



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, September 15, 2022
7:00 p.m.

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

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and City of Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the **Rent Board** will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. **Therefore, there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/84816025186?pwd=cU5laFFxdTFNRTFZaFdMYzFTcERxQT09>. 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: 848 1602 5186 and Passcode: 262696. 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, send it to amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

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

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

RENT STABILIZATION BOARD
Regular Meeting
Thursday, September 15, 2022
7:00 p.m.

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. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

3. **Approval of Agenda** – 1 min.*

4. **Public Comment** – 2 min. per speaker for *non*-agendized items*

5. **Public Comment** – 2 min. per speaker for items on the agenda*

6. **SPECIAL ORDER OF BUSINESS** – Presentation of honorary resolution to former Rent Board Staff Attorney, Matthew Siegel, for his more than 27 years of service

7. **CONSENT ITEMS** – 1 min.*
 - a. Approval of the July 21, 2022 regular meeting minutes

 - b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers
Property Address

2390 MCGEE
1922 WOOLSEY
2171 ALLSTON
2130 BROWNING
1730 HIGHLAND #4
3025 DANA ST
2016 9TH
1409 CYPRESS
2803 REGENT
1902-06 RUSSELL

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
W5050	2918 STANTON

8. APPEAL – 7:30 p.m.**

***This appeal will not be heard before 7:30 p.m. but may be heard any time thereafter.*

Case No. T-5946 (2226 7th Street, Unit D)

Landlord Gershon Luria (“Landlord”) filed an appeal of a hearing decision granting in part and denying in part Tenant Deloris O’Neal’s (“Tenant”) Petition for Individual Rent Adjustment (“petition”), seeking a rent reduction due to certain claimed substandard conditions of the rental unit located at 2226 7th Street, Unit D, Berkeley, California 94710 (“premises”).

On appeal, Landlord claims that: (1) the hearing examiner improperly applied Regulation 1269, (2) Tenant failed to meet her burden of proof, (3) Tenant and Tenant witnesses lacked credibility, and (4) the hearing examiner was biased against Landlord. A review of the record shows that the hearing examiner correctly applied Regulation 1269 and that his decision is supported by substantial evidence. The appeal repeats meritless arguments and testimony previously submitted and fails to substantiate its claim of bias. The decision of the hearing examiner should be affirmed.

9. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board’s vote on each action item listed below – 1 min. per speaker.

- a. Chair Update (Chair Simon-Weisberg) – 5 min.*

10. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

NOTE: The Board may vote to move Information Items to the Action calendar.

- a. Screening of the film, “Push!” at the Grand Lake Theater in Oakland on September 26, 2022 at 6:30 p.m. – *Verbal* (Chair Simon-Weisberg) – 3 min.*
- b. Update regarding Ellis Act prohibition in the Eviction Moratorium and update regarding recent Ellis Eviction cases filed in Berkeley – *Verbal* (General Counsel) – 3 min.*
- c. Elevator Ordinance Referral item from the Commission on Disability (General Counsel) – 2 min.*
- d. Update on Rent Board staff outreach at National Night Out on August 2, 2022 – *Verbal* (Executive Director) – 1 min.*
- e. Update on Rent Board staff outreach at the Solano Stroll on September 11, 2022 – *Verbal* (Executive Director) – 1 min.*
- f. July 27, 2022 *Berkeleyside* article by Manuela Tobias titled, “This new website will help you respond to an eviction notice” (Executive Director) – 1 min.*
<https://www.berkeleyside.org/2022/07/27/website-california-tenants-eviction>
- g. August 10, 2022 *The Daily Californian* article by Rae Wymer titled, “‘It was pretty brutal’: Tenants share experiences renting in Berkeley” (General Counsel) – 1 min.*
<https://www.dailycal.org/2022/08/10/it-was-pretty-brutal-tenants-share-experiences-renting-in-berkeley/>
- h. Date to submit agenda topics/items for October’s regular Rent Board meeting: **Friday, October 7th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

Information Items carried over from the June 16, 2022 regular Rent Board meeting:

- i. April 28, 2022 Owner Move-in Eviction Tracking Report (January 2019 - December 2021) (Eviction/Section 8/Foreclosure Committee & Executive Director) – 2 min.*
- j. Rent Board’s participation in the 35th Annual Berkeley Juneteenth Festival on Sunday, June 19th from 11:00 a.m. to 7:00 p.m. – *Verbal* (Executive Director) – 2 min.*

- k. Update on the Rent Board’s presentation at the May 20, 2022 “Rent Stabilization: Lessons Learned from Implementing Rent Stabilization Policies” webinar (Minneapolis/St. Paul) from 9:00 a.m. - 11:00 a.m. Pacific Time – *Verbal* (General Counsel) – 2 min.*

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Chang, Chair) – 5 min.*
Next regularly-scheduled meeting: Monday, Sept. 12th at 5:30 p.m.

September 12th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – 5 min.*
Next regularly-scheduled meeting: Thursday, Sept. 22nd at 5:30 p.m.

July 28th agenda

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA

- d. Outreach Committee (Commissioner Laverde, Chair) – 5 min.*
Next regularly-scheduled meeting: Wednesday, Sept. 21st at 5:30 p.m.

August 10th agenda

- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – 3 min.*
Regularly-scheduled meeting date: TBA

- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5 min.*
(Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)
Next regularly-scheduled meeting: Wednesday, Sept. 28th at 3:00 p.m.

- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair) – 3 min.*
Next meeting date: TBA

- h. Updates and Announcements – 3 min.*

- i. Discussion of items for possible placement on future agenda – 5 min.*

12. ADJOURNMENT

COMMUNICATIONS DISCLAIMER:

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



RENT STABILIZATION BOARD
Regular Meeting
Thursday, July 21, 2022
7:00 p.m.

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

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and City of Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the **Rent Board** will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. **Therefore, there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/81553526289?pwd=SjJQbVVRWG5RMFNzdy9qdTFzLy91UT09>. 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: 815 5352 6289 and Passcode: 247686. 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, send it to amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

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

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

RENT STABILIZATION BOARD
Regular Meeting
Thursday, July 21, 2022
7:00 p.m.

Regular Meeting Minutes - *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:06 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg
Commissioners absent: Mendonca
Staff present: Brown, Dahl, Eberhart, Kim, Mueller, Williams

2. **Land Acknowledgment Statement:** The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun- (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878 and since the Rent Stabilization Board’s creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

The land acknowledgement statement was played aloud.

3. **Approval of Agenda**

M/S/C (Alpert/Selawsky) APPROVE THE AGENDA WITH THE FOLLOWING CHANGE: MOVE ACTION ITEM 9.a. TO CONSENT. ***Friendly amendment by Simon-Weisberg (approved):*** MOVE ACTION ITEM 9.b. TO CONSENT. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

M/S/C (Simon-Weisberg/Kelley) RECONSIDER VOTE ON APPROVAL OF THE AGENDA AND MOVE CONSENT ITEM 8.b. TO ACTION. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

4. **Introduction of recently-hired Rent Board staff** – Recently-hired staff attorneys Hannah Kim and Oliver Ehlinger (who begins work at the Rent Board on July 25, 2022) introduced themselves and were welcomed by the Board.
5. **Public Comment** – *non*-agendized items. Moni T. Law spoke about her role as a Rent Board housing counselor and the accomplishments of her fellow housing counselors.
6. **Public Comment** – items on the agenda. David Korman spoke about his waiver request.
7. **APPEAL** – Case No. E-99 (1146-1160 Hearst Avenue)

Appearances: Alan Wofsy on behalf of Appellant.

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

8. **CONSENT ITEMS**

Consent item 8.b was moved to action, and action items 9.a. and 9.b. were moved to consent by an earlier vote of the board.

- a. Approval of the June 16, 2022 regular meeting minutes

M/S/C (Selawsky/Kelley) APPROVE ITEMS 8.a., 9.a.. AND 9.b. AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

- b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
	66 MENLO
	2116 ROOSEVELT
	2398 BANCROFT WAY
	1411 SPRUCE
	2958 HILLEGASS
	2313 6TH STREET
	1437 VIRGINIA
	1767 EUCLID #6
	2022 EMERSON
	2530 DWIGHT
	2112 MCKINLEY #C

1620 MILVIA ST
1717 BLAKE
1641 ALLSTON WAY
2711 FOREST AVE
1323 SANTA FE
2422 BONAR
1221 CURTIS
1523 PRINCE ST
1921 HARMON
367 VASSAR
2326 LE CONTE
2215 MARIN AVE
3205 CALIFORNIA ST
1659 JULIA
2325 ROOSEVELT
2218 ASHBY AVE
1916 CEDAR
1614 FRANCISCO
2335 RUSSELL
2636 WARRING ST
2724 GARBER
2711 CALIFORNIA
1919A RUSSELL
2734 MILVIA
1009 KEITH
2021 HEARST

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
W5031	3025 DEAKIN
W5032	2112 VIRGINIA
W5033	2721 CHANNING
W5034	1240 ORDWAY
W5035	1203 SHATTUCK #B
W5036	1655 BELVEDERE
W5037	1204 EVELYN AVE
W5038	2383 VIRGINIA ST
W5039	2204 MCGEE
W5040	2644 DWIGHT
W5041	1612 PARKER
W5042	1636 MLK JR WAY
W5043	1780 SPRUCE
W5044	2501 HILGARD
W5045	2733, 2727 & 2729 STUART

W5046 1602 ASHBY
W5047 1449 CEDAR
W5048 1350 ACTON

ITEM 8.b. WAS MOVED TO ACTION BY AN EARLIER VOTE OF THE BOARD.

9. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Consent item 8.b was moved to action by a prior vote of the Board.

M/S/C (Alpert/Laverde) APPROVE THE STAFF RECOMMENDATION FOR ALL WAIVERS. ***Friendly amendment by Kelley (approved):*** REMOVE THE MINISTERIAL WAIVER FOR 2325 ROOSEVELT FROM THIS ITEM AND REMAND TO STAFF AS A DISCRETIONARY WAIVER. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Simon-Weisberg; NO: Walker; ABSTAIN: None; ABSENT: Mendonca. Carried: 7-1-0-1.

Action items 9.a. and 9.b. were moved to Consent by a prior vote of the Board.

- a. Recommendation to adopt Resolution 22-21 to establish a COVID-19 and one-time Administrative Correction Cycle amnesty period of 90 days for fully covered and Measure MM units to automatically waive penalties associated with late payment of Registration Fees for those landlords that were not able to pay the fees due to financial hardship associated with COVID-19 or the requirement of an administrative correction (Budget & Personnel Committee and Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- b. Discussion and possible action to amend the Board’s 2022 Regular Meeting Schedule by canceling the regular meeting scheduled for August 18, 2022 (Chair Simon-Weisberg) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

10. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

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

- a. Update on the Tenant Survey project – *Verbal* (Executive Director) – Public Information Unit Manager Nate Dahl updated the Board on the status of the project and shared some of the proposed survey questions.

- b. 2022-2023 Year Over Year Registration Fee Collection Comparison report (Executive Director/Registration Unit Manager) – Registration Unit Manager Amanda Eberhart provided an overview.
- c. Updated Commissioner attendance at Board and Committee meetings through the 2nd quarter of 2022 (Board Secretary)
- d. Updated Appendix B of Rent Board Regulations, Chapter 12 (Executive Director)
- e. Updated Appendix C of Rent Board Regulations, Chapter 12 (Executive Director)
- f. June 2022 report by the *Tech, Bias, and Housing Initiative* titled, “Sold to the Highest Bidder – How Tech is Cashing in on the American Dream” (Chair Simon-Weisberg)
- g. July 13, 2022 *California Department of Justice Division of Law Enforcement Information Bulletin*: “Protecting Tenants Against Unlawful Lockouts and Other “Self-Help Evictions” (Chair Simon-Weisberg)
- h. Date to submit agenda topics/items for September’s regular Rent Board meeting: **Friday, September 2nd at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Chang, Chair) – Commissioner Chang thanked the Committee and staff for bringing the late registration fee penalty amnesty period item voted on by the Board tonight.

Next regularly-scheduled meeting: Monday, Sept. 12th at 5:30 p.m.

July 12th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – Commissioner Selawsky mentioned the upcoming meeting date.

Next regularly-scheduled meeting: Thursday, July 28th at 5:30 p.m.

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley mentioned that proposed ballot measures related to amending the Rent Ordinance are being considered by Council at its July 28th meeting.

Next regularly-scheduled meeting: TBA

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reviewed the Committee’s work on the tenant survey.

Next regularly-scheduled meeting: Wednesday, August 10th at 5:30 p.m.

July 20th agenda

- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA)

Regularly-scheduled meeting date: TBA

- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board (Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs) – Chair Simon-Weisberg provided an update on the committee’s habitability plan discussion, and thanked staff for their research.

Next regularly-scheduled meeting: Wednesday, Sept. 28th at 3:00 p.m.

July 12th agenda packet

- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair)

Next meeting date: TBA

- h. Ad Hoc Committee on the Status of Virtual Meetings (Chair TBA) – Chair Simon-Weisberg dissolved this committee and transferred its purview to the Outreach Committee.

Next meeting date: TBA

- i. Updates and Announcements – Commissioner Laverde invited Commissioners and the public to visit the Rent Board’s tent at National Night Out in August, and Solano Stroll in November.

- j. Discussion of items for possible placement on future agenda

12. ADJOURNMENT

M/S/C (Laverde/Alpert) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

The meeting adjourned at 8:54 p.m.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: September 15, 2022

TO: Honorable Members of the Rent Stabilization Board

FROM: DeSeana Williams, Executive Director

BY: Amanda Eberhart, Registration Unit Manager

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
	2390 MCGEE	TSIT & CHEE LAM	150.00	150.00	
	1922 WOOLSEY	BLACK DIAMOND MANAGEMENT	600.00	600.00	
	2171 ALLSTON	NASSER & PAMELA KASHANI	1,000.00	1,000.00	
	2130 BROWNING	AVI ATID	750.00	750.00	
	1730 HIGHLAND #4	HELENA KOLENDA	300.00	300.00	
	3025 DANA ST	LISA HILLEGAS	300.00	300.00	
	2016 9TH	JUANA ALICIA ARAIZA	500.00	500.00	
	1409 CYPRESS	MARK ATTARHA	150.00		150.00
	2803 REGENT	ERIC TAYLOR	132.00		132.00
	1902-06 RUSSELL	CARMILITA GARDNER	2,670.00		2,670.00
TOTAL			\$6,552	\$3,600	\$2,952

Financial Impact: Ministerial Waivers

Approval of Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$3,600**.

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
W5050	2918 STANTON	TORRANCE MAK	2,500.00	2,500.00	
TOTAL			\$2,500	\$3,500	

Financial Impact: Discretionary Waivers

Approval of Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$2,500**.

Name and Telephone Number of Contact Person:

DeSeana Williams, 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: W5050	Property address: 2918 STANTON ST	Transferred: 02/16/2018
Exempt units (as of February 2021): None		
Owner(s): TORRANCE MAK	Waiver filed by: OWNER	# of Units: 5
Other Berkeley rental property owned: None		

Late payment/penalty history: No late payments in the last 5 years.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: COVID Financial Hardship						
Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 21-22	5	-	-	\$2,500.00	-	\$2,500.00
Totals				\$2,500.00	\$0.00	\$2,500.00

Grounds under Regulation 884(B): (12) The property is on the inventory of potentially hazardous soft story buildings, as defined in the Soft Story Ordinance (Berkeley Municipal Code Chapter 19.39), but the landlord is not in compliance with that ordinance. For the purposes of this Regulation, compliance with the Soft Story Ordinance means that the landlord has notified tenants and posted a notice as required by B.M.C. section 19.39.060, and submitted an Initial Screening and seismic engineering evaluation report as required by B.M.C. section 19.39.070, by the applicable deadline under B.M.C. section 19.39.090

Good cause claimed by owner: The owner lost their job due to COVID and experienced a financial hardship.

Recommendation: Staff recommends waiving 100% of the penalties.

Staff Analysis: This property owner has not paid the registration fees late in the last 5 fiscal years. In the 21-22 registration cycle, this property owner lost their job due to COVID. At the same time, the owner also had tenants that were affected by COVID which resulted in a financial hardship for the owner.

RECEIVED

JUL 01 2022

Public

CITY OF BERKELEY

RENT STABILIZATION PROGRAM

2125 Milvia Street, Berkeley, CA 94704

PHONE: (510) 981-7368 • FAX: (510) 981-4910

WEB: <https://rentboard.berkeleyca.gov>

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2918 Stanton St. Berkeley, CA 94702

Owner: Torrance Mads, Tiffany Iren Chen

Date of acquisition, if new owner: 02/16/2018

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 the circumstances 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 lose my job due to covid in 2021, also
50% of the tenants were not making rent, therefore
I had a cash crunch in 2021

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

Date: 7/1/2022 Signature: Torrance Mads

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: TorranceM@gmail.com

Mailing Address: ~~20930~~ P.O. Box 20930, Oakland, CA 94620

Phone Number: 510 387 9588 Fax Number: _____

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



[Commission Name]

CALENDAR

To: Honorable Mayor and Members of the City Council

From: Helen Walsh

Submitted by: Commission on Disability

Subject: The Elevator Ordinance Referral aims to provide alternative housing to people with disabilities in the event of an emergency or out-of-service elevator in apartment complexes of 10 or more units and 2 or more stories. However, the municipal code should provide more adequate financial means in order to provide adequate and accessible accommodations, especially to tenants who use medical equipment and or mobility devices.

RECOMMENDATION

Clarifying standards and reducing the change of a court misunderstanding the intent of the code. The Elevator Ordinance Referral aims to provide alternative housing to people with disabilities

1. Require that alternative housing be accessible and that “ accessible “ is defined by the California Building Code.
2. Clarifying what standard for “reasonable arrangements”, and “ reasonable steps” in section 19.50.040(C). Using the elevator industry standard is more protective of tenants, because it is a higher standard.
3. Clarify that both immediate repair and alternative housing are required, not one or the other, section 19.50.060(A). revision adding “ and/or”.
4. Removing the 10-Day limit on providing alternative housing, where the elevator cannot be repaired immediately.
5. Raise the maximum cost of alternative housing to meet modern economic realities.
6. Include a food voucher to meet the modern economic realities.
7. Post and provide tenants rights elevator repair, outage and out of service information in accessible formats and where tenants with and without disabilities have the best opportunity to review and receive the information.

SUMMARY *[This section is included only if report exceeds three pages.]*

FISCAL IMPACTS OF RECOMMENDATION

Landlords and owners in the city of Berkeley are obligated to have liability insurance in the event of a person being injured from having an accident on the property. If the Landlord does not possess liability insurance, the city of Berkeley would have to intervene, costing the city money and resources of the amount that depends on the severity of the situation.

CURRENT SITUATION AND ITS EFFECTS

The intent of Clarifying standards is to protect persons with disabilities and seniors who are unable to use the stairs from being displaced or having to face an undue financial burden following an unexpected elevator repair, outage and or the service is out of order. These problems are especially serious in the city of Berkeley and the greater Bay Area where conventional, affordable housing is scarce while accessible, affordable housing is exceptionally rare. Moreover, there is no written, explicit protocol for landlords and owners of apartment complexes of 10 or more units or more than 2 stories or more to follow if an elevator was to go out of commission.

BACKGROUND

People with disabilities and the elderly are faced with undue hardships if and when an elevator malfunction occurs. Elevators can malfunction from age, not being maintained, power outages, damage and or some sort of natural disaster. Seniors and Persons with Disabilities are on fixed incomes. It is difficult to locate an affordable alternative accessible housing and or an accessible hotel room. Costs are often outside the monthly income that this population can afford.

Currently the Chapter 19.50 places an undue burden on the diverse community of persons with disabilities and seniors. Clarifying these standards would ensure that tenants with disabilities and seniors would have full and equal use of their rental or hotel accommodation in the event of an elevator repair, outage and or the service is out of order. It would also reduce misunderstandings in the intent of the code that can lead to undue burdens for the largest minority.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

If there is a fire, earthquake, water damage, or some type of natural disaster, it is not recommended to use the elevator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

RATIONALE FOR RECOMMENDATION

ALTERNATIVE ACTIONS CONSIDERED

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process

Note: If the City Manager does not (a) concur, (b) takes any other position, or (c) refer to the budget process, a council action report must be prepared. Indicate under the CITY MANAGER heading, "See companion report."

CONTACT PERSON

, , ,

Attachments: [Delete if there are NO Attachments]

1: Ordinance

 Exhibit A:

 Exhibit B:

2:

3:

ORDINANCE NO. -N.S.

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code is amended to read as follows:

Section 2. That Berkeley Municipal Code is amended to read as follows:

Section . Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Exhibits [Delete if there are NO exhibits]

A: Title of the Exhibit

B: Title of the Exhibit



Rent Stabilization Board

MEMORANDUM

DATE: April 28, 2022

TO: Honorable Members of the Eviction/Section 8/Foreclosure Committee

FROM: Matthew Siegel, Staff Attorney
Jen Fabish, Community Services Specialist

SUBJECT: Owner Move-in Eviction Tracking Report (January 2019 – December 2021)

BACKGROUND

I. Measure Y

In November 2000, in response to a rash of owner-move-in evictions, Berkeley voters adopted Measure Y as an amendment to the Rent Stabilization and Eviction for Good Cause Ordinance. Known as Berkeley's owner move-in (OMI) law, Measure Y was subsequently codified under Berkeley Municipal Code (B.M.C.) Section 13.76.130A.9. It allowed property owners to evict tenants so that the owner or qualifying relatives could move into rental units, but placed restrictions and conditions on such evictions.¹ In addition, property owners who evicted tenant households that qualified as low income were required to pay \$4,500 relocation assistance prior to the tenants relinquishing possession of their rental units.

After an owner move-in eviction, the rental rate for the next tenancy established in the vacant unit cannot exceed the lawful apparent rent ceiling that applied to the former tenancy. (Rent Board Reg. 1016). Furthermore, the evicted tenant/s have the opportunity move back into the unit if they expressed an interest in doing so at the time of the eviction. (B.M.C. 13.76.130A9.o.)

¹Under B.M.C. 13.76.130A.9b., an owner could evict a tenant so that the owner, or his/her spouse, child, or parent could occupancy in a rental unit. The owner or relative must have intended to live in the unit for 36 continuous months. Additionally, with few exceptions, property owners could not evict seniors or disabled tenants who have occupied their rental units for five years or more in buildings with four or more units.

II. Measure AA

In November 2016, Berkeley voters passed Measure AA, which amended Measure Y. While many of above-referenced provisions of the owner move-in law remain the same, Measure AA implemented the following substantial changes:

- Property owners who evict tenants for owner move-in purposes must pay a standard relocation fee to all tenant households where at least one occupant has resided in the unit for more than one year.²
- Qualifying low-income, disabled, elderly, families with minor children, or those tenancies that began prior to 1999 are eligible to receive an additional relocation assistance payment.³
- Families with minor children are protected from being evicted during the school year.
- A City or Rent Board hearing examiner can adjudicate disputes regarding a tenant's entitlement to the additional relocation assistance.

Finally, as under Measure Y, Measure AA requires that “. . . at least twice annually, Rent Board Staff shall report to the Rent Board regarding the occupancy status of units possession of which has been recovered . . . within the prior thirty-six months.” (B.M.C. 13.76.130A9.r.)

² The current standard relocation assistance amount is \$16,864, and may be increased each year by the percentage increase in the Consumer Price Index – All Urban Consumers in the San Francisco-Oakland-San Jose Region for the 12-month period ending June 30 of the prior year, as published by the United States Department of Labor.

³ The current additional relocation assistance amount is \$5,621, which may also be adjusted each year as described above.

OMI REPORT: January 1, 2019 – December 31, 2021

COVID-19 SHELTER-IN-PLACE & EVICTION MORATORIUM

Due to the COVID-19 pandemic, the City of Berkeley declared a local State of Emergency on March 3, 2020, which is still in effect. On March 16, 2020, the City of Berkeley Public Health Officer issued a Shelter-in-Place Order, and has subsequently issued a number of Health Orders aimed at reducing the spread of COVID-19. On March 17, 2020, the City of Berkeley passed the COVID-19 Emergency Response Ordinance that placed a moratorium on most evictions, including OMI evictions. (B.M.C 13.110.) It remains in effect as of the date of this report.

STAFF MONITORING

To ensure that tenant protections are not violated, Rent Board staff endeavor to contact occupants living in units that have received OMI eviction notices at least once every six months. Staff send a letter to each unit notifying the occupant of the rent ceiling that would apply if s/he is a tenant rather than the owner or qualified family member (Attachment 1). Staff also research information in our databases and county ownership records to ensure that residency information is correct. Additionally, staff typically conduct focused site visits to try to ascertain residency when there is a question as to whether the owner or family member actually lives in the unit after an OMI notice is sent.

When staff receives information that a new tenant may be living in a rental unit following an OMI eviction, staff may contact the owner and/or tenant to ascertain the facts and circumstances pertaining to this occupancy. Staff will often then provide counseling to both the owner and tenant when appropriate regarding the proper rent ceilings for that unit. Additionally, when appropriate, staff will attempt to contact tenant households displaced from a rental unit due to an OMI notice to explain the options, rights and remedies that may be available if it is believed that the Ordinance has been violated.

OMI NOTICES AND RELOCATION ASSISTANCE PAYMENTS

Notices Filed with the Rent Stabilization Program

Between January 1, 2019 and December 31, 2021, 16 OMI eviction notices were filed. The following table shows how these notices were distributed amongst unit types, and the number of instances where the information currently available to staff indicates a unit is tenant occupied.

Unit designation	Number of notices sent	Unit currently tenant-occupied
Single family home	6	0
Duplex	4	0
Triplex	0	0
Fourplex ⁴	5	2
Five units & more	1	0

⁴In this reporting period, two separate notices were served on the same unit at a fourplex property, which were rescinded.

Of the 16 notices, 11 were for owner-move-in and five involved qualifying relative move-in evictions.

Relocation Assistance⁵

Eight of the 16 properties that received OMI notices in the reporting period received the standard relocation assistance payment. Six OMI notices were rescinded. In two cases, no relocation was due because the tenants had not lived in the unit for one year or more.

Five households received the additional relocation payment on the following grounds (some households claimed multiple grounds, which is why the total claims documented below exceeds five):

Claims for Additional Relocation Payment	
Grounds	Number of Claims
Minor Child	0
Disabled	2
Low Income	3
60 or more years old	1
Long-term Tenant	0

NARRATIVE DATA FROM STAFF RESEARCH

Single Family Homes – All six of the single-family homes in the reporting period were Costa-Hawkins exempt tenancies.

Duplexes – Four notices were served on duplexes during the current reporting period. Staff has verified that the owner or family member named in the notice has moved in for all four of these cases.

Two of the four duplex units that received OMI notices are potential “golden duplexes,” i.e. fully exempt properties if an owner of record of at least 50% occupies one of the two units. Of those two properties, staff has verified that one is currently owner-occupied, thus fully exempt from the Ordinance. In the other case, the notice designated a family move-in and staff has verified that the owner’s son has moved in.

Triplexes – There were no OMI notices served on triplex properties during this reporting period.

Fourplexes – Five notices were served on tenants residing in fourplexes during this reporting period, two of which were served on the same unit and later rescinded. Staff has verified that the owner or qualified family member is occupying the unit in one case. In another case, the notice was rescinded and the unit remains tenant-occupied. In the last case, the notice was rescinded and the tenant took a buyout agreement. Staff continue to monitor this property.

Five or more units – One OMI notice was served at a property with five or more units. The OMI

⁵ Prior reports included information on properties subject to Measure Y’s relocation assistance requirement. There are no longer any such properties in the reporting period, so all relocation assistance data pertain to properties subject to Measure AA’s relocation assistance requirements.

notice appears to be defective and staff counseled the owners and the evicted tenant. Staff has verified that the unit is owner occupied, but the tenant is litigating the defective notice.

OWNERSHIP HISTORY PRIOR TO OMI FILING

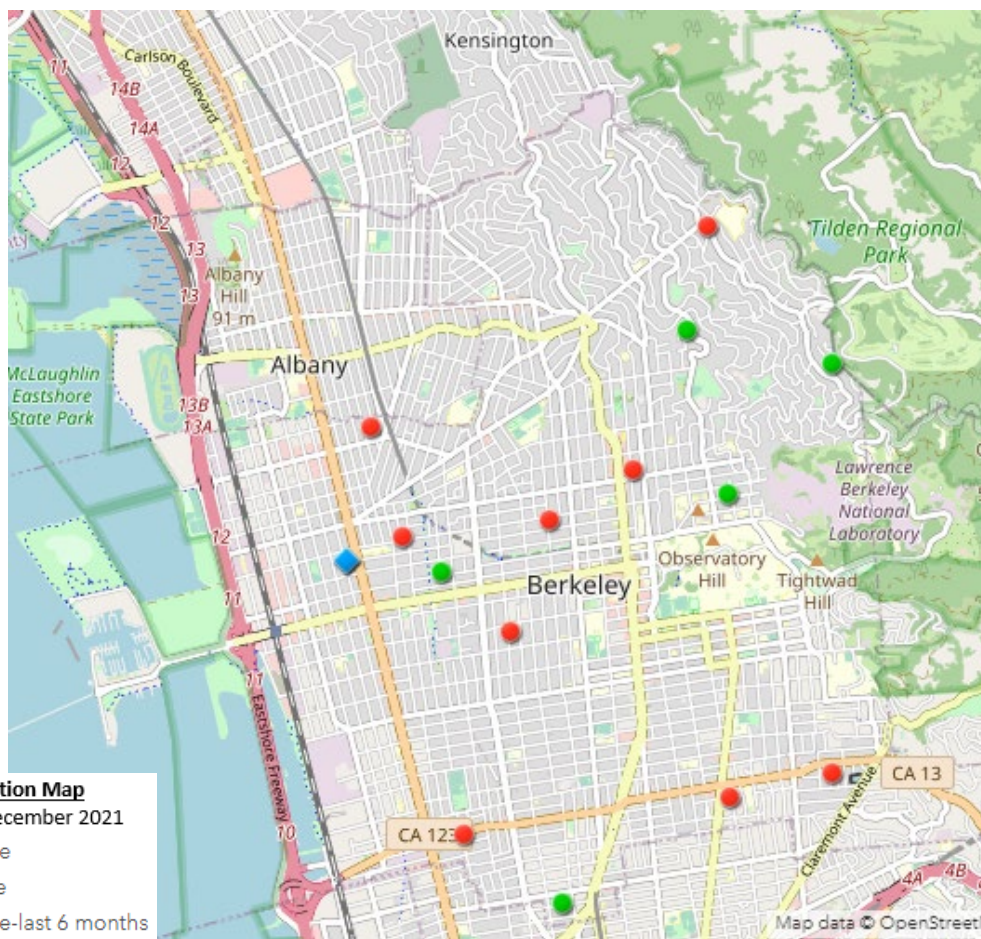
Previously, the committee requested data showing how long a landlord owned the property prior to filing an OMI notice.⁶

Ownership Prior to Notice	# Props.
less than 1 year	5
Between 1 and 2 years	3
2 to 5 years	3
5 to 10 years	2
More than 10 years	3

LOCATION OF OMI PROPERTIES

General Distribution

The map below shows the general distribution of OMI notices for the current reporting period. Two notices were served on the same address, so there are 15 data points rather than 16.



⁶ This data includes title transfers. For the purpose of calculating data, we used the time between the transfer date and the notice of eviction.

Geographic Location and Market Area

The table below shows the geographic location and market area of properties that received an OMI Notice in the last six months of the current reporting period. Berkeley has been under a local eviction moratorium since March of 2020. The two OMI notices that were filed on the same unit during the last six months of this reporting period were rescinded. Attachment 2 shows the geographic location and market area for all properties subject to OMI notices during the current reporting period.

Date filed	Street	Market Area
8/17/2021	1725 10 th St.	West Berkeley (4)
10/8/2021	1725 10 th St.	West Berkeley (4)

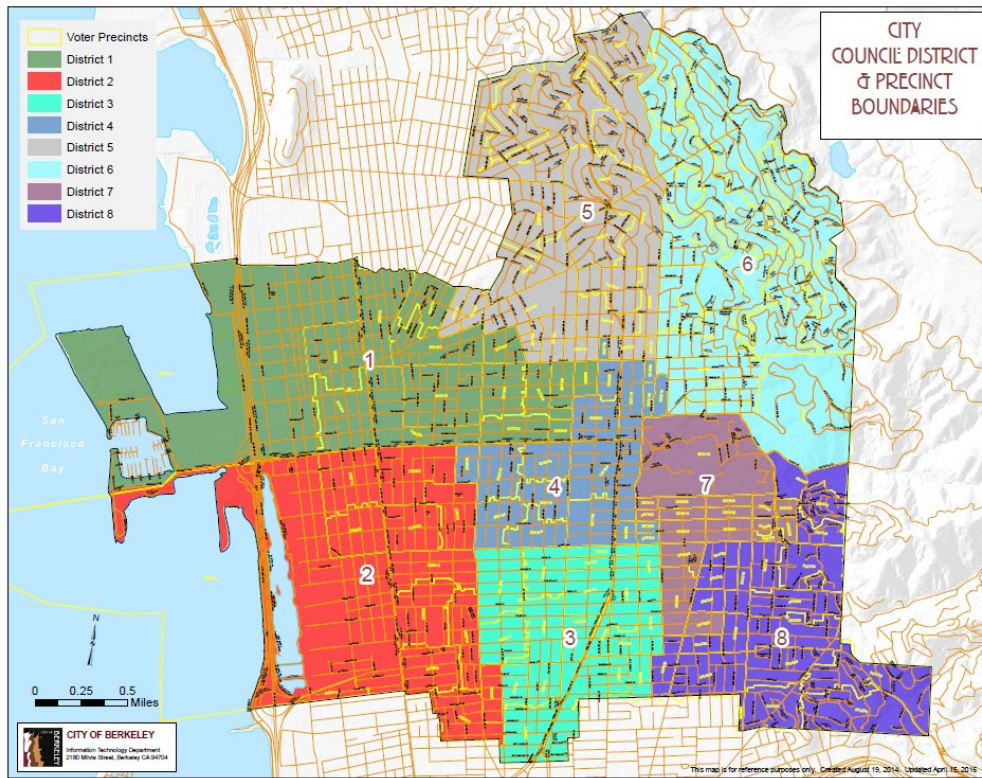
City of Berkeley Census Tract Map & Market Areas



Number of OMI Notices by Council District

At its April 13, 2017 meeting, the Committee requested information about the number of notices served in each City Council District. The table below summarizes this information for the current reporting period:

Council District	Number of Total Notices	Number of Notices, Last Six Months of Reporting Period
1	6	2
2	1	0
3	1	0
4	1	0
5	1	0
6	4	0
7	0	0
8	2	0



CONCLUSION

During this reporting period (January 2019 – December 2021), the Board received a total of 16 OMI eviction notices. During the initial three-year monitoring period (December 2000 – December 2003), the Board received 110 eviction notices. Historically, after the passage of Measure Y, the number of evictions reported for each three-year period was significantly less than the initial period. This trend can be seen in Attachment 3, which shows, in six-month increments, the number of OMI eviction notices the Board has received since September 2000. The first reporting period in the table reflects only four months (September-December 2000), but during this time, 47 of the 56 evictions occurred during the three months prior to the adoption of Measure Y. While the Rent Stabilization Program did not track the number of OMI notices received prior to September 2000, it has been reported that the number of notices issued during the period from December 1997 to December 2000 was similar to or greater than the four-month period from September to December 2000, before Measure Y became law.

Although the implementation of Measure Y reduced the displacement of long-term tenants and required some relocation assistance for the most vulnerable displaced tenants, as housing prices and rents increased dramatically in recent years, so did the number of OMI evictions. The number of OMI evictions started to pick up in early-2014 (e.g., there were 19 OMI notices filed from January – June 2014). Between 2014 and 2016, there were 78 notices filed.

In November 2016, Berkeley voters passed Measure AA, which requires a standard relocation payment to all households and an additional payment if a member of the evicted household is elderly, disabled, a long-term tenant, low income, or if there is a minor child in the household.

The City's COVID-19 Emergency Response Ordinance, passed in March 2020, placed a moratorium on evictions, including OMI evictions, and remains in place as of the date of this report. The last OMI notice filed with the Board before the moratorium went into effect was in December 2019. Two notices were filed in 2021 despite the moratorium and were subsequently rescinded.

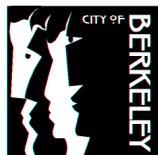
Attachment 1: Sample of letter sent to select rental units that received an owner-move-in eviction notice for the period of January 2019 – December 2021.

Attachment 2: Table reflecting geographic location and market area of properties subject to OMI notices for the period of January 2019 – December 2021.

Attachment 3: Table of Measure AA notices filed with the Rent Board for the period of September 2000 through December 2021.

ATTACHMENT 1

Sample of Letter Sent to Select Rental Units that Received OMI Notices



Rent Stabilization Board

March 24, 2022

Current Occupants/ [REDACTED]

[REDACTED]
Berkeley, CA 94702

RE: Owner Move-in eviction at [REDACTED]

Dear Occupant:

Our records indicate that a prior tenant in your unit was evicted so that the unit could be occupied by the owner or a close relative of the owner. Berkeley Municipal Code section 13.76.130.A(9)(p) requires the Rent Board to monitor your unit for three years to ensure that the unit is, in fact, occupied by the owner or a relative of the owner. Therefore, you will receive a letter like this once every six months during this three year period. If you are the owner or a *non-rent* paying parent, spouse, domestic partner, or child of the owner, it is not necessary for you to respond to this letter.

If you are not the owner and are paying rent, your rent should not exceed:

\$3087.79

If you are paying rent in excess of this amount, you should contact me at (510) 981-4903. Also, Rent Board Counselors are available to explain your rights and options, including the procedure for recovering any rent overcharges you have paid. An explanation of your rights may also be found on the Rent Board's web site: www.cityofberkeley.info/rent.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Siegel". The signature is written in a cursive, flowing style.

Matthew Siegel
Staff Attorney

ATTACHMENT 2

Geographic Location and Market Area of Properties Subject to OMI Notices

Date filed	Street	Market Area
1/16/2019	1655 Belvedere Ave.	Central Berkeley (Area 2)
1/22/2019	3003 Mabel St.	South Berkeley (Area 5)
2/1/2019	921 Grizzly Peak Blvd	North Berkeley (Area 1)
2/14/2019	1707 Grant St.	Central Berkeley (Area 2)
3/12/2019	1359 Hearst Ave. #3	Central Berkeley (Area 2)
4/9/2019	1533 Walnut St.	North Berkeley (Area 1)
4/18/2019	1300 Summit Road	North Berkeley (Area 1)
4/18/2019	2217 California St. #B	Central Berkeley (Area 2)
5/10/2019	1222 Evelyn Ave.	Central Berkeley (Area 2)
5/31/2019	1631--63rd St.	South Berkeley (Area 5)
6/10/2019	2947 Linden Ave.	North Berkeley (Area 1)
6/13/2019	3000 Dana St.	South Berkeley (Area 5)
11/22/2019	2587 Le Conte Ave.	University Area (Area 3)
12/6/2019	1140 Euclid Ave.	North Berkeley (Area 1)
8/17/2021	1725 10 th St.	West Berkeley (Area 4)
10/8/2021	1725 10 th St.	West Berkeley (Area 4)

ATTACHMENT 3

OMI Eviction Notices Filed With Berkeley Rent Board

Date of Eviction Notice	Number of Notices Received
September – December 2000 *(only four months)	56
January – June 2001	32
July – December 2001	21
January – June 2002	17
July – December 2002	9
January – June 2003	13
July – December 2003	10
January – June 2004	14
July – December 2004	5
January – June 2005	16
July – December 2005	6
January – June 2006	10
July – December 2006	1
January – June 2007	7
July – December 2007	2
January – June 2008	1
July – December 2008	7
January – June 2009	7
July – December 2009	7
January – June 2010	6
July – December 2010	3
January – June 2011	6
July – December 2011	2
January – June 2012	5
July – December 2012	5
January – June 2013	10
July – December 2013	3
January-June 2014	19
July – December 2014	8
January – June 2015	16
July – December 2015	10

January- June 2016	17
July-December 2016	8
January-June 2017	15
July-December 2017	4
January – June 2018	6
July-December 2018	3
January-June 2019	12
July – December 2019	2
January – June 2020*	0
July – December 2020*	0
January – June 2021*	0
July – December 2021**	2
Total Notices Filed 10/2000- 06/2020	403

* Due to the COVID-19 pandemic, on March 17, 2020, the City of Berkeley passed an Urgency Ordinance placing a moratorium on evictions in most cases, including OMI evictions. As of the end of the current reporting period (December 31, 2021), the moratorium remained in place.

**Two notices were served on the same property during this period despite the eviction moratorium. They were rescinded.



RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Monday, September 12, 2022

5:30 p.m.

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

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S. and Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the Rent Board's **Budget & Personnel Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/89158381423?pwd=VjIKYWtROTZUQzNqYTVsMFRVT3BWUT09>. 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: 891 5838 1423 and Passcode: 154390. 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 amueller@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 3:30 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting, and all 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 DéSeana Williams, 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.



RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Monday, September 12, 2022 – 5:30 p.m.

AGENDA

1. Roll Call
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-Chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of agenda
4. Public Comment
5. Approval of July 12, 2022, meeting minutes (attached to agenda)
6. Preliminary Fiscal Year 2022 Budget Update (see attached spreadsheet)
7. Discussion and possible action regarding a recommendation to hire three (3) additional temporary staff to assist with property data cleanup in the 3Di system prior to the FY 23/24 registration period (See attached report)
8. Update, discussion, and possible action on the Rent Board staffing model (verbal update only)
9. Future agenda items
10. Discussion and possible action to set next meeting
11. Adjournment

STAFF CONTACT: DéSeana Williams, Executive Director (510) 981-7368
COMMITTEE: James Chang (Chair), John Selawsky, Leah Simon-Weisberg, Dominique Walker



RENT STABILIZATION BOARD
EVICTION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Thursday, July 28, 2022

5:30 p.m.

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

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the Rent Board's **Eviction/Section 8/Foreclosure Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/89237817489?pwd=S0dIZTIFZUxqQXU5UWwrdERpbDVTdz09>. 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: 892 3781 7489 and Passcode: 323178. 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 3:30 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all 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 DéSeana Williams, 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.



Rent Stabilization Board

RENT STABILIZATION BOARD
EVICTIION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Thursday, July 28, 2022 – 5:30 p.m.

AGENDA

1. Roll call
2. Approval of the Agenda
3. Land Acknowledgment Statement: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.
4. Approval of Minutes of the April 28, 2022 meeting
5. Public Comment
6. Discussion/Presentation on Distressed Properties/Foreclosure Report
7. Future Agenda Items
8. Confirm next meeting date (Commissioners: please bring calendars to meeting)
9. Adjournment

STAFF CONTACT: Matthew Siegel – (510) 981-4903

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

Public



RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Wednesday, August 10, 2022

5:30 p.m.

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

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S. and Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the Rent Board's **Outreach Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolution and the findings contained therein, the spread of COVID-19 continues to be a threat to public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. Therefore, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/85871344554?pwd=QzJkL2ZSa1hQbjRSTDJBSFA0YjkrQT09>. If you do not wish your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself as anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833, enter Webinar ID: 858 7134 4554, and Passcode: 371627. If you wish to comment during the Public Comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

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

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

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to DéSeana Williams, Executive Director, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



Rent Stabilization Board

Public

RENT STABILIZATION BOARD OUTREACH COMMITTEE MEETING

Wednesday, August 10, 2022 – 5:30 p.m.

AGENDA

1. Roll call (2 min)
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchium- (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of the Agenda (2 min)
4. Approval of the Minutes of the July 20, 2022 Meeting (Attached to Agenda) (5 min)
5. Public Comment (5 min)
6. Discussion/possible action regarding Tenant Survey: (15 min)
 - Preparing Final Questions For Vendor to Create Document to Distribute (Attached to Agenda)
7. Informational Update: (10 min)
 - City Website Recognition: One of the Best City Websites in U.S
 - Facebook and "Tip of the Month" status

8. Staff Report: Recent and Upcoming Events, Webinars, Workshops (10 min)
 - Fair Chance Ordinance
 - National Night Out (photo)
 - Solano Stroll (September 11, 2022)
 - Berkeley Youth Authority Housing Forum (October 1, 2022)
9. Schedule Next Meeting Date (2 min)
10. Future Agenda Items (5 min)
11. Adjournment (2 min)

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

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