lawsuits served on tenants that the Board is not aware of since they have not been filed with the agency.

Since March 16, 2020, the Board has received one hundred sixty-six (166) eviction notices. Of this number 133 are for non-payment of rent, 25 are for lease violations, six are categorized as “nuisance” and two are Ellis Bill evictions.

It should be noted that the Board’s database does not differentiate between “notices” and “lawsuits,” thus, at this time it is not possible to discern how many eviction lawsuits (“Unlawful Detainers”) have been filed with the agency.<sup>1</sup> However, staff has reached out to the eviction defense providers the City contracts with for data. The Eviction Defense Center believes that since March 2020 they have represented between ten and fifteen Berkeley tenants; all alleging health and safety concerns as the basis for the eviction. According to the EDC, none of these

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<sup>1</sup> Moving forward with our new 3DI system, staff will be able to differentiate between notices and lawsuits.



cases have gone to trial, several have been dismissed and the remainder are still on calendar. At the time of this report we have not yet heard back from the East Bay Community Law Center. Broken down by month the notices filed are as follows:

3/16/20-3/31/20: 15	January 2021: 12
April 2020: 17	February 2021: 3
May 2020: 2	March 2021: 14
June 2020: 5	April 2021: 9
July 2020: 2	May 2021: 8
August 2020: 2	June 2021: 6
September 2020: 4	July 2021: 8
October 2020: 6	August 2021: 9
November 2020: 24	September to date: 4
December 2020: 16	

### **Alameda County Housing Secure**

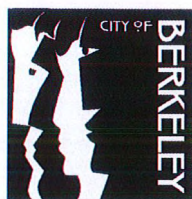
In response to COVID-19, the federal government enacted the Federal Emergency Rental Assistance Program allocating funding to the states to provide rent relief to eligible tenants. Alameda County runs their portion of the program via Alameda County Housing Secure, a collaborative of legal service providers that have partnered to process rent relief to eligible county residents.

According to the Alameda County Housing Secure website, Berkeley has received \$2,963,707 in funding. As a comparison, Alameda has received 1.3 million in funding; Albany just under \$750,000 in funding and Emeryville just over \$750,000 in funding.

Additional funding is available via the state's program, "Housing is Key," but local Berkeley data is not available from their website.

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

Matthew Siegel, Staff Attorney (510) 981-7368



**Rent Stabilization Board  
Chair of the Board**

August 9, 2021

Jenny Wong, Berkeley City Auditor  
2180 Milvia Street  
Berkeley, CA 94704

**Re: Potential Audit of the Berkeley Rent Board**

Dear Ms. Wong,

As Chair of the elected Berkeley Rent Board, I write to request that your office place the Rent Board on your list of agencies to be audited during the 2021-2022 fiscal year. It is my understanding that the Auditor's Office has not conducted a formal audit of our agency in quite some time. We believe that a fair and impartial review of our systems and structure will benefit both the Board's staff and its elected Commissioners.

Berkeley has changed a great deal over the last 20 years, and we have, unfortunately, lost much of this city's diversity. The Board was established to promote affordability and discourage displacement of Berkeley's most vulnerable populations. Our goal remains to foster stability throughout the community so that all residents are able to enjoy safe and decent housing as both state and local law requires. We understand that a community benefits from strong policies that encourage neighborhood stability. I believe an audit conducted by your office will greatly benefit us – we strive to provide the best and most efficient service to the community.

I think you will find that our program offers a great service to the community and look forward to working with my fellow Commissioners and staff to improve our services.

Please let me know if and when you might be able to attend a Board meeting and discuss this matter with the rest of the Commissioners. We generally meet the third Thursday of every month – I would be happy to schedule a presentation from you when you are available.

Thank you for your consideration of this matter. Please let me know if you would like to discuss this further.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Leah Simon-Weisberg".

Leah Simon-Weisberg  
Rent Board Chair



Rent Stabilization Board

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

**Tuesday, August 31, 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://us06web.zoom.us/j/83558352206?pwd=ZE1PVdhhVVMQ1TkJPWl8rMCttczVpZz09>. 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: 835 5835 2206 and Passcode: 147488. 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, August 31, 2021 – 5:00 p.m.**

**AGENDA**

1. Roll Call
2. Approval of Agenda
3. Public Comment
4. **CLOSED SESSION:** Pursuant to Government Code Section 54957(b)(1), the Committee will convene in closed session for discussion and possible action related to appointment and employment of the Board's General Counsel position
5. 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**  
**EVICITION / SECTION 8 / FORECLOSURE COMMITTEE MEETING**

**Thursday, July 29, 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://us06web.zoom.us/j/81341230557?pwd=V0l6U1FQeTJJWXZDckhVZEpVbHpGUT09>. 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: 813 4123 0557 and Passcode: 252922. 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**  
**EVICTION / SECTION 8 / FORECLOSURE COMMITTEE MEETING**

**Thursday, July 29, 2021 – 5:30 p.m.**

**AGENDA**

1. Roll call
2. Approval of the Agenda
3. Approval of Minutes of the May 13, 2021 meeting
4. Public Comment
5. Discussion and possible action on Ellis Act Report
6. Discussion and possible action on Distressed Properties Report
7. Discussion and possible action on invitation to BHA
8. Future Agenda Items
9. Confirm next meeting date (Commissioners: please bring calendars to meeting)
10. Adjournment

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

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



Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**IRA / AGA / REGISTRATION COMMITTEE MEETING**

**Wednesday, July 28, 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 **IRA / AGA / Registration 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://us06web.zoom.us/j/86550588046?pwd=ZzFWbzBPWHB3Y0oyNjRLZG1xK2hTZz09>. 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: 865 5058 8046 and Passcode: 268231. 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 IRA/AGA 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**  
**IRA / AGA / REGISTRATION COMMITTEE MEETING**

**Wednesday, July 28, 2021 – 5:00 p.m.**

**AGENDA**

1. Roll call
2. Approval of the agenda
3. Approval of Minutes from the April 6, 2021 IRA/AGA/Registration Committee Meeting (Attached)
4. Public Comment
5. Discussion and Possible Action regarding proposal to mandate disclosure of rent control protections in leases (See attached staff report)
6. Discussion and Possible Action regarding amending Regulation 503 to remove sunset language (See attached staff report)
7. Discussion and possible action regarding hiring an outside consultant to draft a report for the Board regarding the rent control impacts of Council's "Initiation of Public Process and Zoning Concepts for 2023-2031 Housing Element Update" and any other potential demolition or land use issues (Chair Simon-Weisberg)
8. Discussion and possible action regarding future agenda items
  - ➔ Tenant Occupancy Limits (Commissioner Johnson)
  - ➔ General Plan update in two years (Committee Chair Kelley)
9. Confirm next meeting date
10. Adjournment

**STAFF CONTACT: Matt Brown, Acting Executive Director (510) 981-4930**

COMMITTEE: Soli Alpert, Xavier Johnson, Andy Kelley (Chair), Leah Simon-Weisberg





Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**IRA / AGA / REGISTRATION COMMITTEE MEETING**

**Wednesday, September 8, 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 **IRA / AGA / Registration 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://us06web.zoom.us/j/83501124799?pwd=MkNoOVF6aCtDY1kza2ZaZk1oOHY3UT09>. 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: 835 0112 4799 and Passcode: 856421. 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 IRA/AGA 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**  
**IRA / AGA / REGISTRATION COMMITTEE MEETING**

**Wednesday, September 8, 2021 – 5:00 p.m.**

**AGENDA**

1. Roll call
2. Approval of the agenda
3. Approval of Minutes from the July 28, 2021 IRA/AGA/Registration Committee Meeting (Attached)
4. Public Comment
5. Discussion and Possible Action to consider recommending that the full Board support the Mayor's proposal to expand the Berkeley Fair Elections Program to include the Rent Board Commissioners (See attached Council report from Mayor Arreguin)
6. Discussion and Possible Action to recommend that the Board adopt Resolution 21-xx allowing landlords to use Regulation 1017 to provide temporary, below-market rental housing in Berkeley to disaster victims displaced by wildfires throughout California and to refugees displaced by political unrest in Afghanistan (See attached staff report)
7. Discussion and possible action regarding future agenda items
  - ➔ Tenant Occupancy Limits (Commissioner Johnson)
  - ➔ General Plan update in two years (Committee Chair Kelley)
  - ➔ Potential items for 2022 ballot regarding Rent Ordinance Amendments
  - ➔ Potential Measure MM clean-up language
8. Confirm next meeting date
9. Adjournment

**STAFF CONTACT: Matt Brown, Acting Executive Director (510) 981-4930**

COMMITTEE: Soli Alpert, Xavier Johnson, Andy Kelley (Chair), Leah Simon-Weisberg



**RENT STABILIZATION BOARD  
OUTREACH COMMITTEE MEETING**

**Wednesday, July 21, 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://us06web.zoom.us/j/81940482696?pwd=eUtDSUxNanRpTTZ4S3NTblc5ODlxdz09>. 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: 819 4048 2696 and Passcode: 377787. 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.**

Please be mindful that this will be a public meeting and all other 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  
OUTREACH COMMITTEE MEETING**

**Wednesday, July 21, 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 June 16, 2021 Meeting (5 min)
4. Public Comment (5 min)
5. Tenant Survey (Staff Updates) (10 min)
  - A. Project Timeline (See Attached)
  - B. Contract Update – Dr. Barton Contract and RFP Process
6. Website Redesign Report (Staff, Jen Fabish) (20 min)
7. Fair Chance Ordinance Status (5 min)
8. Cal Student Outreach (Intern, Issabella Romo) (5 min)
9. Staff Report: Recent and Upcoming Webinars, Workshops (5 min)
10. Schedule Next Meeting Date (2 min)
11. Future Agenda Items (5 min)
12. 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  
OUTREACH COMMITTEE MEETING**

**Wednesday, September 15, 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 **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://us06web.zoom.us/j/87002886857?pwd=cHpCYzZMbjJvam1TMTI4Y2hVYytYQT09>. 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: 870 0288 6857 and Passcode: 493431. 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 3:00 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 other 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  
OUTREACH COMMITTEE MEETING**

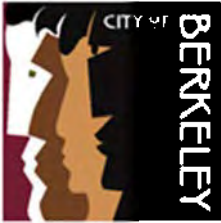
**Wednesday, September 15, 2021 – 5:00 p.m.**

**AGENDA**

1. Roll call (2 min)
2. Approval of the Agenda (2 min)
3. Approval of the Minutes of the July 21, 2021 Meeting (5 min)
4. Public Comment (5 min)
5. Tenant Survey (Staff Update) (5 min)
6. Website Redesign Update (10 min)
7. Fair Chance Ordinance Status: Hearings, Just Cities (10 min)
8. Eviction/COVID-19 Relief (10 min)
9. Staff Report: Recent and Upcoming Webinars, Workshops (5 min)
10. Schedule Next Meeting Date (2 min)
11. Future Agenda Items (5 min)
12. 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



4x4 Committee on Housing  
City Council and Rent Board

## 4 X 4 JOINT COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD

Wednesday, September 22, 2021 – 3:00 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 Council and Rent Stabilization Board's **4 x 4 Joint Committee on Housing** (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://us06web.zoom.us/j/86898605916?pwd=aTh1QW85cXI5QVhYK2MwSGVQb0NvUT09>. 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: 868 9860 5916 and Passcode: 328474. 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 [btran@cityofberkeley.info](mailto:btran@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 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 1:00 p.m. on the day of the Committee meeting in order to be included.**

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4x4 Committee on Housing  
City Council and Rent Board

## **AGENDA**

### **4 X 4 JOINT COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD**

**Wednesday, September 22, 2021 – 3:00 p.m.**

1. Roll Call
2. Approval of the Agenda
3. Public Comment on Non-Agenda Matters
4. Approval of June 23, 2021 Committee Meeting Minutes
5. Update on Fair Chance Ordinance Implementation and Notification (Rent Board and City Attorney)
6. Update on Source of Income Discrimination Ordinance Implementation (City Attorney and Mayor's Office)
7. Quick Updates on Previously Discussed Items
  - a. Amendments to the Demolition Ordinance
  - b. Measure MM Registration
8. Discussion of Possible Future Agenda Items
9. Adjournment

#### **COMMITTEE MEMBERS:**

Mayor Jesse Arreguín

City Councilmember Kate Harrison

City Councilmember Rigel Robinson

City Councilmember Terry Taplin

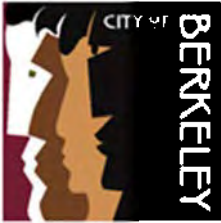
Rent Board Chairperson Leah Simon-Weisberg

Rent Board Vice-Chairperson Soli Alpert

Rent Board Commissioner Xavier Johnson

Rent Board Commissioner Andy Kelley





4x4 Committee on Housing  
City Council and Rent Board

Item 4.

## 4 X 4 JOINT COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD

Wednesday, June 23, 2021 – 3:00 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 Council and Rent Stabilization Board's **4 x 4 Joint Committee on Housing** (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.**

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4x4 Committee on Housing  
City Council and Rent Board

## 4 X 4 JOINT COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD

Wednesday, June 23, 2021 – 3:00 p.m.

### Minutes To Be Approved

1. Roll Call: RB Chair Simon-Weisberg called the meeting to order at 3:04 p.m.  
Present: RBC Alpert, Mayor Arreguín (logged on at 3:45 p.m.), CM Harrison, RBC Kelley (logged on at 3:44 p.m.), CM Robinson, RB Chair Simon-Weisberg, RBC Walker (substitute for RBC Johnson).  
Absent: CM Taplin.  
Staff present: Matt Brown, Angie Chen, Brendan Darrow, Jen Fabish, J.T. Harechmak, Allison Pretto, Matthew Siegel, Be Tran, Lisa Warhuus, Lynn Wu.
2. Approval of the Agenda: M/S/C (Simon-Weisberg/Harrison) Hear the items in the following order: Item 4, Item 7, Item 8, Item 5, and Item 6. Roll call vote. YES: Alpert, Harrison, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Arreguín, Kelley. Carried: 6-0-0-2.
3. Public Comment on Non-Agenda Matters: None.
4. Approval of May 4, 2021 Committee Meeting Minutes: M/S/C (Robinson/Harrison) Approve the minutes as written. Roll call vote. YES: Alpert, Harrison, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Arreguín, Kelley. Carried: 6-0-0-2.
5. Assessment of the Effectiveness of Berkeley's COVID-19 Rental Forgiveness Program and Planning for Future Reopening (RBC Johnson): Deferred due to RBC Johnson's absence, and pending state action on the state eviction moratorium.
6. Discuss Eviction Moratorium (Mayor Arreguín): The committee discussed the status of the state and local eviction moratoriums with input from Brendan Darrow of the City Attorney's Office. Director of Health, Housing, and Community Services Lisa Warhuus updated the committee on Berkeley's housing retention grant program and the Eviction Defense Center's work administering the program.

No public speakers.

7. Discuss the Practice Around Rental Lease Co-Signers for Cal Students (Chair Simon-Weisberg): The committee's discussion included requirements for parents to be lease co-signers, situations where landlords refuse to rent to students if they want/need to have a co-signer, and income requirements. RBC Alpert with work with CM Harrison to identify a set of issues and questions, and CM Harrison will refer them to the City Attorney for exploration.

No public speakers.

8. Quick Updates on Previously Discussed Items
  - a. Measure MM Registration: Rent Board Registration Unit Manager Allison Pretto updated the committee on the status of Measure MM billing and collections. She and Rent Board Acting Executive Director responded to questions. RB Chair Simon-Weisberg and CM Harrison will identify metrics which they would like additional reporting on at the September meeting.
  - b. Amendments to the Demolition Ordinance: Mayor Arreguín with check in with interim Planning Director Jordan Klein on the status of the amendments.
9. Discussion of Possible Future Agenda Items: Measure MM Update (September meeting); Tenant Habitability Plan (September meeting); Demolition Ordinance Amendments (July meeting if there are updates).
10. Adjournment: M/S/C (Harrison/Alpert) Motion to adjourn. Roll call vote. YES: Alpert, Arreguín, Harrison, Kelley, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Taplin. Carried: 7-0-0-1.

The meeting adjourned at 4:25 p.m.

COMMITTEE MEMBERS:

Mayor Jesse Arreguín	Rent Board Chairperson Leah Simon-Weisberg
City Councilmember Kate Harrison	Rent Board Vice-Chairperson Soli Alpert
City Councilmember Rigel Robinson	Rent Board Commissioner Xavier Johnson
City Councilmember Terry Taplin	Rent Board Commissioner Andy Kelley