



RENT STABILIZATION BOARD
Regular Meeting
Thursday, March 18, 2021
7:00 p.m.

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://zoom.us/j/97466721904?pwd=UERxTHhJbHF3NjNzQWlUkRiNElMdz09>. 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: 974 6672 1904 and Passcode: 540475. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit an e-mail comment to be read aloud during public comment, email amueller@cityofberkeley.info with the Subject Line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

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.

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AGENDA

*Times allotted for each item are approximate and may be changed at the Board's discretion during the course of this meeting.

1. **Roll call** – 1 min.*
2. **Approval of Agenda** – 1 min.*
3. **Public Comment** – 2 min. per speaker for *non*-agendized items*
4. **CONSENT ITEMS** – 1 min.*
 - a. Approval of the February 18th regular meeting minutes
 - b. 2021 Committee Assignments (Chair Simon-Weisberg)
5. **Public Comment** – 2 min. per speaker for **agendized** items*
6. **ACTION ITEMS**
 - a. From Board Members, Committees, and Executive Director
 - (1) Recommendation to adopt proposed amendments to Regulation 1013 on first reading (IRA/AGA/Registration Committee and Acting Executive Director) – 10 min.*
 - (2) Recommendation to send a letter to Council with the Board's comments, suggestions and concerns about the proposed fourplex zoning proposal (IRA/AGA/Registration Committee) – 10 min.*
 - (3) Recommendation that the Chair disband the Habitable and Sustainable Housing Committee (HASH) (Chair Simon-Weisberg and Acting Executive Director) – 5 min.*
 - (4) Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Acting Executive Director and Registration Unit Supervisor) – 10 min.*

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
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4932	1434 6 th Street
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Ministerial Waivers, Cont'd

<u>Waiver No.</u>	<u>Property Address</u>
4948	1322 Curtis Street
4950	1569 Arch Street
4951	1802 Cedar Street
4953	1441 Oxford Street
4954	1615 McGee Avenue

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4942	1418 67 th Street
4945	1528 Alcatraz Avenue
4946	2756 Acton Street
4955	1934 Stuart Street
4956	2905 King Street
4957	2922 Dohr Street

7. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

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

a. Reports from Board Members/Staff

- (1) Update on the Measure MM implementation (Acting Executive Director) – 10 min.*
- (2) Deadline to electronically file Annual Statement of Economic Interests (Form 700) is Thursday, April 1, 2021 (Acting Executive Director) – 2 min.*
- (3) Update on recent/upcoming Rent Board outreach events (Acting Executive Director) – 3 min.*
 - a. Tuesday, March 9, 2021 (10:00 - 11:30 AM) – Rent Control Basics, Eviction Moratorium, COVID-19, and Measure MM webinar presented to Red Oak Realty
 - b. [Wednesday, March 24, 2021 \(10:00 - 11:30 AM\) – Security Deposits: Rights and Responsibilities webinar](#)
 - c. [Wednesday, April 7, 2021 \(10:00 - 11:30 AM\) – Buying and Selling Rental Property in Berkeley webinar](#)
- (4) February 17, 2021 *Berkeleyside* article by John Metcalfe titled, "Berkeley may get rid of single-family zoning as a way to correct the arc of its ugly housing history" (Commissioner Laverde) – 1 min.*
<https://www.berkeleyside.com/2021/02/17/berkeley-may-get-rid-of-single-family->

[zoning-as-a-way-to-correct-the-arc-of-its-ugly-housing-history](#)

- (5) February 18, 2021 *The Daily Californian* article by Annika Rao titled, “‘A new standard’: Berkeley City Council hears quadplex zoning proposal” (Commissioner Laverde) – 1 min.*
<https://www.dailycal.org/2021/02/18/a-new-standard-berkeley-city-council-hears-quadplex-zoning-proposal/>
- (6) February 19, 2021 *The Daily Californian* Editorial Board article titled, “Berkeley housing reforms should actively support communities most harmed by past injustice” (Commissioner Laverde) – 1 min.*
<https://www.dailycal.org/2021/02/19/berkeley-housing-reforms-should-actively-support-communities-most-harmed-by-past-injustice/>
- (7) February 22, 2021 message from UC Berkeley Chancellor Carol Christ to all UC Berkeley students titled, “An update from Chancellor Christ on two UC Berkeley student housing projects” (Commissioner Laverde) – 1 min.*
<https://news.berkeley.edu/2021/02/22/an-update-from-chancellor-christ-on-two-uc-berkeley-student-housing-projects/>
- (8) February 24, 2021 *Berkeleyside* article by Supriya Yelimeli titled, “Berkeley denounces racist history of single-family zoning, begins 2-year process to change general plan” (Commissioner Laverde) – 1 min.*
<https://www.berkeleyside.com/2021/02/24/berkeley-denounces-racist-history-of-single-family-zoning-begins-2-year-process-to-change-general-plan>
- (9) February 24, 2021 *Los Angeles Times* article by D. Victoria Baranetsky titled, “Op-Ed: You should have the right to know your landlord’s name” (Commissioners Chang, Laverde & Mendonca) – 1 min.*
<https://www.latimes.com/opinion/story/2021-02-24/rental-housing-shell-companies-landlords>
- (10) March 3, 2021 *The Brookings Institution* article by Jenny Schuetz titled, “Four lessons from a year of pandemic housing policies” (Commissioner Laverde) – 1 min.*
<https://www.brookings.edu/blog/the-avenue/2021/03/03/four-lessons-from-a-year-of-pandemic-housing-policies/>
- (11) March 3, 2021 *The Davis Vanguard* article by Koda Slingluff titled, “Uncertainty for Student Families in Berkeley’s University Village” (Commissioner Laverde) – 1 min.*
<https://www.davisvanguard.org/2021/03/uncertainty-for-student-families-in-berkeleys-university-village/>
- (12) March 7, 2021 *The Berkeley Daily Planet* editorial by Becky O’Malley titled, “Why the Droste Resolution is Bad History, Bad Planning and Bad for Berkeley” (Commissioner Laverde) – 1 min.*
<https://www.berkeleydailyplanet.com/issue/2021-03->

[07/article/49038?headline=Why-the-Droste-Resolution-is-Bad-History-Bad-Planning-and-Bad-for-Berkeley--Becky-O-Malley](https://www.berkeleysdb.org/07/article/49038?headline=Why-the-Droste-Resolution-is-Bad-History-Bad-Planning-and-Bad-for-Berkeley--Becky-O-Malley)

(13) Date to submit agenda topics/items for the April 15, 2021 Rent Board meeting:
Monday, April 5th

8. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – 5 min.*
 - (1) February 25th agenda
- b. Eviction/Section 8/Foreclosure – 5 min.*
 - (1) March 11th agenda
- c. Habitable & Sustainable Housing (HASH) – 3 min.*
- d. IRA/AGA/Registration – 5 min.*
 - (1) March 2nd agenda
- e. Outreach – 5 min.*
 - (1) March 10th meeting – *Cancelled*
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District – 3 min.*
- g. 4 x 4 Joint Committee on Housing: City Council/Rent Board – 10 min.*
 - (1) February 24th agenda packet
 - (2) March 10th agenda packet

Next meeting date: Wednesday, April 28th at 3:00 p.m.
- h. Ad Hoc Committee on RSB Technology Issues – 3 min.*
- i. Updates and Announcements – 3 min.*
- j. Discussion of items for possible placement on future agenda – 3 min.*

9. SPECIAL PRESENTATION – Executive Director Transition Focus: Consultant Report by Keren Stashower, The Centre for Organization Effectiveness

At this point, the Board will adjourn to reconvene in closed session. Following their return to open session, the Chair will publicly announce any reportable action taken.

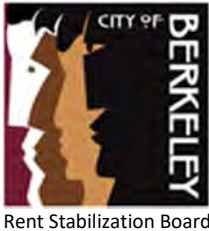
- 10. CLOSED SESSION** – Pursuant to California Government Code Section 54957(b)(1), the Board will convene in closed session as follows:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Acting Executive Director

11. 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.



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RENT STABILIZATION BOARD
Regular Meeting
Thursday, February 18, 2021
7:00 p.m.

Regular Meeting Minutes - Unapproved

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:01 p.m.
Aimee Mueller called the roll.
Commissioners present: Alpert, Chang (arrived at 9:15 p.m.), Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg.
Commissioners Absent: None.
Staff present: Brown, Bursell, Byrnes, Law (in audience), Mueller, Pretto, Siegel, Wu.
2. **Approval of Agenda** – M/S/C (Johnson/Laverde) MOVE THE AGENDA AS WRITTEN.
Friendly amendment by Alpert (accepted): MOVE ITEM 7.a.(2) TO CONSENT. Roll call vote. YES: Alpert, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.
3. **Public Comment (for items not on the agenda)** – There were two speakers. Anne T. Omura, Executive Director of the Eviction Defense Center (EDC), thanked the Board for amending their contract to allow EDC to expand their anti-displacement work through the Housing Retention grant program. Matthew Lewis spoke about the Tenant Opportunity to Purchase Act (TOPA) and the new zoning law City Council is considering.
4. **CONSENT ITEMS**

Item 7.a.(2) was moved to Consent by an earlier vote of the Board.

- a. Approval of the January 21st regular meeting minutes

M/S/C (Selawsky/Laverde) MOTION TO MOVE CONSENT ITEMS, INCLUDING ITEM 7.a.(2). Roll call vote. YES: Alpert, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.

5. **SPECIAL PRESENTATION:** Honorary Resolution 21-02 to be presented to Gus Newport, former City of Berkeley mayor, in honor of Black History Month.

Following an introduction by Commissioner Laverde, Commissioner Mendonca read aloud Resolution 21-02 in recognition of former Berkeley Mayor Gus Newport.

M/S/C (Laverde/Mendonca) MOTION TO ADOPT RESOLUTION 21-02. Roll call vote. YES: Alpert, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.

6. **Public Comment (for agenda items)** – There were five speakers. Moni T. Law, Veronika Fukson, Frank Polizzi, Councilmember Max Anderson, and Matthew Lewis spoke in recognition of Gus Newport's work and legacy.

7. ACTION ITEMS

Item 7.a.(2) was moved to Consent by an earlier vote of the Board.

a. From Board Members, Committees, and Executive Director

- (1) Discussion and possible action regarding Mid-Fiscal Year Budget Report and recommendation to adopt Resolution 21-01 which would adjust the staffing model to add a permanent Community Services Specialist II (Housing Counselor) to the Public Information Unit (Acting Executive Director and Budget & Personnel Committee)

M/S/C (Alpert/Kelley) MOVE THE RECOMMENDATION OF THE BUDGET & PERSONNEL COMMITTEE TO ADOPT RESOLUTION 21-01 AS WRITTEN. Roll call vote. YES: Alpert, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.

- (2) Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Acting Executive Director)

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4931	1520 Woolsey Street
4935	2317 Le Conte Avenue
4936	1327 Haskell Street
4938	1412 Kains Avenue
4939	2411 6 th Street

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4933	1819 9 th Street
4937	1232 Ashby Avenue

ITEM 7.a.(2) WAS MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

8. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

The items below were each mentioned or briefly discussed. Underlined items have additional comments.

a. Reports from Board Members/Staff

- (1) Update on the Registration Unit's January billing of penalties for late or unpaid registration fees (Acting Executive Director) – The Acting Executive Director and Registration Unit Supervisor updated the Board on the status of the January penalty billing.

- (2) Measure MM implementation update (Acting Executive Director) – The Public Information and Registration Unit Supervisors gave a PowerPoint presentation on Measure MM implementation and answered questions from the Board.
 - a. February 2021 Measure MM mailing to 1,675 owners of rental properties subject to Measure MM
 - b. [New Rent Board Registration webpage](#) – Information for all types of registration
 - c. [New Measure MM Registration webpage](#)
 - d. [New Fully-Covered Rental Registration webpage](#)
- (3) Update on SB 91 Fact Sheet [COVID-19 relief: tenancy; federal rental assistance] (Acting Executive Director & Legal Staff)
- (4) Update on recent Rent Board outreach events (Acting Executive Director)
 - a. February 17th COVID-19 Update Webinar (10:00 - 11:30 a.m.)
- (5) [Discounted Rent offer information on the Rent Board website](#) (IRA/AGA/Registration Committee)
- (6) January 31, 2021 *San Francisco Chronicle* article by Tatiana Sanchez, Catherine Ho and Mallory Moench titled, “California says equity is vital for vaccine distribution. But data is almost nonexistent” (Commissioner Chang)
<https://www.sfchronicle.com/bayarea/article/California-says-equity-is-vital-for-vaccine-15910955.php>
- (7) Date to submit agenda topics for March 18, 2021 Rent Board meeting: Monday, March 8th

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Committee Chair Selawsky reported that the Committee’s next meeting is next week and asked members to submit any agenda items.
 - (1) January 28th agenda
- b. Eviction/Section 8/Foreclosure – Committee Chair Mendonca reported that the Committee is creating its workplan.
 - (1) February 11th agenda

- c. Habitable & Sustainable Housing (HASH)
- d. IRA/AGA/Registration – Committee Chair Kelley reported that the Committee will be looking at the new zoning ordinance being considered by City Council.

(1) February 9th agenda

- e. Outreach – Committee Chair Laverde reported that the Committee is discussing the tenant survey.

(1) February 10th agenda

- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
- g. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg announced that the Committee will meet next week and that she is bringing an item about habitability plans based on Los Angeles' practice.

Next meeting date: Wednesday, February 24th at 3:00 p.m.

- h. Ad Hoc Committee on RSB Technology Issues
- i. Updates and Announcements
- j. Discussion of items for possible placement on future agenda

At this point, the Board adjourned to reconvene in closed session.

CLOSED SESSION:

Pursuant to California Government Code Section 54956.9(d)(1), the Board convened in closed session for an update on litigation as follows:

- *Marowitz v. City of Berkeley Rent Board* (Alameda County Superior Court Case #RG19042977)
- *Magganas v. City of Berkeley Rent Board* (Alameda County Superior Court – Case # not yet assigned)
- *Nanak Foundation v. City of Berkeley Rent Board* (Alameda County Superior Court Case #RG19047960)
- *NCR Properties v. City of Berkeley Rent Board; City of Berkeley* (Alameda County Superior Court Case #RG19024268)
- *Berkeley Rental Housing Coalition v. City of Berkeley Rent Board* (Court of Appeal, 1st App. District, Case #A160652)

Due to technical difficulties, the Chair was unable to publicly announce any reportable action taken by the Board in closed session. Any such action will be reported at the Board's next meeting.

10. **ADJOURNMENT** – Due to technical difficulties, the motion to adjourn was not a part of the publicly accessible meeting and will be reported at the Board's next meeting.

BERKELEY RENT STABILIZATION BOARD

2021 Assignments for Active Committees

COMMITTEES	COMMISSIONERS	STAFF CONTACT(S)
BUDGET & PERSONNEL	Chang Selawsky Simon-Weisberg Walker <i>Alternate: Laverde</i>	Matt Brown, Acting Executive Director
EVICTIION / SECTION 8 / FORECLOSURE	Laverde Mendonca Selawsky Walker <i>Alternate: Kelley</i>	Matthew Siegel, Staff Attorney
HABITABLE & SUSTAINABLE HOUSING (HASH)	Alpert Johnson Kelley Selawsky	Lief Bursell, Senior Planner
IRA / AGA / REGISTRATION	Alpert Johnson Kelley Simon-Weisberg	Matt Brown, Acting Executive Director
OUTREACH	Chang Kelley Laverde Mendonca	Moni T. Law, Community Services Specialist II Michele Byrnes, PIU Manager
4 x 4 JOINT COMMITTEE ON HOUSING: CITY COUNCIL / RSB	Alpert Johnson Kelley Simon-Weisberg <i>Alternate: Walker</i>	Matt Brown, Acting Executive Director Be Tran, Associate Planner
2 x 2 COMMITTEE ON HOUSING: RSB / BUSD	Kelley Walker <i>Alternate: Mendonca</i>	TBD
AD HOC COMMITTEE ON RSB TECHNOLOGY ISSUES	Selawsky Simon-Weisberg	Aimee Mueller, Associate Mgmt. Analyst

BUDGET & PERSONNEL COMMITTEE

This Committee oversees the annual budget process and makes recommendations to the Board throughout the year on changes to the staffing model and any expenditures that arise outside of the budget process. Any issues related to registration or the registration fee originate with this Committee, including such programs as the Summer Registration Fee for fraternities.

Commissioner Chang

Commissioner Walker

Commissioner Selawsky

Commissioner Simon-Weisberg

Alternate: Laverde

EVICTIION / SECTION 8 / FORECLOSURE COMMITTEE

This Committee reviews and monitors matters related to the displacement of tenants from affordable housing and possible resources to assist them. The Committee's work includes, but is not limited to, reviewing and tracking annual status reports on Owner Occupancy and Ellis evictions, meeting with the Berkeley Housing Authority on common ground issues, tracking and monitoring staff's progress in outreach to tenants in foreclosed or distressed properties, and reviewing the work performed under contract with the East Bay Community Law Center and Eviction Defense Center.

Commissioner Mendonca

Commissioner Selawsky

Commissioner Walker

Commissioner Laverde

Alternate: Kelley

HABITABLE & SUSTAINABLE HOUSING COMMITTEE

This Committee will take the place of the former Habitability Committee and Resilience & Sustainability Committee. The Committee will focus on habitability issues such as cyclical housing inspections, anonymous building complaints, and Rental Housing Safety Program issues. It will also focus on disaster preparedness and maintaining safe, secure, healthy, and environmentally conscientious rental housing in Berkeley.

Commissioner Alpert

Commissioner Johnson
Commissioner Kelley
Commissioner Selawsky

INDIVIDUAL RENT ADJUSTMENT / ANNUAL GENERAL ADJUSTMENT / REGISTRATION COMMITTEE (LIRA Committee)

This Committee handles all issues that relate to the Board's regulations and the Hearings Unit. The Committee reviews and approves the Annual General Adjustment. Changes to regulations may be initiated at the Committee, and the Board refers any issues that arise related to regulations, hearings, or the appeals process to this Committee. The Committee also reviews issues related to waivers or other registration topics.

Commissioner Alpert
Commissioner Johnson
Commissioner Simon-Weisberg
Commissioner Kelley

OUTREACH COMMITTEE

The Outreach Committee reviews efforts and makes recommendations for informing Berkeley residents and property owners of the services that the Rent Board provides and for expanding access to these services. Outreach projects include, but are not limited to, informative workshops and mailings, advertising, and on-the-spot counseling services at annual Berkeley events, the library, senior centers, and local college campuses.

Commissioner Kelley
Commissioner Chang
Commissioner Mendonca
Commissioner Laverde

2 x 2 Committee on Housing: RSB / BUSD

To better fulfill the Rent Stabilization Board's duties as required by the Charter, this Committee was created so that the Board can work in concert with the Berkeley Unified School District on rental housing issues that affect families with school-aged children. These would be quarterly meetings.

Commissioner Walker
Commissioner Kelley
Alternate: Commissioner Mendonca

4 x 4 JOINT COMMITTEE ON HOUSING -- RENT BOARD AND CITY COUNCIL

The 4x4 was established to allow the Rent Board and the City Council to discuss and make recommendations on housing issues where jurisdiction or policy overlap, conflict or is unclear. Four members are appointed from each body. Issues that have been before the 4x4 include seismic safety issues (soft story ordinance and signage enforcement), the Smoke-Free Multi-Unit Housing Ordinance, the Condominium Conversion Ordinance, proposed changes to the Demolition Ordinance, recycling and energy issues, the apartment building fires, and habitability issues, including the Rental Housing Safety Program and how the city performs inspections.

Next Meeting: To Be Announced

Commissioner Simon-Weisberg (Chair)

Commissioner Alpert

Commissioner Johnson

Commissioner Kelley

Alternate: Commissioner Walker

AD HOC COMMITTEE ON RSB TECHNOLOGY ISSUES

This Committee will address technology issues related to the new paperless agenda program. It will also identify and analyze new technology opportunities with an eye towards increasing efficiency and effectiveness, including but not limited to, the cost of implementing and maintaining new technologies, effects on Board and staff processes, and creating implementation and use policies that comply with the City's applicable Administrative Regulations and policies for any new technologies that may be adopted.

Commissioner Leah Simon-Weisberg

Commissioner Selawsky



Rent Stabilization Board
Legal Department

MEMORANDUM

DATE: March 18, 2021

TO: Honorable Members of Rent Stabilization Board

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

By: Matthew Siegel, Staff Attorney

SUBJECT: Proposed Amendments to Regulation 1013– Vacancy Rent Adjustment [First Reading]

Recommendation:

That the Board adopt an amendment to Regulation 1013, requiring that, when a rental agreement includes periods for which the tenant pays reduced, discounted, or “free” rent, the written lease shall include language that states what the base rent ceiling will be at the expiration of the initial term of the tenancy or, in the case of a month-to-month tenancy, after the first twelve months of their tenancy. This language shall be in fourteen point font and in close proximity to the space reserved for the tenant’s signature. The IRA/AGA/Registration Committee unanimously recommended these changes at its March 2, 2021 meeting.¹

Background and Need for Rent Stabilization Board Action:

Initially passed in 1996, Board Regulation 1013 implements Costa-Hawkins which provides that the landlord may set the initial rent at the commencement of a new tenancy. For tenancies commencing on or after January 1, 1999, the initial rent or “base rent” for a rental unit is the monthly market rent established by the parties at the commencement of the tenancy (Rent Board Regulation 1013(A) (2)).

In 2003 the Board amended Regulation 1013 to clarify that when the rental agreement includes periods for which the tenant pays reduced, discounted or “free” rent, the monthly market rent is calculated as the average of the monthly payments made during the initial term of the agreement or, in the case of a month-to-month tenancy, during the first twelve months of the tenancy (Board Regulation 1013(A) (2)). The amendment was passed due to some property owners structuring

¹ The committee considered also requiring that leases that are subject to the rent-averaging provisions of Regulation 1013(A)(2) contain a notification requirement that these tenancies are subject to the good cause for eviction protections listed in BMC 13.76.130 but ultimately decided to limit this proposal to only amend the regulation to require that the rent ceiling be clearly identified in the lease when the agreement provides for reduced, discounted, or “free” rent.

their rental agreements to provide for an above-market rent for the first month followed by some form of free or discounted rent for the remainder of the term, thus creating the appearance of a higher “initial” rent. For instance, if the market value of a unit is \$2,000 per month, or \$24,000 per year, the lease may state that the rent is \$2,400 for the first month but provide for two months free. The owner would then file a Vacancy Registration Form with the Board listing the base rent as \$2,400 based on the first months’ rent. As a result the tenant would have paid a total of \$24,000 in rent for the year, or a monthly average of \$2,000, not the listed \$2,400. Property owners would then seek to take the Board’s annual increases on a base rent of \$2,400 and not the proper \$2,000. The purpose of the 2003 amendment was thus to ensure that the base rent is the market rent for the length of the lease term or, in the case of a month-to-month tenancy, the average monthly payments made during the first twelve months of the tenancy.

Currently, in response to Covid-19 and to respond to an increase in vacancies, some landlords have been structuring their initial rental agreements to provide for drastically higher initial monthly payments followed by either reduced payments or periods of “free” rent, then followed by monthly rents that are less than the initial elevated rents. These rental agreements also give tenants the option to break their lease after a set period of time without penalty. For many of these agreements, the total rent paid by the tenant during this initial timeframe up to or prior to lease-breaking, amounts to an average monthly rent that is less than what the base rent would be after the implementation of the rent averaging required by Regulation 1013(A) (2).²

Initially, absent a clear indication of preemptive intent from the legislature, there is a presumption that local regulation in an area over which the local government traditionally has exercised control is not preempted by state law.³ It has long been held that local rent control ordinances have wide latitude to regulate or monitor rent ceilings and grounds for evictions.⁴ The amendment notifying tenants of the lawful monthly or base rent falls squarely within the Board’s powers to regulate rent ceilings.⁵

The proposed change would mandate that the owner state what the monthly market rent, or base rent, would be at either the expiration of the initial lease term or the expiration of the first twelve months of a month-to-month tenancy. This form of disclosure is important since some tenants may be misled by the structure of the rental agreement when it provides for varying amounts of rental payments and/or “free” rent over the course of the lease. While such leases are permissible under the regulation, the IRA/AGA/Habitability Committee reasoned that tenants should be informed as to the exact monthly rent or base rent that will be permitted under the ordinance

² While leases structured in this form are unique, as long as the base rent is properly calculated, these rental agreements are permissible.

³ Action Apartment Assn. Inc. v. City of Santa Monica (2007) 41 C.4th 1232

⁴ Fisher v. City of Berkeley (1984) 37 C.3d 644; McHugh v. City of Santa Monica (1989) 49 C.3d 348, 375

⁵ Board Regulations Chapter 10 [Establishment of Base Rent Ceiling], Chapter 12 [Individual Adjustment of Rent Ceilings] An additional proposed change to the regulation requiring lease language disclosing to tenants the existence of good cause protections was tabled by the Committee for further discussion.

should they wish to continue their tenancy either at the expiration of the initial lease or after the first twelve months of their month-to-month tenancy.

Conclusion

The COVID-19 pandemic appears to have created a proliferation of Berkeley leases structured in the format described herein. The proposed amendment requires disclosure as to what the lawful base rent is under the terms of their rental agreement to any tenants in rent-controlled units with leases that provide for discounted or “free” rent.

The proposed Regulation 1013 is attached. The proposed amendments are underlined.

Name and Telephone Number of Contact Person:

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

1013. Vacancy Rent Adjustment - Page 1

(A) New Maximum Allowable Rent

(1) Pursuant to Section 1954.50, et seq. of the Civil Code, the landlord may establish the lawful maximum allowable rent for any controlled rental unit consistent with this regulation. The new rent level shall thereafter become the maximum lawful rent ceiling for the unit for all purposes including, but not limited to, the computation of all future rent adjustments. The unit shall otherwise remain controlled by all other regulations of the Rent Board.

(2) In this Regulation the terms “new rent level,” “new rent ceiling” and “initial rental rate” refer to the rent established by the landlord for a tenant whose tenancy becomes effective after January 1, 1996. For tenancies commencing on or after January 1, 1999, the “initial rent” for a rental unit shall be the monthly market rent established by the parties at the commencement of the most recent tenancy. Where the rental agreement includes periods for which the tenant pays reduced, discounted or “free” rent, the “monthly market rent is calculated as the average of the monthly payments made during the initial term of the agreement or, in the case of a month-to-month tenancy, during the first twelve months of the tenancy.

(3) Required provisions in rental agreements that contain periods for which the tenant pays reduced, discounted or “free” rent.

When the rental agreement includes periods for which the tenant pays reduced, discounted or “free” rent, the rental agreement must include a clause identifying what the rent ceiling will be following the expiration of the initial term of the tenancy; or, in the case of a month-to-month tenancy, after the first twelve months of the tenancy. The rent ceiling shall be calculated in accordance with the averaging requirements as set forth in Section 1013(A)(2) herein.

This statement must be in at least fourteen point font and in close proximity to the space reserved for the tenant’s signature.

The provisions of Section 1013(A)(3) set forth herein shall become effective for initial rental agreements entered into no sooner than fifteen days after the date this regulation becomes effective.

(B) Vacancy Rent Levels

(1) Commencing January 1, 1996, a landlord may establish the initial rent rate for all new tenancies consistent with Civil Code Section 1954.50, et seq., and any Board regulations enacted consistent therewith, except where any of the following applies:

(a) (i) The previous tenancy has been lawfully terminated by the landlord pursuant to Civil Code Section 1946, unless the tenancy was terminated prior to December 31, 1994 pursuant to Berkeley Municipal Code section 13.76.130A.9. in order for the landlord to

recover possession of the unit for his or her own use and occupancy as his or her principal residence or for use and occupancy as a principal residence by the landlord's spouse, child or parent and the landlord or relative thereafter resided continuously at the unit for at least two years; or

(ii) The previous tenancy has been lawfully terminated upon a change in terms of tenancy noticed pursuant to Civil Code Section 827, except a change permitted by law in the amount of rent or fees or resulting from the owner's termination of or failure to renew a contract or recorded agreement with the Berkeley Housing Authority or any other governmental agency that provided for a rent limitation to a qualified tenant of the unit. A tenancy shall be presumed to have terminated upon a change in terms of tenancy if the tenant(s) vacate(s) the rental unit within twelve months of the landlord's unilateral change in the terms of the lease. Absent a showing by the landlord that the tenant(s) vacated for reasons other than the change in the terms of the lease, the initial rental rate for the new tenancy shall be no greater than the most recent rent ceiling (prior to the new tenancy).

(b) The new tenancy began within three years of the date that the owner terminated or failed to renew a contract or recorded agreement with the Berkeley Housing Authority or any other governmental agency that provided for a rent limitation to a qualified tenant of the unit, unless, for tenancies established after January 1, 2000, the new tenancy is exempted from this limitation pursuant to Civil Code Section 1954.53(a)(1)(B). During the three year period, the rental rate for any new tenancy established in that vacated unit shall be at the same rate as under the terminated or nonrenewed contract or recorded agreement, increased by any subsequently authorized Annual General Adjustments.

(c) The landlord has otherwise agreed by contract with the City of Berkeley or any other public entity to limit or otherwise restrict rent levels in consideration for a direct financial contribution or any other forms of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of title 7 of the Government Code.

(d) The dwelling or unit has been cited in an inspection report by the appropriate government agency as containing serious health, safety, fire or building code violations, as defined by Health & Safety Code Section 17920.3 excluding those caused by disasters, for which a citation was issued at least 60 days prior to the date of the vacancy, and the cited violation had not been abated when the prior tenant vacated and had remained unabated for at least 60 days, unless the time for correction was extended by the agency that issued the citation.

(e) The prior tenant vacated the property as a proximate result of the conduct by the landlord which constitutes acts prohibited by law, or which constitutes constructive eviction or a breach of the covenant of quiet enjoyment of the property.

(f) The prior tenant was the spouse, child or parent of a landlord who recovered

possession of the unit pursuant to Berkeley Municipal Code section 13.76.130.A.9b.

(g) The initial rental rate as described in this section shall not, until January 1, 1999, exceed the amount calculated pursuant to subdivision (2) below. Nothing herein, however, shall prevent a landlord from charging a new rent level which is less than any preexisting rent ceiling.

(2) Before January 1, 1999, no landlord may set an initial rent level except upon the occurrence of a voluntary vacancy, abandonment, or an eviction for non-payment of rent, and an initial rent level may be set at an amount no greater than:

(a) Fifteen percent (15%) more than the rent in effect for the immediately preceding tenancy, or

(b) Seventy percent (70%) of the prevailing market rents in effect at the time of the beginning of the new tenancy for comparable units as established by HUD Fair Market Rents (FMRs) or,

(c) The lawful rent ceiling.

(d) Fifteen percent (15%) more than the rent in effect for the immediately preceding tenancy plus increases in the lawful rent ceiling for which the landlord became eligible but which were not implemented because the tenancy ended in December and the new tenancy began in January of the following year.

(3) As used in this subsection, the term "rent in effect" shall mean the last rent actually paid by the last tenant to occupy the unit and pay rent.

(4) The rent increases authorized by subsection (B)(2) shall not occur more than twice for any unit between January 1, 1996 and December 31, 1998. Where the initial rent imposed by a landlord on or after January 1, 1996 is no more than the rent in effect for the immediately preceding tenancy, the initial rent shall not count as one of the two increases authorized by this subsection. Nothing contained herein negates the obligation contained in Subsection (K) of this Regulation to register all new tenancies which commence after January 1, 1996.

(C) Single Family Residences

(1) For purposes of this Regulation, a single family residence is defined as a unit that is alienable separate from the title to any other dwelling unit or is a subdivided interest in a subdivision as specified in subdivision (b), (d) or (f) section 11004.5 of the Business and Professions Code.

1013. Vacancy Rent Adjustment - Page 4

(2) Commencing January 1, 1996, with regard to a single-family residence that has not been rented since May 31, 1980, the landlord may establish the initial and all subsequent rental rates for all new tenancies.

(3) Commencing January 1, 1996, the landlord may establish the rent level for a new tenancy in a single-family residence consistent with subsection (B) of this regulation.

(4) Commencing January 1, 1999, the landlord may establish the initial and all subsequent rental rates of a single-family residence for all new tenancies except where:

(a) The preceding tenancy has been terminated by the landlord by notice pursuant to Section 1946 of the Civil Code or has been terminated upon the change in terms of tenancy noticed pursuant to Section 827 of the Civil Code.

(b) The landlord has otherwise agreed by contract with the City of Berkeley or any other public entity to limit or otherwise restrict rent levels in consideration for a direct financial contribution or any other forms of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of title 7 of the Government Code.

(c) The dwelling or unit contains serious health, safety, fire or building code violations, excluding those caused by disasters, for which a citation has been issued by the appropriate governmental agency, and which citation has remained unabated for six months or longer preceding the vacancy.

(d) The dwelling or unit is a condominium that has not been sold separately by the subdivider to a bona fide purchaser for value.

(5) The landlord may establish the initial and all subsequent rental rates pursuant to this subsection for all existing and new tenancies in effect on or after January 1, 1999, if the tenancy was created between January 1, 1996 and December 31, 1998.

(D) Rent Defined

(1) For purposes of this regulation, "rent" is defined as the rent in effect for the immediately preceding tenancy which did not exceed the lawful rent ceiling.

(2) For the purpose of this Regulation, the term "rent" does not include any fees or charges paid by the tenant to the landlord pursuant to a lawful separate agreement between the tenant and the landlord as defined in Regulation 1012.

(3) The rent level established by the landlord pursuant to this Regulation shall become the new rent ceiling for the unit.

1013. Vacancy Rent Adjustment - Page 5

(E) Landlord Defined

“Landlord,” as used in this regulation, means an owner of record, lessor, or any other person or entity entitled to receive rent for the use or occupancy of any rental unit, or an agent, representative or successor of any of the foregoing.

(F) Prevailing Market Rents

(1) “Prevailing Market Rents” are defined as the rental rate that would be authorized for comparable units pursuant to 42 U.S.C.A. 1437(f), as calculated by the United States Department of Housing and Urban Development (HUD) pursuant to Part 888 of Title 24 of the code of Federal regulations. For purposes of this regulation, of the prevailing market rents shall be referred to as HUD FMRs (“fair market rents”), and include the cost of utilities except telephone.

(2) “Comparable units” for the purpose of this subsection is defined as those rental units that have the same number of bedrooms. A "bedroom" shall include a room intended for sleeping which conforms to the provisions of Chapter 5 of the Uniform Housing Code, being not smaller than seventy (70) square feet in floor area with a ceiling height not less than seven (7) feet six (6) inches

(3) The Board shall obtain copies of the FMRs, issued by HUD and make them available to the public.

(G) Voluntary Vacancies

(1) For the purposes of this Regulation, “voluntary” shall mean the independent choice of the tenant, without intimidation, pressure, or harassment.

(2) Non-Voluntary Vacancy

(a) A vacancy resulting from harassment, threats to withdraw the property from the rental market pursuant to the Government Code Section 7060-7060.7 (Ellis Act), or notices of any kind that negligently or intentionally misrepresent to the tenant that he or she is required to vacate the controlled unit shall not be considered voluntary.

(b) “Harassment” shall be defined as a knowing and willful act or course of conduct directed at a specific tenant or tenants which:

(i) Would cause a reasonable person to fear the loss of use and occupancy of a residential unit or part thereof, or of any service, privilege or facility connected with such use and occupancy, including any housing service within the meaning of the Rent Ordinance Section 4(C), without legitimate reason or legal justification;

1013. Vacancy Rent Adjustment - Page 6

(ii) Materially interferes with a tenant's peaceful enjoyment of the use and occupancy of a residential rental unit.

(c) A single act may constitute harassment for purposes of determining whether a vacancy was voluntary. A course of conduct is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Acts constituting harassment include, but are not limited to the following:

(i) Eviction on the grounds of owner or relative occupancy pursuant to Rent Ordinance section 13(A)(9) or (10), which is not in good faith.

(ii) The threat or repeated threat to evict a tenant in bad faith, under circumstances evidencing the landlord's purpose to cause the tenant to vacate a controlled rental unit;

(iii) Reduction in housing services under circumstances evidencing the landlord's purpose to cause the tenant to vacate a controlled rental unit;

(iv) Reduction in maintenance or failure to perform necessary repairs or maintenance under circumstances evidencing the landlord's purpose to cause the tenant to vacate a controlled rental unit;

(v) Abuse of the landlord's right of access into a residential unit within the meaning of California Civil Code §1954;

(vi) Verbal or physical abuse or intimidation;

(d) A vacancy occurring as result of the filing of a Notice of Intent to Withdraw under Government Code Section 7060-7060.7 (the Ellis Act) shall not be considered voluntary.

(e) A tenancy and subsequent vacancy created as a sham shall not be considered voluntary. A sham tenancy may be presumed where the occupant did not have a bona fide landlord-tenant relationship with the landlord, or occupied the property for less than four (4) months and principally for the purpose of vacating the property to establish eligibility for vacancy-related increase.

(H) Eviction for Nonpayment of Rent

Eviction for "non-payment of rent" is defined as the action to terminate a tenancy due to the tenant's failure to pay the rent to which the landlord is entitled under the rental housing agreement and existing law pursuant to Rent Ordinance section 13(A)(1) and/or paragraph (2) of Civil Code Section 1161.

(I) Abandonment

1013. Vacancy Rent Adjustment - Page 7

For purposes of this section “abandonment” is defined as the tenant’s independent choice, without intimidation, pressure, or harassment to relinquish all right and possession of the premises, with the intention of not reclaiming or resuming its possession or enjoyment, and the landlord terminates the tenancy pursuant to Civil Code Section 1951.3.

(J) No Rent Increase for Existing Tenants

The maximum lawful rent ceiling for any controlled rental unit that is occupied by an existing tenant shall not be increased under the provisions of this Regulation, while said tenant occupies his or her unit.

(1) For purposes of this Regulation, [existing tenant] refers to all persons who are defined as “tenants” pursuant to Rent Ordinance section 4(I), i.e. any renter, tenant, subtenant, lessee, or sublessee of a rental unit, or successor to a renter’s interest, or any group of tenants, subtenants, lessees, or sublessees of any rental unit, or any other person entitled to the use or occupancy of such rental unit.

(2) No tenant occupying a controlled rental unit, who has the right to occupancy of a controlled rental unit, shall have his or her rent increased pursuant to this Regulation or Civil Code §1954.50, et seq. Pursuant to section 13(A)(2) of the Rent Ordinance, no tenant shall be required to vacate a controlled rental unit as a result of a covenant or condition in a rental agreement requiring the tenant to surrender possession.

(K) Registration after January 1, 1996

Pursuant to sections 6(F)(17), 6(P) and 8 of the Rent Ordinance, any landlord who rents a unit to a new tenant after January 1, 1996, shall re-register the unit with the Board within fifteen (15) days of the re-rental of the unit. This provision does not apply to a sublet where there is no rent increase or to a short-term seasonal rental, as defined in Regulation 1014, if the rent for the short-term seasonal rental is less than the rent for the immediately preceding tenancy.

(1) The re-registration shall be filed upon a form, entitled “Vacancy Registration Form” provided by the Board. The Board shall approve such form by Resolution and the contents of the form may be changed from time to time.

(2) The landlord shall provide all information required by the form.

(3) Failure of the landlord to properly re-register a unit pursuant to this regulation shall result in the property being deemed not to be in compliance with section 8 of the Rent Ordinance

(L) Amenities

Until January 1, 1999, the base amenities shall remain the same for any unit as those provided

on May 31, 1980, or the first rental date thereafter, or as otherwise determined by final Board decision.

(M) Increase and Decrease Petitions

Nothing in this Regulation prohibits tenants or landlords from filing rent decrease or increase petitions pursuant the Board's regulations.

(N) Fraud or Intentional Misrepresentation

Any increase in the maximum allowable rent authorized pursuant to this regulation that is obtained by fraud or misrepresentation by the landlord or his or her agent, servant, or employee shall be void.

(O) Subletting

(1) An owner may increase the rent by any amount allowed by Civil Code section 1954.50 et seq., and subsection (B) of this Regulation, to a sublessee or assignee where the original occupant or occupants who took possession pursuant to the rental agreement with the owner, no longer permanently reside there. The term "original occupant" as used herein is defined in Regulation 409. Within fifteen (15) days of any rent increase pursuant to this Subsection (O)(1), a Vacancy Registration form described in Subsection (K) shall be filed with the Board.

(2) Where one or more of the occupants of the premises pursuant to the agreement with the owner provided for above, remains an occupant in lawful possession of the dwelling or unit, this subdivision shall not apply to partial changes in occupancy of a dwelling or unit made with the consent of the owner. Nothing contained in this subsection shall establish or create any obligation of an owner to permit or consent to a sublease or assignment.

(3) Acceptance of rent by the landlord shall not operate as a waiver or otherwise prevent enforcement of a covenant prohibiting sublease or assignment, or as a waiver of an owner's rights to establish the initial rental rate, unless the landlord has received written notice from the tenant that is a party to the agreement and thereafter accepted rent. The landlord's right to establish the initial rent shall not be waived if, after receiving written notice that the last original occupant has vacated the premises, the landlord agrees in writing with any tenants still occupying the unit that the landlord's right to establish the initial rental rate, consistent with Civil Code section 827, shall be extended for up to six months following receipt of the notice.

(4) A landlord may not unilaterally impose or require an existing tenant to agree to

1013. Vacancy Rent Adjustment – Page 9

new material terms of tenancy or a new rental agreement, unless the provisions are substantially identical to the prior rental agreement.

(5) Where the landlord initially rents a rental unit to a tenant and authorizes more than one tenant to occupy the unit, but fails to place the name of more than one tenant on the lease, all tenants who occupy the unit within one month, with permission of the landlord, express or implied, shall be considered to be original occupants.

[Effective January 1, 1996; amended May 27, 1997, August 22, 1997 and March 20, 1998; addition of (O)(5) effective October 23, 1998; addition of (G)2(f) effective December 27, 1998; addition of (1)(a)(ii) and deletion of (G)2(f) effective March 5, 1999; (B) and (O) amended August 20, 1999; (B)(1)(a)(ii), (B)(1)(b) through (f) amended February 11, 2000; addition of (C)(d) amended January 7, 2002; amended March 18, 2002 changed (B)(1)(g) and inserted a new (B)(1)(f); amended February 20, 2003 added last two sentences to (A)(2); removed definition of “original occupant” from Section (O)(1) and placed it in Regulation 409 – 9/19/19.]



Rent Stabilization Board

DATE: March 18, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: IRA/AGA/Registration Committee

SUBJECT: Letter to Council Re: Fourplex Zoning

Recommendation:

That the Berkeley Rent Stabilization Board send the attached letter with the Boards comments, suggestions, and concerns about the proposed fourplex zoning proposal to the Berkeley City Council.

Background:

The Berkeley City Council is in the process of considering a referral to the Planning Commission to amend the zoning ordinance to permit up to fourplexes in all parts of the City. This comes after the Council adopted a resolution declaring its intent to abolish single-family zoning and replace it with up to 4-unit zoning.

Higher density does not conflict with robust tenant protections but nor does it inherently provide affordable housing or address discriminatory housing practice. As we have seen several cycles of legislation proposed at the state and local levels deregulating zoning decisions for new construction, we believe it is helpful to provide clear direction by the Elected Rent Board which is tasked with protecting safe, affordable housing in Berkeley. The attached letter lays out the principles that are essential to ensuring that the proposed upzoning doesn't cause gentrification or displacement, conserves the City's stock of rent controlled housing, contributes an appropriate amount of deed restricted affordable housing to fulfill the objective of satisfying the "Missing Middle," and generates new rent controlled units as allowed by state law.

Financial Impact:

None.

Name and Email Address of Contact Person:

Chair Leah Simon-Weisberg, RSBSimon-Weisberg@cityofberkeley.info
Vice Chair Soli Alpert, RSBApert@cityofberkeley.info

To the Honorable Mayor and Members of the Berkeley City Council,

The Berkeley Rent Stabilization Boards sends this letter to express what we view as essential components in ensuring that the “Inclusive Neighborhood Zoning” proposal from Councilmember Droste serve Berkeley’s tenants, low-income homeowners and residents of color, specifically the Black, and brown communities with histories of discrimination in Berkeley. While we embrace increased density we know that if the City is not careful with its actions to replace it, we may repeat the mistakes of the past and create a pattern of development that serves people over profit. It is vital that the zoning amendments generate housing that will be affordable for working people and do not drive displacement.

The primary concerns of the Rent Board are as follows:

1. Demolition
No demolition of rent controlled or deed restricted units.
2. Data Collections.
As we proceed with zoning changes aimed at addressing historic racial inequities, it is important to ensure that we improve and not exacerbate the problem. The proposed process should include a method of capturing demographic data on any displacement that is caused or may have been caused, especially along racial lines but including all protected statuses, to the extent practicable.
3. Affordable Housing
 - a. In line with this change being aimed at generating ‘Missing Middle’ housing, the units generated by this proposal should be capped at 150% of AMI with one unit that is 80% of AMI.
 - b. Lower the threshold for the AHMF to include this new type of development
4. Ant-Displacement and Anti-Speculation Measures
 - a. Special consideration of sensitive communities within Berkeley
 - b. No ministerial approval on lots that have tenants or have had tenants within 10 years or have been emptied through the threat or actual use of an eviction authorized under the Ellis Act within the last 10 years.
5. Generating New Controlled Units
 - a. As often as possible do not issue certificates of occupancy
 - b. Preference for rental units over condominiums: rentals are more affordable than condos and condos are exempt from rent control
 - c. Preference for addition and subdivision over demolition to incentivize the creation of new rent controlled units, including potentially a prohibition on demolition of buildings older than 1980

Rent Board staff are working to develop a memo outlining the different situations under which the creation of new units, either by subdivision or the addition of new construction, may result in previously exempt space becoming eligible for rent control. When this document is ready it will be shared with the Council and all other bodies considering the proposal, with the hopes that it

will be used to create a set of amendments that maximize the potential for the creation of new rent controlled units.

Additionally, we hope that the Rent Board, both as a body of elected officials and our expert staff, are included and consulted in the process of drafting the final version of the zoning amendments. Rent board staff have a wealth of knowledge and expertise, especially concerning ways to protect Berkeley tenants throughout this process.


Sincerely,
The Berkeley Rent Stabilization Board



Rent Stabilization Board
Rent Board Chair

DATE: March 18, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Leah Simon-Weisberg, Rent Board Chair
By: Matt Brown, Acting Executive Director 

SUBJECT: **Recommendation to Disband the Habitable & Sustainable Housing Committee (HASH)**

The rules adopted by the Board allow the Chair to disband a standing committee “subject to an affirmative vote of a majority of the Rent Board.” As the attached letter from staff indicates, the duties of the Habitable & Sustainable Housing (HASH) Committee have been largely subsumed by the 4 x 4 Joint Committee on Housing – Rent Board and City Council.

I request that the Board adopt a motion to disband the HASH Committee. It is important to note that we will be able to reestablish the committee should a future need arise.


* Attachment – March 8, 2018 letter from Matt Brown, Lief Bursell, and Jen Fabish requesting that HASH Committee be disbanded.



Rent Stabilization Board

DATE: March 8, 2021

TO: Rent Stabilization Board Chair Simon-Weisberg

FROM: Matt Brown, Acting Executive Director 
Lief Bursell, Senior Planner
Jen Fabish, Community Services Specialist

SUBJECT: **Recommendation to Disband the Habitable & Sustainable Housing Committee (HASH)**

BACKGROUND

Committee History and Context

The HASH committee was formed in 2017 to subsume two existing committees, the Safe & Sustainable Housing Committee (formed in 2009), and the Habitability Committee (formed in 2015). These committees allowed the Board to consider issues related to safe, sustainable, and habitable housing at a time when the 4x4 Joint Committee on Housing, which endeavors to meet at least once a quarter, was not meeting with that frequency and sometimes not at all. In 2009, the 4x4 Committee met twice. There were no meetings in 2010. In 2011, there were three meetings. In 2012, there was one meeting. In 2013, there were three meetings. In 2014, there were no meetings. And in 2015, there were 3 meetings. The 4x4 committee started to meet more regularly in 2016, and is now on a monthly meeting schedule.

NEED FOR ACTION

The 4x4 Committee is a Better Venue for the Issues HASH Typically Addresses

Many issues that originated in HASH or its predecessors went on to be addressed by the 4x4 Committee, such as soft story safety, the elevator law, and improvements to the Rental Housing Safety Program. Because these types of issues are outside of the Board's direct jurisdiction, action requires the involvement of other city departments and often Council, making the 4x4 Committee a much more effective venue.¹ It was perhaps in recognition of a reinvigorated 4x4 Committee that the Board elected in 2017 to combine the two existing safety and habitability committees into one. Since then, the 4x4 Committee has only continued to become more active and invested, putting the necessity of HASH in doubt. Staff do not believe that continuing to administer the committee is the best use of time given the many initiatives being considered and implemented by the Board.

¹To the extent that there is ever overlap between issues being considered by HASH and the 4x4 Committee, Brown Act violations are always a concern.

The Board's Priorities and HASH's Current Agenda

The Board and staff are particularly busy. In addition to our ongoing work, staff are in the midst of implementing Measure MM and are moving towards a registration season that will entail a much larger billing effort utilizing two systems, since phase two of the data base solution (for fully covered units) is not projected to be ready in time for FY 2021-22 registration.

Development of phase two, and work on the petitions, mediations, waiver/penalty, and case management components will continue well into 2021, and impact all units of the agency. The website replacement project is another large endeavor that will affect staff in all units once the project ramps up again.² The Board approved a modification to the staffing model to add another housing counselor, which will increase capacity in the long run, but decrease it in the short-term due to training and onboarding, which is typically a six-month process that must now, at least initially, be done remotely. The Outreach Committee continues to advocate for a tenant survey this year. Staff are working with the Mayor and other city departments on major revisions to the Relocation and Demolition Ordinances, advising on TOPA, and researching issues related to Council's proposed quadruplex zoning policy. The Board has an agreement in principle with the city to administer the Fair Chance Ordinance pending an agreement on payment. And we continue to analyze and adjust to frequent changes to anti-displacement measures at the local and state levels to ensure we're providing accurate outreach and counseling. Staff are also looking ahead to the Executive Director recruitment, and creating and implementing measures to address issues highlighted by Keren Stashower's survey.

The HASH committee last met in August of 2020, and before that in November of 2019. The items on the committee's agenda were solar cost sharing, rental unit car shares, and the installation of dishwashers in multifamily units. These are worthy issues related to sustainability, but they are somewhat attenuated from the Board's mission of protecting tenants from unwarranted evictions and rent increases, ensuring landlords a fair return on their investment, and helping to advance the city's housing policies with regard to low- and fixed-income persons, minorities, persons with disabilities, elders, and students. Staff believe our focus right now should be on work that is more central to the Board's mission and the agency's operations, especially given that issues broadly related to the city's diverse array of housing policies can be better addressed by the 4x4 Committee when necessary.

HASH is Not Necessary to Address Issues Outside of the 4x4 Committee

If an issue related to habitable, safe, and sustainable housing arises that the 4x4 Committee does not wish or have the capacity to address, the Board has the option of creating an ad hoc committee. Ad hoc committees are not subject to the Brown Act notice requirements and are of a limited duration for the purpose of focusing on a specific issue or task. This is more efficient than the ongoing time commitment administering a regular committee requires.

Disbanding HASH is Not Permanent

If the Board finds that disbanding HASH has a negative impact on its work, the committee can be reinstated, or a new committee can be created.

RECOMMENDATION

Staff recommend that the Chair disband the HASH committee.

²The city approved funding to hire a new project manager since the current project manager has been deployed full time to the EOC. We are not aware of a timeline for the hiring, but we anticipate the project may progress rapidly once a new project manager is in place. We continue to move the project forward slowly at the Rent Board so we're poised to hit the ground running if need be.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: March 18, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Matt Brown, Acting Executive Director

BY: Allison Pretto, Senior Management Analyst

SUBJECT: Request for waiver of late registration penalties

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).

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
4932	1434 6 th Street	Greg Hutchings	\$1,000	\$800	\$200
4948	1322 Curtis Street	Xaoxin Rong	\$500	\$500	\$0
4950	1569 Arch Street	Arch Street Apartments	\$4,000	\$4000	\$0
4951	1802 Cedar Street	Sam Cohen	\$1,140	\$1140	\$0
4953	1441 Oxford Street	1441 Oxford Street LLC	\$1000	\$800	\$200
4954	1615 McGee Ave	Rosa Mengesha	\$542	\$434	\$108
TOTAL			\$8,182	\$7,674	\$508

Financial Impact: Ministerial Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$7,674**.

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
4942	1418 67 th Street	Catamount Properties LLC	\$1,000	\$500	\$500
4945	1528 Alcatraz Avenue	Alessio Lisi	\$2,000	\$1,600	\$400
4946	2756 Acton Street	Yakov Silvertest	\$500	\$450	\$50
4955	1934 Stuart Street	Lucia Howard & Margaret Majua Trust	\$1,750	\$1,580	\$170
4956	2905 King Street	Ori Tzvieli	\$3,000	\$1,800	\$1,200
4957	2922 Dohr Street	Melissa Hope Young	\$500	\$450	\$50
TOTAL			\$8,750	\$6,380	\$2,370

Financial Impact: Discretionary Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$6,380**.

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

Waiver No: 4942	Property address: 1418 67TH ST	Transferred: 09/30/2020
# of Units: 3	Exempt units (as of March 2021): Unit #1 - Occupied Rent Free	
Owner(s): CATAMOUNT PROPERTIES 2018 LLC		Waiver filed by: Natalia Carney, Property Manager
Other Berkeley rental property owned: None		

Late payment/penalty history: The property comprises three units, two of which are rented. The third is occupied by the former owner. The property had long been claimed exempt as "Vacant/Unavailable for Rent." However, the former owner registered it for the first time in February 2020, paying past-due registration fees and a penalty settlement only after the Rent Board filed a lawsuit against him. The property was foreclosed on, and the current owner obtained it in a trustee sale in September 2020. The previous owner did not pay the registration fees for the 2020/2021 prior to the foreclosure. The new owner, Catamount Properties LLC, did not inquire out about the past-due registration fees until January 2021. The new owner explained that they had obtained the property in foreclosure, paid the registration fees, and are seeking a waiver.

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	01/28/2021	\$1000.00	\$0.00	\$1000.00
Totals				\$1000.00	\$0.00	\$1000.00

Grounds under Regulation 884(B): (7) The landlord requesting the waiver was not the owner of the property when the penalty first accrued.

Good cause claimed by owner: The person filing the waiver is Natalia Carney, on behalf of Catamount Properties LLC. She states that the property was purchased in September 2020 in a trustee sale, and that the previous owner "failed to pay the registration fees for 2 rental units before the deadline." She states that "the new owner is slowly learning about the rental conditions of the property and has submitted the payment for the annual registration." The owner "is requesting a full waiver of the penalty fees, given that it was not the owner at the time the fees were due."

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

Staff Analysis: While it is unfortunate that the current owner obtained a property in September with both fees and penalties outstanding, staff notes that the owner did not reach out to the Rent Board upon transfer of the property. In fact, the owner did not contact the agency regarding this three-unit property until the following January. Had the owner inquired with the City of Berkeley about their rights and responsibilities earlier, they probably could have avoided accruing a January penalty on the outstanding fee. Therefore staff recommends waiving 50% of the penalty, which essentially waives the penalty incurred by the former owner, while holding the owner accountable for the penalty that accrued in January.

RECEIVED

JAN 28 2021

Initial: [Signature]
Berkeley Rent Board

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-4942

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

Property Address: 1418 67th St. Berkeley CA 94702
Owner: Catamount Properties 2018, LLC
Date of acquisition, if new owner: 09/30/2020 deed 10/19/2020
Name & relationship of person filing request, if not owner: Nataba Carney Property Manager

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.

The property "1418 67th St. Berkeley CA 94702" was purchased on 09/30/2020
in a Trustee Sale by Catamount Properties 2018, LLC. The previous owner,
Theodore A. Kattchee failed to pay the registration fees for 2 rental units
before the deadline. The new owner is slowly learning about the
rental conditions of the property and has submitted the payments
for the annual registration, yet is also requesting a full waiver
of the penalty fees given that it was not the owner at the time the
fees were due.

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

Date: 1/27/2021 Signature: [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: NCarney@Wedgewood-Inc.com
Mailing Address: 2015 Manhattan Beach Blvd. Redondo Beach CA 90278
Phone Number: 415 310 4876 ol
310-640-3070 ext 2110 Fax Number: 424-218-0880

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

Waiver No: 4945	Property address: 1528 ALCATRAZ AVE	Transferred: 05/01/2015
# of Units: 4	Exempt units (as of March 2021): None.	
Owner(s): ALESSIO LISI		Waiver filed by: Alessio Lisi
Other Berkeley rental property owned: None		

Late payment/penalty history: The property comprises four units, all of which are rented. The current owner, Alessio Lisi, obtained the property in 2015. The late payment of the 2020/2021 annual registration fee marks his third late payment since he purchased the property.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
2019/2020	4	\$1000.00	07/29/2019	1000.00	550.00	450.00
2018/2019	4	\$1000.00	08/15/2018	1000.00	900.00	100.00
Totals (penalties previously assessed)				\$2000.00	\$1450.00	\$550.00

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	02/16/2021	\$2000.00	\$0.00	\$2000.00
Totals				\$2000.00	\$0.00	\$2000.00

Grounds under Regulation 884(B): (11) The Executive Director, or his or her designee, recommends that the interests of justice require that a greater or lesser amount be waived.

Good cause claimed by owner: The owner states that the year "has been very challenging for me and my family." He states that "overall, we lost 70% of our income." He goes on to say that even with the reduction, he was able to "reduce, suspend, and even forgive past rent due." He states that he "missed the notice of payment" and hopes that the Board will waive the resulting \$2,000 penalty. He says such a waiver "would help me, my family, and my tenants."

Recommendation: Staff recommends waiving 80% of the penalty, or \$1,600, and impose 20%, or \$400.

Staff Analysis: The owner's payment history is less than stellar, and the owner fails to mention that he "missed" the billing statement because he did not notify the Rent Board of his new mailing address until February 2021. If he had kept the Rent Board records up to date, he might have received the billing statement in a more timely manner, and might even have been able to take advantage of the COVID amnesty that the Board offered in 2020. Staff does understand that 2020 was a difficult year for collection of rent, however, and that the owner's income was reduced as a result. In recognition of this fact, staff recommends a waiver of 80%, which is more than the 60% that the ministerial schedule would allow for the 3rd late payment in the previous five years.

RECEIVED

FEB 16 2021

Initial: NM/ml
Berkeley Rent Board

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-4945

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1528 ALCATRAZ AVE, BERKELEY

Owner: ALESSIO LISI

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 BOARD MEMBERS, THIS YEAR IS BEEN VERY CHALLENGING, FOR ME AND MY FAMILY. OVERALL, WE LOST 70% OF OUR INCOME. EVEN WITH THIS REDUCTION, I WAS ABLE TO REDUCE, SUSPEND, AND EVEN FORGIVE PAST RENT DUES. ALL IN ALL, I MISSED THE NOTICE OF PAYMENT FOR THE RENT STABILIZATION PROGRAM. I WOULD LIKE TO REQUEST TO REMOVE THE ADDITIONAL \$1000 FINE ASSESSED TO MY ACCOUNT. THIS WOULD HELP ME, MY FAMILY, AND MY TENANTS.

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

Date: 1-15-2021 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: alessiolisi@gmail.com

Mailing Address: 2972 CLARA DRIVE, PALO ALTO, CA

Phone Number: 650 995 4970 Fax Number: N/A

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

Waiver No: 4946	Property address: 2756 ACTON ST	Transferred: 05/19/2008
# of Units: 2	Exempt units (as of March 2021): 0	
Owner(s): YAKOV SILVERTEST		Waiver filed by: Yakov Silvertest
Other Berkeley rental property owned: 2113 DELAWARE ST #B		

Late payment/penalty history: The owner's payment history for this two-unit property is poor. He has paid the fee after the due date for four out of the previous four years. It should be noted, however, that in 2017 the owner actually attempted to pre-pay his registration fees: On January 3, 2017, his daughter, who was managing the property at that time, paid \$500 to register both units for the upcoming 2017/2018 registration year. The fee had not yet been determined by the Board at that point, but he wanted to avoid future penalties. As it turned out, the fee was determined to be \$270 per unit for 2017, so his payment fell \$40 short. He eventually paid this shortfall and additional penalties on April 5, 2018.

The owner appears to have initially filled out this waiver request in November 2020, after paying the registration fee on October 9, 2020. However, the waiver request was not received until February 16, 2021. And indeed, there is an additional narrative that was written in as an addendum to the waiver right before he submitted it in February.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
2018/2019	2	\$500.00	08/22/2018	500.00	275.00	225.00
2017/2018	2	\$40.00	04/05/2018	80.00	0.00	80.00
2016/2017	2	\$468.00	07/26/2016	468.00	257.00	211.00
Totals (penalties previously assessed)				\$1048.00	\$532.00	\$516.00

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	10/09/2020	\$500.00	\$0.00	\$500.00
Totals				\$500.00	\$0.00	\$500.00

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 owner, in the first part of his waiver request that was written in November 2020, says that his daughter, who manages the property, "has been in the hospital with terminal cancer. I have been by her side as our world is being turned upside down and as such our payments have become delinquent." He goes on to say that "I have always paid in full and on time to this point." He concludes that these are "unprecedented times. We will get back on track." In what appears to be an addendum to the request, written right before it was actually submitted to the Rent Board in February 2020, the owner adds: "Unfortunately in the [mean]time my daughter passed away very sad. She passed away on 1/29/21."

Recommendation: Staff recommends waiving 90% of the penalty, or \$450, and imposing 10%, or \$50.

Staff Analysis: The owner has clearly gone through a very difficult time with the terminal illness and death of his daughter. Furthermore, while the owner has a history of late payment, he has made at least one attempt to pre-pay his fees, and has generally managed to resolve the penalties through the 60-day waiver process. Balancing the owner's payment history against the circumstances, staff recommends waiving 90% of the penalty.

RECEIVED

FEB 16 2021

Initial: m
Berkeley Rent Board

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-4946

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2156 ACTON ST. BERKELEY, CA 94702

Owner: YAKOV SILVERTEST

Date of acquisition, if new owner: N/A

Name & relationship of person filing request, if not owner: N/A

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.

I AM REQUESTING THE WAIVER OF MY DELINQUENT FEES
AS MY DAUGHTER WHO MANAGES THE PROPERTIES FOR ME
HAS BEEN IN THE HOSPITAL WITH TERMINAL CANCER. I
HAVE BEEN BY HER SIDE AS OUR WORLD IS BEING TURNED
UPSIDE DOWN AS SUCH OUR PAYMENTS HAVE BECOME
DELINQUENT. I HAVE ALWAYS PAID IN FULL AND ON TIME
TO THIS POINT. PLEASE FORGIVE ME DURING THESE
UNPRECEDENTED TIMES. WE WILL GET BACK ON TRACK.

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

Date: 11/12/20 Signature: [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: YSILVERTEST@GMAIL.COM

Mailing Address: 2608 MCGEE AVE. BERKELEY, CA 94703

Phone Number: (510) 917-9516 Fax Number: N/A

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

unfortunately in the mid time my daughter
passed away very sad she passed away
ON THE 1.29.21

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: 4955	Property address: 1934 STUART ST	Transferred: 06/12/2015
# of Units: 8	Exempt units (as of March 2021): Unit #LOWER - Unit inactive	
Owner(s): LUCIA HOWARD / MARGARET MAJUA TRUST		Waiver filed by: Lucia Howard
Other Berkeley rental property owned: None		

Late payment/penalty history: The building in question comprises 7 units, all of which are rented. The owner's payment history is spotty; the late payment of the 2020/2021 fee marks her third in the previous five years.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
2019/2020	7	\$1750.00	06/26/2019	126.00	0.00	126.00
2018/2019	7	\$1172.00	01/14/2019	1172.00	0.00	722.00
Totals (penalties previously assessed)				\$1298.00	\$0.00	\$848.00

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	08/11/2020	\$1750.00	\$0.00	\$1750.00
Totals				\$1750.00	\$0.00	\$1750.00

Grounds under Regulation 884(B): (11) The Executive Director, or his or her designee, recommends that the interests of justice require that a greater or lesser amount be waived.

Good cause claimed by owner: The owner says that she "did not realize that my payment was late as I had believed, from reading the City of Berkeley website, that fees and taxes were postponed due to Covid." She goes on to say that she had several tenants out of work "and was trying to work out delayed and partial payments, so had a big reduction in income." She says that as soon as she realized that the payment deadline itself had not been extended, she paid the fee "apparently a little over month late." In addition, she states that she had to "upgrade the units and the internet as everyone is now working from home most of the time."

Recommendation: Staff recommends waiving 90% of the penalty, or \$1,580, and imposing 10%, or \$170.

Staff Analysis: Given the owner's request for waiver, it seems that she would have qualified for the Board's COVID amnesty if she had turned in the declaration with her payment in August. She cites a reduction in income due to her tenants' inability to pay rent, and she paid the fee within the 90 days that the amnesty period allowed. Staff feels, however, that between her payment history and inattention to detail on the payment deadline, some penalty is due, and recommends imposing 10% of the penalty.

RECEIVED

FEB 10 2021

Initial:
Berkeley Rent Board

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-4955

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1934 Stuart Street, Berkeley

Owner: Lucia Howard

Date of acquisition, if new owner: June 2015

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.

I did not realize that my payment was late as I had believed, from reading the City of Berkeley website,
that fees and taxes were postponed due to Covid. I also had several tenants out of work, and was trying to work out
delayed and partial payments, so had a big reduction in income. However, I paid as soon as I realized that the
payment date had not been extended, apparently a little over a month late, and would appreciate receiving a
waiver of these very expensive penalties. I have also had to upgrade the units, and the internet as everyone
is now working from home most of the time.

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

Date: Feb. 2, 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: lucia@aceland.com

Mailing Address: 1150 Estates Drive, Lafayette, CA 94549

Phone Number: 510 332 3218

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

Waiver No: 4956	Property address: 2905 KING ST	Transferred: 03/01/2002
# of Units: 2	Exempt units (as of March 2021): 0	
Owner(s): TZVIELI ORI/LORI		Waiver filed by: Ori Tzvieli
Other Berkeley rental property owned: 2225 Woolsey Street		

Late payment/penalty history: This property comprises two units, both of which are rented. The property qualifies for an owner-occupied duplex exemption when the owner lives on the property as their principal residence.

The property came to the Rent Board's attention when staff sent out a mailing to verify the exemption status of owner-occupied duplexes that are owned in trust. The Rent Board sent a verification letter to this owner regarding his property at 2225 Woolsey Street. The owner contacted staff member for additional information, and learned that he does qualify for the owner-occupancy exemption at 2225 Woolsey. However, in the course of the explanation the owner-occupied duplex exemption, the owner said that his other duplex at 2905 King Street likely required registration. The owner had owner-occupied this duplex upon purchase, but had vacated in 2010. The owner said that only now did he realize that the exemption no longer applied when the owner does not reside at the property. The staff member directed the owner to the Registration Unit to register the property. The owner was charged for fees and penalties under the agency's statute of limitations policy, which limits fees to three registration years and limits penalties to only two assessments per registration period. The owner submitted all registration forms, paid registration fees for the three years, and is seeking a waiver of the penalties.

Penalties Currently Under Consideration

Reason for Penalties: Late Payment of 2018/2019, 2019/2020, & 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	02/24/2021	\$1000.00	\$0.00	\$1000.00
2019/2020	2	\$500.00	02/24/2021	\$2000.00	\$1000.00	\$1000.00
2018/2019	2	\$500.00	02/24/2021	\$3000.00	\$2000.00	\$1000.00
Totals				\$6000.00	\$3000.00	\$3000.00

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 he bought the property in 2001 and lived there until 2010. He states that "unfortunately, I had a misunderstanding of the Golden Duplex law - I thought these properties were in perpetuity exempt from rent control but I recently learned that is not the case and we were supposed to register the property once we moved out." The owner goes on to describe how he "self-reported the situation and registered the property as well as paying the past 3 years of registration fees." He points out that "throughout our 10 years as landlords, we have never raised the rents more than what is allowed under Berkeley rent control allowances and have kept the property in great shape and been on great terms with the tenants."

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

Staff Analysis: Because owner-occupied duplexes are exempt from all aspects of the Berkeley Rent Ordinance, their owners often do not have a lot of contact with the Berkeley Rent Board. As a result, they often are unaware of the registration requirements. This owner has two properties that can potentially qualify as owner-occupied exempt, and his explanation that he didn't realize that the exemption "travels" with the owner is understandable. However, this owner moved out of the subject property eleven years ago, which is quite a long period of time to remain unaware of the registration requirement. The owner had more than a decade to at least inquire about his property's registration status. Furthermore, by limiting the current fees and penalties charged to three years, the Board has already chosen not to pursue payment of the fees or penalties that would have been due for the first seven years that this property was subject to the registration requirement. Because of the length of time that passed since he vacated, the owner bears responsibility for some amount of this penalty. Staff recommends that the Board waive 60%.

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-4956

RECEIVED

FEB 24 2021

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Initial: Berkeley
Property Address: 2905 King St. Berkeley CA 94705

Owner: Ori Tzvieli

Date of acquisition, if new owner: 2001

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.

We own a Golden Duplex at the address above. We bought the property in 2001 and lived in it moving out in 2010. Unfortunately I had a misunderstanding of the Golden Duplex law - I thought these properties were in perpetuity exempt from rent control but I recently learned that is not the case and we were supposed to register the property once we moved out. As soon as we learned I in good faith called and self-reported the situation and registered the property as well as paying the past 3 years of registration fees (\$1500 for the 2 units). Although we now know that we were not properly registered, throughout our 10+ years as landlords we have never raised the rents more than what is allowed under Berkeley rent control allowances and have kept the property in great shape and been on great terms with the tenants. We are asking for waiver of \$3000 late fees due to the financial burden and our good faith self report

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

Date: 2/24/2021

Signature: Ori Tzvieli

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: otzvieli@hotmail.com

Mailing Address: 2225 Woolsey St. Berkeley CA 94705

Phone Number: 5106848347

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

Waiver No: 4957	Property address: 2922 DOHR ST	Transferred: 06/14/1996
# of Units: 3	Exempt units (as of March 2021): Unit #A - Shelter Plus Program	
Owner(s): HOPE YOUNG		Waiver filed by: Melissa Hope Young
Other Berkeley rental property owned: None		

Late payment/penalty history: The property comprises three units. Two are registered rental units, and the third is occupied by a tenant on the Shelter Plus program. The owner's payment history is good. The late payment of the 2020/2021 registration fee is only her second in the previous five years.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
2018/2019	ALL	\$500.00	07/30/2018	500.00	500.00	0.00
Totals (penalties previously assessed)				\$500.00	\$500.00	\$0.00

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	07/13/2020	\$500.00	\$0.00	\$500.00
Totals				\$500.00	\$0.00	\$500.00

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 owner states that her delay in paying the registration fee "was not deliberate, and I have acted in good faith." She says that the late payment was a result of a combination of factors which include her own health problems "of major depression, anxiety & pinched nerve in my neck." She states that she also is a caregiver of "my 85-year-old brother who had recently been diagnosed with terminal lung cancer" as well as "my 78-year-old cousin who has liver & skin cancer, diabetes, emphysema, & asthma." She says that "along with the pandemic, fires, & protests, I was overwhelmed." Finally, she says that she usually pays her bills online and on schedule. "However, I inadvertently paid this bill on July 5th. I thought I had scheduled this bill when I received it."

Recommendation: Staff recommends waiving 90% of the penalty, or \$450, and imposing 10%, or \$50.

Staff Analysis: The owner's payment history is good, and staff is sympathetic to the challenges she faced with her own health, her relatives' health, and the difficulties of the 2020 overall. While some penalty is due, staff recommends that in consideration of the owner's circumstances, the waiver be increased to 90% instead of the 80% that the ministerial schedule would allow for the second late payment in the previous five years.

RECEIVED

MAR 04 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-4957

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2922 POHR ST. Berkeley, Calif 94605

Owner: Melissa Hope Young

Date of acquisition, if new owner: N/A

Name & relationship of person filing request, if not owner: N/A

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.

I am Requesting a full (or partial) waiver of the Late Registration penalty. My delay was not deliberate & I have acted in good faith. Due to my health problems of major depression, anxiety & pinched nerve in my neck; and my caregiving responsibilities for my 85 yr old brother who had ~~been~~ recently been diagnosed with terminal lung cancer & my ^{78 yr old} cousin who has liver & skin cancer, diabetes, emphysema & asthma; Along with the pandemic, fires & protest, I was overwhelmed. I normally pay my bills online or schedule automatic payments. However, I inadvertently paid this bill on July 5th. I thought I had scheduled this bill when I received it.
I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 2/23/2021 Signature: [Signature]

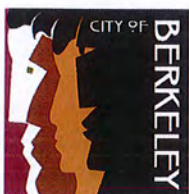
The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the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

Email Address: hopeyoung9@aol.com

Mailing Address: 4133 OAK Hill Road

Phone Number: 510 715-7718 Fax Number: 510 ~~715~~ 638-7508

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



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: March 18, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Matt Brown, Acting Executive Director *MB*
 By: Allison Pretto, Senior Management Analyst

RE: Update: Registration of Rental Units Subject to Measure MM

Summary

The Berkeley Rent Board has begun registering properties and approving exemptions for rental units that are partially covered by the Berkeley Rent Ordinance, as required by Measure MM. As of this writing, owners of 390 properties have either registered their rental units or submitted a claim of exemption. These properties comprise 555 residential units, with 289 units registered as tenant-occupied, and 266 units claimed exempt. Attached hereto are the letter and various forms sent to landlords for purposes of registering these partially covered rental units.

Background

On November 3, 2020, the Berkeley voters passed Measure MM, which amended the Berkeley Rent Ordinance to require property owners to register residential units that are partially covered by the Ordinance. The units subject to the new registration requirement are:

- Rented single-family homes;
- Rented condominiums;
- Rental units that received a certificate of occupancy issued after June 30, 1980.

Using available county and city records, Rent Board staff identified the properties and residential units that could potentially be subject to the new requirement. An initial assessment revealed that approximately 7,000 residential properties units could potentially be subject to the new registration requirement.

The Rent Board staff has reached out to owners in two separate outreach mailings.

On February 15: The Rent Board contacted the owners of 1,675 residential properties (comprising approximately 5,000 units) in multifamily buildings with certificates of occupancy issued after June 30, 1980, and in single-family homes and condominiums that have certified that the units are rented as required by the Berkeley Rental Housing Program (RHSP). Owners of these properties are required to affirmatively register any rented units or claim their units exempt using the Rent Board's online registry to register their properties' tenancies and/or claim units exempt.

The mailing to these owners included a letter describing the new law's requirements, a fact sheet describing Measure MM, and a user guide to register the units online. While owners are strongly encouraged to use the online registry, they also can contact Rent Board staff for assistance with registering their properties offline. Owners have been informed that they must register their properties or claim them exempt by March 15, 2021. These owners will be billed for registration fees in the future if units on their properties are not claimed exempt.

As a result of this initial outreach effort, the Board has registered approximately 390 properties comprising 289 registered rental units and 266 exempt units.

On March 15: The Rent Board sent out a second mailing to the owners of an additional 4,400 properties (primarily single-family homes) that have not filed with the RHSP, and which therefore were determined to be less likely to be used as rental units. The mailing to these owners contained a letter describing the changes in the law, a Measure MM fact sheet, and registration forms that owners can use to register these properties. Owners of these properties are directed to register their units with the Rent Board by April 15 if the units are rented.

Future Action: The Board did not set a Measure MM Registration Fee for the current fiscal year. In the upcoming months, the Board will adopt a fee for these partially covered units for the upcoming 2021/2022 fiscal year. All properties registered through this current effort will be billed for that annual 2021/2022 registration fee. Moreover, landlords who do not affirmatively claim an exemption will be billed as if they are rented. Landlords must affirmatively claim an exemption to avoid paying the fee.

Attachments

1. Letter to landlords informing of Measure MM registration requirements
2. Measure MM Fact Sheet (Registration Information)
3. Tenancy Registration Form for Partially Covered Units
4. Registration Statement for Partially Covered Units



Rent Stabilization Board

March 2021

OWNER NAME
OWNER ADDRESS
OWNER CITY, STATE ZIP

RE: PROPERTY ADDRESS

Dear OWNER NAME:

I am writing to inform you about a new law that could affect the above-referenced property if it is currently rented. On November 3, 2020, Berkeley voters passed Measure MM. This measure amended the Berkeley law to require registration of certain residential rental units that are subject to the Berkeley Rent Ordinance's good cause for eviction and security deposit interest requirements. These units include:

- Rented single-family homes;
- Rented condominiums;
- Rental units that received a certificate of occupancy issued after June 30, 1980.

Our records show that you own at least one dwelling unit at the above-referenced address, which would be subject to the new registration requirement **ONLY when rented**.

If the property is NOT CURRENTLY RENTED: You may disregard this letter. Please note, however, that if it becomes a rental unit in the future, it must be registered with the Rent Board within 60 days of the tenancy start date.

If the property IS CURRENTLY RENTED: You or your property manager must register it immediately by completing **both** of the enclosed registration forms and returning them to the Rent Board by April 15, 2021. A self-addressed envelope is enclosed for your convenience. Please also refer to the fact sheet on the reverse side of this letter for more information on the new requirements.

Failure to register in a timely manner will result in penalties in the future. The Board has elected not to charge a registration fee for the current fiscal year (ending June 30, 2021), but will charge a fee for all qualifying partially covered units next fiscal year. This fee will be due July 1, 2021.

For more information on the new law, please contact us at (510) 981-7368 (RENT), Ext. 2, or at rent@cityofberkeley.info. While our office remains closed to in-person visits due to the COVID-19 pandemic, our staff is available Mondays, Tuesdays, Thursdays and Fridays from 9:00 a.m.-4:45 p.m., and on Wednesdays from noon-5 p.m. to answer your questions by phone. You may email us any time, and we will respond as soon as possible.

Sincerely,

A handwritten signature in blue ink that reads "Matt Brown".

Matt Brown
Acting Executive Director



Rent Stabilization Board

MEASURE MM REGISTRATION INFORMATION

How did Measure MM change rental unit registration requirements in Berkeley?

Measure MM amended the Rent Ordinance to require owners to register most rental units that are not fully covered by the Rent Ordinance. However, there are exemptions to the Measure MM registration requirements, so not all rental units must be registered.

Do I need to register?

You need to register your property **only if it is currently rented**. You do NOT need to register (and may disregard this letter) if your property falls under any of the following exemption categories:

- Units that are owner occupied, maintained for owner's use only, or occupied rent free.
- Units with Section 8 or Shelter Plus tenancies.
- Single-family homes or condominiums IF they are only rented for up to two years AND you: (1) own no more than one residential unit in Berkeley; (2) lived in the unit as your primary residence for at least 365 consecutive days immediately prior to rental; (3) will reoccupy the unit as your primary residence when the rental ends; and (4) specify the rental term, not to exceed 24 months, in the lease.

My property is currently rented. How do I register?

You (or your designated property manager) need to fill out both the Registration Statement and the Tenancy Registration Form, providing the tenancy details for the current tenancy only. Return the completed forms to our office in the enclosed envelope.

Does registering my unit mean the Rent Board will control how much rent I can charge?

No. While state laws may restrict rent increases, Measure MM units are exempt from Berkeley's rent control provisions. This means that owners must report unit and tenancy information and pay a registration fee once a year. Property owners and tenants will also have access to enhanced Rent Board services like more comprehensive housing counseling and mediation services to help resolve some landlord-tenant disputes.

What is the registration deadline, and how much will I have to pay?

If your property is rented, then you must register the unit and tenancy by April 15. There is no fee for the current fiscal year, so you do not have to pay anything right now. There will be a fee for the 2021/22 fiscal year. You will receive a bill in May and the fee will be due on July 1, 2021. The Rent Board has not yet set the fee.

What will happen if I don't register my unit?

In the future, failure to pay registration fees will result in monetary penalties. Failure to properly register a Measure MM unit may also be used by a tenant as a defense to an unlawful detainer (eviction lawsuit).

HAVE ADDITIONAL QUESTIONS? Join us for a Measure MM Webinar

To register go to www.cityofberkeley.info/rent and click on the "Landlord and Tenant Workshops & Seminars" link under Popular Topics on the left, or call (510) 981-7368 (RENT).

April 14, 2021

10:00 am – 11:30 am

Online Event via Zoom

Berkeley voters passed Measure MM in the November 2020 election. Join us for an overview of how this measure impacts registration, rights, and responsibilities for both landlords and tenants. Presentation followed by Q & A with experienced Rent Board housing counselors & registration staff.

City of Berkeley

Rent Stabilization Program

2125 Milvia Street, Berkeley, CA 94704

Phone: (510) 981-7368 [981-RENT] Fax: (510) 981-4910

E-mail: rent@cityofberkeley.info • Web: www.cityofberkeley.info/rent

For Office Use Only

Date: _____

Initials: _____

TENANCY REGISTRATION FORM FOR PARTIALLY COVERED UNITS

(Instructions provided on back)

Please file this form **only** for tenancies in:

Single-family homes, condominiums, and dwelling units that received a Certificate of Occupancy after 1980.

Berkeley Rental Property Address: PLEASE PRINT LEGIBLY or TYPE

Street Number	Street Name	Unit #	# of Bedrooms	# of Units/Prop.
---------------	-------------	--------	---------------	------------------

Owner/Agent Information (If new owner or agent, please also complete an Amended Registration Statement):

OWNER: Check if new owner/address ☐

AGENT/MANAGER: Check if new agent/address ☐

Name: _____

Name: _____

Address: _____

Address: _____

City, State, ZIP: _____

City, State, ZIP: _____

Phone: (____) _____

Phone: (____) _____

Email: _____

Email: _____

Send all future correspondence and bills to: **OWNER** ☐ **AGENT/MANAGER** ☐

Current Tenancy Information:

Beginning date of this tenancy: ____/____/____ Number of Tenants: ____ Initial Rent: \$ ____

Current Rent (if different): \$ ____ Date of Last Rent Increase: ____/____/____

Housing Services: Check the Housing Services provided or paid by the Owner for the individual unit.

Storage ☐ Gas ☐ Electricity ☐ Water ☐ Garbage ☐ Parking ☐ Laundry Access ☐ Heat ☐
Appliances ☐ Other _____

Does Lease Prohibit Smoking? Yes ☐ No ☐ **Effective date of smoking prohibition:** ____/____/____

Prior Tenancy Information: Ending date of prior tenancy: ____/____/____ Voluntary vacancy? _____

Termination by Owner _____ Other (explain): _____

Check one: I am the owner or the owner's agent. ☐ I am the tenant (please attach lease agreement). ☐

Declaration: I hereby declare under penalty of perjury that all the information in this Tenancy Registration Form is true and correct to the best of my knowledge and belief.

PRINT Name

Signature

Date

Tenancy Registration for Partially-Covered Units

This form is required ONLY for rental units subject to BMC 13.76.050(O):

- **Single-family homes, where the current tenancy began after Dec. 31, 1995**
- **Condominium units**
- **Dwelling units built after 1980 that have received a Certificate of Occupancy**

A Tenancy Registration form must be filed for all non-exempt units annually. The property is deemed out of compliance with registration requirements until filing is completed. (Regulation 1013(K))

Information on this form is used to update the Rent Stabilization Program's records to reflect the current tenants' rent, the number of tenants, and the services included with the rent.

If this unit was previously exempt and is now subject to registration requirements as provided by BMC 13.76.050(N) or BMC 13.76.050(O), a registration fee will be due. You may call our Registration Unit (510) 981-4920 for more information.

If the owner fails to timely file Tenancy Registration information or if the tenant disagrees with the information on the Tenancy Registration form filed by the owner, the tenant may file this form setting forth the required information. The tenant should attach copies of the written rental agreement(s) or other documents showing the correct information.

INSTRUCTIONS FOR COMPLETING THIS FORM

Berkeley Property Address - Write the complete mailing address for this unit. Provide the number of bedrooms in this unit and the total number of units on this property in the appropriate places.

Owner and Agent Information - Provide the name, telephone number and email address of the owner and the owner's authorized representative, if applicable. If the owner's address is different than the address in the Rent Board's records, or if this is a new owner, please check "New owner/address" and file an Amended Registration Statement. If this is a new agent, check "New agent/address." If you list both an owner and an agent, please let us know to whom to send all future notices, correspondence and bills by marking an "X" to select Owner or Agent.

Current Tenancy Information - Indicate the NUMBER of tenants, the DATE the tenant(s) moved in and the total monthly rental payment for the unit. Also check the boxes for the HOUSING SERVICES paid by the owner. As of May 1, 2014, B.M.C. 12.70 prohibits smoking in 100% of multi-unit housing with two or more units. This ordinance requires that leases for all tenancies starting after May 1, 2014, include prohibitions on smoking. Please indicate whether or not the current lease prohibits smoking in the unit, and the date that the prohibition on smoking took effect.

Declaration - The person completing the form must certify under penalty of perjury that all information provided is true and correct.

NOTE: *Tenant names and other tenant information will be kept confidential in accordance with the Information Practices Act of 1977.*

City of Berkeley

Rent Stabilization Program

2125 Milvia Street, Berkeley, CA 94704

Phone: (510) 981-7368 (981-RENT) Fax: (510) 981-4910

REGISTRATION STATEMENT FOR PARTIALLY COVERED UNITS

Complete this form only for rental properties with single-family homes, condominiums, or dwelling units that have received a Certificate of Occupancy after 1980.

Use this form to register partially covered rental units for the first time, or to make changes to the status of a partially covered unit that has previously been registered. This form may also be used for any change in ownership, management, or mailing address for a property with partially covered units. This form must be completed and submitted, and the fee paid, **within sixty (60) days** of the change in status.

Berkeley Property Address: PLEASE PRINT LEGIBLY, OR TYPE

Street Number _____ Street Name _____ Zip _____ Number of Units
on the property _____

PART I. CHANGE IN OWNERSHIP

Complete this section if you are a new owner. List all owners of record (as reflected by the Alameda County Recorder's Office) and each owner's percentage of ownership.

1. Date of purchase, or title transfer: _____
2. The names of all owners of record, and the percentage of ownership for each owner must be listed for all changes in ownership.

Name	%	Name	%
a) _____	_____	c) _____	_____
b) _____	_____	d) _____	_____

PART II. CHANGE IN MAILING ADDRESS

Complete this section to change the address to which bills and other correspondence are sent and/or to select either an owner or one agent to receive all correspondence from the Rent Stabilization Program. Bills and correspondence may only be sent to one property, therefore please **CHECK ONLY ONE BOX** to select the billing contact:

Billing Contact: Owner ☐ Agent / Manager ☐

OWNER:

Name: _____ Address: _____
City, State, ZIP: _____ Phone: (____) _____
Email: _____

AGENT / MANAGER:

Agency Name: _____ Address: _____
City, State, ZIP: _____ Phone: (____) _____
Email: _____

PART III. UNIT STATUS CHANGE FOR PARTIALLY COVERED UNITS

- Complete this section if you have not yet registered your partially covered property or when you are changing the status of any previously registered partially covered unit.
- This form must be completed and the fee paid within 60 days from the date a unit is rented to avoid the assessment of a penalty.

A. **Registration of Partially Covered Units**

(If new tenancy, a *Tenancy Registration for Partially Covered Units* form is also required.)

Unit Designation	# of Bedrooms	Date Rented	Rent Per Month	Unit Designation	# of Bedrooms	Date Rented	Rent Per Month
			\$				\$
			\$				\$
			\$				\$

B. **Claim of Exemption**

All claims of exemption are subject to verification. If you are unclear whether an exemption applies to your unit, you should consult with a housing counselor. You may be liable for fees and possibly penalties if your units are determined, at any time, to be ineligible for the exemption you claim.

If you are claiming an exemption for more than 3 units, please use an additional form.

	Unit Designation	Exemption Designation *See list	Date of Exemption	If Owner Occupied, Owner's Name
1)	_____	_____	_____	_____
2)	_____	_____	_____	_____
3)	_____	_____	_____	_____

* List of common Exemption Designations:

Status

OWNER OCCUPIED

SECTION 8

VACANT and NOT

AVAILABLE FOR RENT

OCCUPIED RENT-FREE

**OTHER

Designation

Owner of 50% or more occupies the unit and/or shares kitchen and/or bath with tenant.

Registered with BHA, Section 8 program.

This unit is not now occupied by an owner or tenant, and is not available to be rented. This unit is provided to the tenant by the owner, rent-free, AND does not require any service(s) from the tenant in exchange for the rent-free privilege.

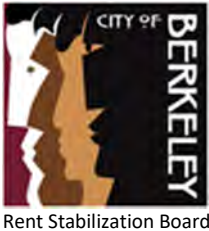
**If you use this designation, you must explain why the unit is exempt.

**Explanation _____

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge and belief.

Signature

Date



RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Thursday, February 25, 2021

5:00 p.m.

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://zoom.us/j/91373516872?pwd=dThobUFyM1BObHFOeWxJU3IwWXNKQT09>. 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: 913 7351 6872 and Passcode: 793957. 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 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

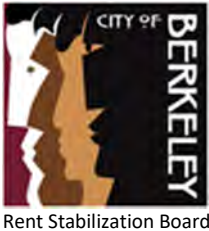
Thursday, February 25, 2021 – 5:00 p.m.

AGENDA

1. Roll Call
2. Approval of Agenda
3. Public Comment
4. Approval of January 28, 2021 Meeting Minutes (Attached to Agenda)
5. Discussion and Possible Action regarding the process for setting registration fee levels and the adoption of the Fiscal Year 2021/22 budget
6. Future agenda items
 - ➔ Trainings and team-building exercises for Commissioners
 - ➔ Comparison of 2019 and 2020 counseling service request data
 - ➔ Increasing Commissioner Stipends
 - ➔ Employment Liability Insurance
7. Discussion and Possible Action to set next Committee meeting
8. 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
EVICITION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Thursday, March 11, 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 **Eviction / Section 8 / Foreclosure Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://zoom.us/j/91594698182?pwd=RIN1T1FOT2oxY3NhY2o4L2R4VTNLdz09>. 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: 915 9469 8182 and Passcode: 621197. 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 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
EVICTON / SECTION 8 / FORECLOSURE COMMITTEE MEETING

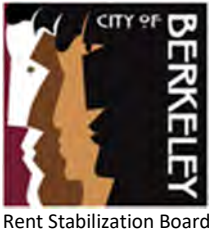
Thursday, March 11, 2021 – 5:00 p.m.

AGENDA

1. Roll call
2. Approval of the Agenda
3. Approval of Minutes of the February 11, 2021 meeting
4. Public Comment
5. Presentation Measure AA Report (attached)
6. Presentation on Senate Bill (SB) 91/Berkeley evictions (attached)
7. Presentation on Berkeley Housing Authority/ number of units/ Hearings conducted
8. Discussion and possible action regarding scope of work of Committee
9. Future Agenda Items
10. Confirm next meeting date (Commissioners: please bring calendars to meeting)
11. Adjournment

STAFF CONTACT: Matthew Siegel – (510) 981.4903

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



RENT STABILIZATION BOARD
IRA / AGA / REGISTRATION COMMITTEE MEETING

Tuesday, March 2, 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://zoom.us/j/99307513057?pwd=N1IxmRUUXZLWnVDZXBZyWVzR0VhUT09>. 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: 993 0751 3057 and Passcode: 127788. 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 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

Tuesday, March 2, 2021 – 5:00 p.m.

AGENDA

1. Roll call
2. Approval of the agenda
3. Approval of Minutes from the February 9, 2021 IRA/AGA/Registration Committee
4. Public Comment
5. Discussion and possible action regarding proposed amendments to Regulation 1013 (See attached staff report)
6. Discussion and possible action regarding the potential effects on rent control of the Inclusive Neighborhood Scale and Quadplex Zoning proposals considered by Council on February 23, 2021 and by the Land Use, Housing, & Economic Development Committee on March 1, 2021 (Materials from February 23, 2021 Council meeting and entire agenda packet from March 1, 2021 Land Use, Housing, & Economic Development Committee attached)
7. Discussion and possible action regarding future agenda items
 - ➔ Tenant Occupancy Limits (Commissioner Johnson)
 - ➔ Confirm regular meeting schedule
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



4x4 Committee on Housing
City Council and Rent Board

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

Wednesday, February 24, 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://zoom.us/j/95567664573?pwd=WW5iSlU0ZHhRWUgyUkthTUtsVVNIUT09>. 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: 955 6766 4573 and Passcode: 352762. 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 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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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 of the Rent Board, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



4x4 Committee on Housing
City Council and Rent Board

AGENDA

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

Wednesday, February 24, 2021 – 3:00 p.m.

1. Roll Call
2. Approval of the Agenda
3. Public Comment on Non-Agenda Matters
4. Approval of November 24, 2020 Committee Meeting Minutes
5. Update on Amendments to Demolition Ordinance (Planning Department)
6. Habitability Plans Modeled After the City of Los Angeles' Practice (Chair Simon-Weisberg)
7. Review of SB 91 and Impact on Berkeley Eviction Moratorium (City Attorney's Office)
8. Quick Updates on Previously Discussed Items
 - a. Amendments to the Relocation Ordinance (Mayor Arreguín)
9. Discussion of Possible Future Agenda Items
10. 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

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

Tuesday, November 24, 2020 – 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://zoom.us/j/93330024842?pwd=QVVwQ0sxU2M5cU00RzdXMnN4aytaZz09>. 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: 933 3002 4842 and Passcode: 094373. 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 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

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

Tuesday, November 24, 2020 – 3:00 p.m.

Minutes to be Approved

1. Roll Call: Chair Laverde called the meeting to order at 3:02 p.m.
Present: Mayor Arreguín, CM Davila, CM Robinson, RB Chair Laverde, RBC Simon-Weisberg, RBC Mendonca, RBC Tregub (signed off at 5:31 p.m.)
Absent: CM Harrison (logged on at 3:04 p.m., signed off at 5:52 p.m.)
Staff Present: Matt Brown, Steve Buckley, Bren Darrow, Stefan Elgstrand, Jen Fabish, Rachel Gonzales-Levine, J.T. Harechmak, Chris Jensen, Alene Pearson, Alisa Shen, Be Tran.
2. Approval of the Agenda: M/S/C (Davila/Robinson) Motion to approve the agenda as written. Roll call vote. YES: Arreguín, Davila, Harrison, Robinson, Laverde, Simon-Weisberg, Mendonca, Tregub; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.
3. Public Comment on Non-Agenda Matters: There was one speaker.
4. Approval of October 28, 2020 Committee Meeting Minutes: M/S/C (Arreguín/Harrison) Motion to approve the minutes as written. Roll call vote. YES: Arreguín, Davila, Harrison, Robinson, Laverde, Simon-Weisberg, Tregub; NO: None; ABSTAIN: Mendonca*; ABSENT: None. Carried: 7-0-1-0.

*Commissioner Mendonca abstained because she was not present for the whole meeting.

5. Presentation on Berkeley Housing Authority (BHA) and Affordable Housing Berkeley, Inc. by BHA Acting Executive Director Rachel Gonzales-Levine: Rachel Gonzales-Levine presented to and took questions from the committee and the public.

There were two public speakers.

6. Discussion and Possible Action on Amendments to Demolition Ordinance (Planning Department): Steve Buckley of the Planning Department presented on proposed changes to the Demolition Ordinance in light of SB330. He and Chris Jensen from the City Attorney's Office took questions. The committee had a robust discussion, raising a variety of questions and concerns. The committee agreed to continue its conversation at a future meeting.

There were 6 public speakers, and committee staff person Be Tran read into the record one public comment submitted by email.

7. Habitability Plans Modeled After the City of Los Angeles' Practice (RBC Simon-Weisberg): This item was continued to a future meeting.
8. Update on Amendments to the Relocation Ordinance (Mayor Arreguín): Mayor Arreguín reported that his office was trying to schedule a meeting with multiple departments to take a comprehensive look at changes.
9. Quick Updates on Previously Discussed Items
 - a. UC Acquisition of 1921 Walnut Street: The committee briefly discussed this item. There was no substantive update.
10. Discussion of Possible Future Agenda Items: The committee agreed to wait until its February 2021 meeting to continue the conversation on amendments to the Demolition Ordinance to give stakeholders enough time to consider the committee's questions and concerns.
11. Adjournment: M/S/C (Davila/Simon-Weisberg) Motion to adjourn the meeting. Roll call vote. YES: Arreguín, Davila, Robinson, Laverde, Simon-Weisberg, Mendonca; NO: None; ABSTAIN: None; ABSENT: Harrison, Tregub. Carried: 6-0-0-2.

The meeting adjourned at 5:53 p.m.

COMMITTEE MEMBERS:

Mayor Jesse Arreguín

City Council Member Cheryl Davila

City Council Member Kate Harrison

City Council Member Rigel Robinson

Rent Board Chairperson Paola Laverde

Rent Board Vice-Chairperson Leah Simon-Weisberg

Rent Board Commissioner Mari Mendonca

Rent Board Commissioner Igor Tregub



4x4 Committee on Housing
City Council and Rent Board

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

Wednesday, March 10, 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://zoom.us/j/98120154505?pwd=eFN2cXhHMkU2Vmc0dHlRQlh5QTcydz09>. 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: 981 2015 4505 and Passcode: 965937. 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 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, March 10, 2021 – 3:00 p.m.

1. Roll Call
2. Approval of the Agenda
3. Public Comment on Non-Agenda Matters
4. Approval of February 24, 2021 Committee Meeting Minutes
5. Update on Amendments to Short Term Rental Ordinance (CM Harrison)
6. Update on Amendments to Demolition Ordinance (Planning Department)
7. Affordable Housing Overlay (CM Taplin)
8. Quick Updates on Previously Discussed Items
9. Discussion of Possible Future Agenda Items
10. 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

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

Wednesday, February 24, 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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To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 955 6766 4573 and Passcode: 352762. 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 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

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

Wednesday, February 24, 2021 – 3:00 p.m.

Minutes to be Approved

1. Roll Call: Mayor Arreguín called the meeting to order at 3:03 p.m.
Present: RBC Alpert, Mayor Arreguín, CM Harrison, RBC Johnson, RBC Kelley, CM Robinson, RB Chair Simon-Weisberg, CM Taplin.
Absent: None.
Staff Present: Matt Brown, Steven Buckley, Lief Bursell, James Chang, Brendan Darrow, Stefan Elstrand, Jen Fabish, J.T. Harechmak, Chris Jensen, Jordan Klein, Matthew Siegel and Be Tran.
2. Approval of the Agenda: MSC (Robinson/Harrison) Motion to approve the agenda as written. Roll call vote. YES: Alpert, Arreguín, Harrison, Johnson, Kelley, Robinson, Simon-Weisberg, Taplin; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.
3. Public Comment on Non-Agenda Matters: There was one speaker.
4. Approval of November 24, 2020 Committee Meeting Minutes: M/S/C (Harrison/Robinson) Motion to approve the minutes as written. Roll call vote. YES: Alpert, Arreguín, Harrison, Johnson, Kelley, Robinson, Simon-Weisberg, Taplin; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.
5. Update on Amendments to Demolition Ordinance (Planning Department): Interim Director of the Planning Department Jordan Klein outlined the Department's proposed workplan. Mr. Klein, Land Use Manager Steven Buckley, Chris Jensen of the City Attorney's Office, and Acting Rent Board Executive Director Matt Brown took questions and comments from the committee. Committee feedback included the desire for input from the committee earlier in the process, a shorter time line, and more specificity on which parts of the City's current Demolition Ordinance are pre-empted by SB 330. The committee also discussed the potential need for an interim policy while work continues on the amendments.

There were two public comments.

6. Habitability Plans Modeled After the City of Los Angeles' Practice (Chair Simon-Weisberg): Rent Board Chair Simon-Weisberg presented and took questions and comments from the committee. Chair Simon-Weisberg, CM Harrison, and Mayor Arreguín will meet to discuss what this model might look like in Berkeley.

There were 2 public comments, and committee staff person Be Tran read aloud two email comments.

7. Review of SB 91 and Impact on Berkeley Eviction Moratorium (City Attorney's Office): Brendan Darrow of the City Attorney's Office presented and took questions from the committee. Rent Board Staff Attorney Matthew Siegel also responded to questions from the committee. The committee discussed ways the City might partner with the Rent Board on outreach efforts. Mayor Arreguín will follow up with Rent Board staff.

There was one public comment.

8. Quick Updates on Previously Discussed Items
 - a. Amendments to the Relocation Ordinance (Mayor Arreguín): Mayor Arreguín reported that he met with staff from Planning, Health Housing and Community Services, the City Attorney's Office, and the Rent Board. The consensus was that major structural changes are necessary. He will convene a multi-department workgroup to research and develop amendments using 4x4 committee guidance from October 2019. Mayor Arreguín will follow up with Rent Board staff attorney Matthew Siegel about the workgroup.

There were no public comments.

9. Discussion of Possible Future Agenda Items: Amendments to the Short-Term Rentals Ordinance, Demolition Ordinance. CM Robinson mentioned that a recommendation from the Land Use, Housing & Economic Development Policy Committee about enforcement of the source of income discrimination ordinance will be making its way to the 4x4 Committee.

At this time the committee agreed to deviate from its normal meeting schedule for March only; the meeting will be on March 10th at 3 p.m.

10. Adjournment: M/S/C (Robinson/Arreguín) Motion to adjourn. YES: Alpert, Arreguín, Johnson, Kelley, Robinson, Simon-Weisberg, Taplin; NO: None; ABSTAIN: None; ABSENT: Harrison (inaudible). Carried: 7-0-0-1.

The meeting adjourned at 5:54 p.m.

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



Office of the City Manager

January 27, 2021

To: Honorable Mayor and Members of the City Council

From: *Dee* Dee Williams-Ridley, City Manager

Re: Referral Response: Short-Term Rentals Update and Outreach

City staff continue to improve upon a short-term rental program that, based on Council direction, allows residents to register and rent appropriate units and prevents properties from being rented improperly. This memorandum updates the City Council on the status of the short-term rentals (STR) program, and responds to a referral adopted by City Council on July 28, 2020.¹ Staff last updated the Council about this program at a work session on October 22, 2019.²

Registration

Any Berkeley resident who rents accommodations to guests for 13 or fewer nights in their home or accessory building is required to register their STR with the City. Since September 2017, the City has accepted 590 STR applications. Of those, 448 were approved, 88 were denied, 4 were disqualified due to a previous no-fault eviction, and 50 were closed for lack of response for more information and referred for code enforcement follow up. Not all of those that have been approved are still actively listing.

The City sent initial welcome letters to all active hosts in 2017, informing them of the rules of the STR program. The City continues to send new welcome letters on a regular basis as new hosts are identified, encouraging them to register their STR and informing them of the program rules.

In order to operate, an STR host must register with the City and be granted a Zoning Certificate (ZC-STR). The City created a dedicated online portal for STR hosts to register their units. Every ZC-STR application is reviewed by staff from Land Use Planning and the Rent Stabilization Board (RSB). Land Use Planning staff reviews for requirements such as landlord approval, whether the unit is a qualifying ADU or

¹ https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-28_Supp_2_Item_42_Rev_Harrison.aspx

² https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/10-22_Special_Annotated_Agenda_pdf.aspx

restricted BMR unit, location to ensure it is in a qualifying zoning district, and evidence of proper neighbor notification. If there is more than one unit on the parcel, staff checks for owner/tenant occupancy. RSB staff review the application for no-fault eviction status and owner/tenant occupancy

Enforcement

The City's STR enforcement strategy is to issue communications to educate the host about local regulations and encourage compliance, and then to issue citations if the host does not come into compliance in a reasonable amount of time. Staff in the Planning Department and Finance Department have coordinated efforts since the initial program roll-out in late 2017, including the establishment of simple website pages for registering and paying taxes.

Since the last report in September 2019, the Planning Department has continued to utilize a third-party service called Host Compliance to identify non-compliant hosts that are advertising STR listings in Berkeley. Once a non-compliant host is identified, staff contacts them through a series of letters and phone calls. To date staff have issued 819 requests to register, 247 administrative citation warnings, and 104 administrative citations. Initial enforcement activities were focused on apartment buildings with multiple listings. Based on available data, all known listings have received compliance letters. Staff also investigate and address complaints about hosts with noisy guests and other nuisances through direct contact and warnings, as well as citations when warranted.

At the end of September 2020 there were 1,482 advertised listings for short-term rentals in Berkeley. Of those, 759 hosts (51%) were taking reservations while 723 (49%) were not actively taking reservations for the past 12 months. Of the 759 active listings, 514 hosts (68%) meet the current STR definition in Berkeley (13 nights or fewer). The other 245 listings (32%) accept reservations for more than 13 days, and therefore fall outside the current STR definition and do not require a City-issued Zoning Certificate.

Of the 514 active listings which meet the City's STR definition, 277 (54%) have an approved Zoning Certificate, while 237 (46%) operate illegally without a Zoning Certificate. The short-term rental marketplace has a pattern of fluidity, which in turn requires continuous monitoring. Enforcement letters are sent out to hosts regularly according to the available data, and staff issues escalating fines to hosts that do not either remove the listing or obtain a permit.

A recent enforcement letter was mistakenly sent to hosts who had already registered and been approved by the City, due to zoning certificate numbers not having been listed on each hosting page. After the letters were mailed, staff discovered that Airbnb blocks hosts from posting their zoning certificate number. On October 3, 2020 staff mailed a new letter apologizing for the mistake and stopping all enforcement against the

incorrectly identified hosts. Going forward, additional testing will be conducted on the screening criteria to verify non-compliance before conducting a broad enforcement action.

Outreach and Education Activities

Information for the general public is located on the City website including a summary page, a frequently asked questions page, and a registration page.³ Planning Department staff primarily receives and responds to inquiries about the STR program via a dedicated email address, STR@cityofberkeley.info, through the 3-1-1 customer service line, and through the third-party vendor.

On July 28, 2020, City Council referred to the City Manager the development of an outreach program to clarify existing short term rental regulations in areas that have proven confusing to hosts, guests, and tenants. Planning Department staff will work with the Public Information Officer in 2021 to further publicize STR regulations, explain the rules of the STR program, show hosts how to register, and emphasize how regulating the STR market is supportive of neighborhoods. Staff will also meet with community groups such as the Berkeley Property Owner's Association.

Revenue

The table below provides a summary of STR revenues in the first two fiscal years of operation.

Short-Term Rental Revenues Summary

Description	FY 2019	FY 2020	Difference	% change
Transient Occupancy Tax	\$1,806,679	\$1,175,706	\$(630,973)	-35%
Code Enforcement Fees	\$24,317	\$102,684	\$78,367	322%
Total Revenue	\$1,830,996	\$1,278,390	\$(552,606)	-30%

The STR-Transient Occupancy Tax (TOT) revenues for FY 2020 declined by approximately 35%. The decrease in the FY2020 tax revenue is attributable to a substantial decline in STR bookings due to the Governor's shelter in place order in March of 2020. The first quarter results of FY2021 for the STR revenues showed a steeper decline of over 80% when compared to the first quarter of FY 2020. Staff will be reviewing and analyzing the revenues from this tax in the next few weeks after the

³ <https://www.cityofberkeley.info/str/> ;
https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Short_Term_Rentals_-_Frequently_Asked_Questions.aspx

January 27, 2021

Re: Referral Response: Short Term Rentals Update and Outreach

December month-end close. The close of December will indicate the actual receipts for the first six months of the current fiscal year and will help to determine if there is any discernable trend that can be used for future projections.

cc: Paul Buddenhagen, Deputy City Manager
David White, Deputy City Manager
Jenny Wong, City Auditor
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager
Jordan Klein, Interim Director, Planning and Development Department
Henry Oyekanmi, Director, Department of Finance
Savita Chaudhary, Director, Department of Information Technology