



## RENT STABILIZATION BOARD

### Regular Meeting

Thursday, June 15, 2023 – 7:00 p.m.

**School District Board Room – 1231 Addison Street, Berkeley**

**Teleconference location: 3225 Simon Rd, Manitowoc, WI 54220**

#### **PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.**

For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

**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/81315510979?pwd=LytGV2RZUDNrNVI4NHRJWkhHcVhSUT09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

**To join by phone:** Dial 1-669-900-6833 and enter Webinar ID: 813 1551 0979 and Passcode: 101882. 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 a written communication for the Board's consideration and inclusion in the public record, please email [amueller@cityofberkeley.info](mailto:amueller@cityofberkeley.info) with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

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



#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at (510) 981-6418 (voice) or (510) 981-6347 (TDD) at least three (3) business days before the meeting date.

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# RENT STABILIZATION BOARD

## Regular Meeting

Thursday, June 15, 2023

7:00 p.m.

**School District Board Room – 1231 Addison Street, Berkeley**  
**Teleconference location: 3225 Simon Rd, Manitowoc, WI 54220**

### 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. **CLOSED SESSION**: The Board will convene in closed session pursuant to Government Code Section 54956.8:

Update and possible action on lease negotiations for potential office rental space

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. – 2 min.\*
4. **Approval of Agenda** – 1 min.\*
5. **Public Comment** – 2 min. per speaker for *non*-agendized items\*
6. **Public Comment** – 2 min. per speaker for items on the agenda\*
7. **CONSENT ITEMS** – 1 min.\*
  - a. Approval of the May 18<sup>th</sup> 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

2407-2409 HILLSIDE  
1232 ASHBY  
3335 CALIFORNIA  
2907 DERBY  
1325 ADDISON  
1842 63RD  
2210 CURTIS  
1419 MILVIA  
2720-2722 RUSSELL  
2501 DANA  
2825 DOHR  
94 ROCK LANE  
1440 WALNUT

**Discretionary Waivers**

Waiver No.    Property Address

W5082	1811 DELAWARE
W5083	2915 BENVENUE
W5084	1625 8TH ST
W5085	3001 TELEGRAPH
W5086	2756 ACTON and 2385 OAK

**8. 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.\*
- b. Special presentation on the Fiscal Year (FY) 2023-2024 Budget, Staffing Model and Expenditure Level (Senior Planner Lief Bursell & Executive Director) – 20 min.\*
  - 1. Recommendation to adopt Resolution 23-13 approving the FY 2023-2024 Line-item Budget, Staffing Model and Expenditure Level (Budget & Personnel Committee and Executive Director) – 10 min.\*

- c. Recommendation to adopt Resolution 23-14 authorizing the Executive Director to execute a new contract with the Eviction Defense Center in an amount not to exceed \$435,500 annually for FY 2023-2024 and FY 2024-2025 (Executive Director) – 10 min.\*
- d. Recommendation to adopt Resolution 23-15 authorizing the Executive Director to execute a new contract with the East Bay Community Law Center in an amount not to exceed \$423,605 annually for FY 2023-2024 and FY 2024-2025 (Executive Director) – 10 min.\*
- e. Recommendation to adopt Resolution 23-16 authorizing the Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy services by extending the term through July 31, 2023, and increasing the contract by an amount not to exceed \$7,000 (Executive Director) – 5 min.\*
- f. Recommendation to adopt Resolution 23-17 authorizing the Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Board meetings by extending the term through June 30, 2024, and increasing the contract by an amount not to exceed \$22,000 for FY 2023-2024 (Executive Director) – 5 min.\*
- g. Discussion and possible action to adopt Resolution 23-18 in support of Virtual Net Energy Metering and transmit copies of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (Chair Simon-Weisberg & Commissioner Martinac) – 10 min.\*
- h. Recommendation to adopt Resolution 23-19 adjusting Executive Director DéSeana Williams' salary according to the terms of her existing employment agreement (Chair Simon-Weisberg & Vice Chair Alpert) – 5 min.\*
- i. Recommendation to adopt Resolution 23-20 adjusting General Counsel Matt Brown's salary according to the terms of his existing employment agreement (Chair Simon-Weisberg & Vice Chair Alpert) – 5 min.\*
- j. Discussion and possible action to adopt Resolution 23-21 to authorize the Executive Director to sign a new lease agreement for Rent Board office space at 2000 Center Street (Chair Simon-Weisberg & Executive Director) – 10 min.\* TO BE DELIVERED
- k. Discussion and possible action to authorize staff to restore Commissioner Kelley's stipend deduction for committee meeting absences in May 2023 (Commissioner Kelley) – 3 min.\*

**9. 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. Eviction Moratorium outreach update – *Verbal* (Public Information Unit Manager) – 5 min.\*
- b. “Registration 365” presentation by Amanda Eberhart (Registration Unit Manager) – 20 min.\*
- c. May 31, 2023 *Berkeleyside* article by Kori Suzuki titled, “After decades of homelessness, he had finally secured an apartment in Berkeley. Now, he’s being evicted” (Chair Simon-Weisberg) – 1 min.\*  
<https://www.berkeleyside.org/2023/05/31/berkeley-man-faces-eviction-40-years-homelessness>
- d. Date to submit agenda topics/items for July’s regular Rent Board meeting:  
**Monday, July 10<sup>th</sup> by 5:00 p.m.** (Board Secretary) – 1 min.\*

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

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Thursday, July 6<sup>th</sup> at 5:30 p.m.

June 1<sup>st</sup> agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – 5 min.\*  
Next regularly-scheduled meeting: To Be Announced (TBA)
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee)  
(Commissioner Kelley, Chair) – 5 min.\*  
Next regularly-scheduled meeting: TBA
- d. Outreach Committee (Vice-Chair Alpert, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Monday, June 12<sup>th</sup> at 5:30 p.m.

June 12<sup>th</sup> agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5 min.\*  
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)  
Next regularly-scheduled meeting: Thursday, June 29<sup>th</sup> at 3:00 p.m.
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District  
(Chair TBA) – 5 min.\*

Next meeting date: Monday, June 26<sup>th</sup> at 5:30 p.m.

- g. Ad Hoc Committee on Environmental Sustainability (Commissioner Martinac, Chair) – 5 min.\*

Next meeting date: TBA

- h. Updates and Announcements – 5 min.\*

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

## **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.



**RENT STABILIZATION BOARD  
Regular Meeting**

**Thursday, May 18, 2023 – 7:00 p.m.**

**School District Board Room – 1231 Addison Street, Berkeley, CA 94702**

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# RENT STABILIZATION BOARD

## Regular Meeting

Thursday, May 18, 2023

7:00 p.m.

**School District Board Room – 1231 Addison Street, Berkeley, CA 94702**

### Minutes - *Unapproved*

- 1. Roll call** – Prior to Roll call, Commissioner Walker announced that she would be participating remotely due to illness.  
Chair Simon-Weisberg called the meeting to order at 7:22 p.m.  
Aimee Mueller called roll.  
Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker (remote via Zoom), Simon-Weisberg  
Staff present: Brown, Dahl, 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 read aloud.

### 3. Approval of Agenda

M/S/C (Alpert/Martinac) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: CONTINUE ITEM 7.b. TO A FUTURE MEETING; MOVE ITEMS 7.c. AND 7.e. TO CONSENT. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried 9-0-0-0.

- 4. Public Comment** – *non*-agendized items. There were no speakers.
- 5. Public Comment** – items on the agenda. There were no speakers.



## 6. CONSENT ITEMS

*Action items 7.c. and 7.e. were moved to consent by a prior vote of the Board.*

- a. Approval of the April 20<sup>th</sup> regular meeting minutes

M/S/C (Johnson/Elgstrand) APPROVE ALL CONSENT ITEMS AS WRITTEN, INCLUDING ITEMS 7.c. AND 7.e. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried 9-0-0-0.

## 7. 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 – There were no speakers.

*Action items 7.c. and 7.e. were moved to consent by a prior vote of the Board.*

- a. Chair Update (Chair Simon-Weisberg) – No update.
- b. Discussion and possible action to recommend that the Board adopt Proposed Amendments to Regulations 525 [Procedure for Challenging Tenant in Occupancy Status], 1205 [Filing the Petition], and 1210 [Notices to Opposing Parties and Board] – First Reading (LIRA Committee) – CONTINUED TO A FUTURE MEETING BY A PRIOR VOTE OF THE BOARD.
- c. Discussion and possible action to recommend that the Board adopt Proposed Amendments to Regulations 883 [Waiver of Penalties and Interest on Delinquent Registration Fees] and 884 [Other Waiver Requests] to streamline the waiver process – Second Reading (LIRA Committee) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- d. Discussion and possible action to recommend that the Board send a letter of support for Assembly Bill 1218 (Lowenthal) - Development projects: demolition of residential dwelling units (LIRA Committee)

M/S/C (Simon-Weisberg/Marrero) DIRECT THE BOARD'S LEGISLATIVE ADVOCATE TO SEND A LETTER OF SUPPORT FOR AB 1218 TO THE AUTHOR. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried 9-0-0-0.

- e. Recommendation to adopt Resolution 23-12 authorizing the Executive Director to amend the staffing model to add an Assistant Management Analyst in the Finance Unit for the 2023-2024 fiscal year (Budget & Personnel Committee) – MOVED

TO CONSENT BY A PRIOR VOTE OF THE BOARD.

**8. 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 COMMENTS.**

- a. Eviction Moratorium outreach update (Public Information Unit Manager)
- b. Copy of April Eviction Moratorium mailing to Berkeley property owners, managers, and tenants (Executive Director)
- c. Update on Rent Board staff outreach at the April 22<sup>nd</sup> Berkeley Bay Festival at the Berkeley Marina (Public Information Unit Manager)
- d. Copy of April 24, 2023 letter to Assemblymember Bonta conveying the Board's support for Assembly Bill 846 (Chair Simon-Weisberg)
- e. May 10, 2023 *Berkeleyside* article by Supriya Yelimeli titled, "Berkeley's eviction moratorium is ending. Here's what you need to know" (Executive Director)  
<https://www.berkeleyside.org/2023/05/10/berkeleys-eviction-moratorium-is-ending-heres-what-you-need-to-know>
- f. Date to submit agenda topics/items for June's regular Rent Board meeting: **Monday, June 5<sup>th</sup> by 5:00 p.m.** (Board Secretary)

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

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker gave an overview of items covered at the Committee's last meeting, including a software demonstration, a staffing model discussion, and budget update.  
Next regularly-scheduled meeting: Thursday, June 1<sup>st</sup> at 5:30 p.m.  
  
May 4<sup>th</sup> agenda
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)  
Next regularly-scheduled meeting: Tuesday, June 13<sup>th</sup> at 6:00 p.m.
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Commissioner Alpert, who chaired the last LIRA Committee in Committee Chair Kelley's stead, highlighted discussions on legislative bills, and possible Ordinance and regulation changes to impose penalties for failing to turn in a tenant's information as required.

Next regularly-scheduled meeting: Tuesday, June 6<sup>th</sup> at 5:30 p.m.

May 2<sup>nd</sup> agenda

- d. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert reported that the Committee discussed a more robust outreach plan, and the Committee anticipates discussing the tenant survey results soon.  
Next regularly-scheduled meeting: Monday, June 12<sup>th</sup> at 5:30 p.m.

May 8<sup>th</sup> agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg reported on the Committee’s discussion about possible changes to the City’s Emergency Ordinance, and provided a Demolition Ordinance update. (Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)  
Next regularly-scheduled meeting: TBA

May 2<sup>nd</sup> agenda packet

- f. Ad Hoc Committee on Environmental Sustainability (Commissioner Martinac, Chair) – Committee Chair Martinac reported that the Committee discussed the purpose and scope of its work.  
Next meeting date: Wednesday, June 7<sup>th</sup> at 5:30 p.m.

May 3<sup>rd</sup> agenda

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – The meeting was cancelled due to the lack of a quorum.  
Next meeting date: Monday, May 15<sup>th</sup> at 5:30 p.m.

May 15<sup>th</sup> agenda

- h. Updates and Announcements – Commissioner Elgstrand reported that on May 1<sup>st</sup> the Land Use Committee considered the Tenant Habitability Plan. On June 6, Council will vote on a referral to the City Manager and City Attorney’s Office to create the Tenant Habitability Plan. Commissioner Kelley highlighted a budget referral to provide money to the Health, Housing, and Community Services Department to write a comprehensive plan on how to fund Berkeley’s affordable housing goals, and encouraged commissioners to show support for funding this referral in the City’s upcoming budget cycle.
- i. Discussion of items for possible placement on future agenda

## 10. ADJOURNMENT

M/S/C (Alpert/Kelley) Adjourn in honor of Mother’s Day and all mothers who work.

Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None.  
Carried 9-0-0-0.

The meeting adjourned at 8:29 p.m.



Rent Stabilization Board

## RENT STABILIZATION BOARD

DATE: June 15, 2023  
TO: Honorable Members of the Rent Stabilization Board  
FROM: DéSeana Williams, Executive Director  
BY: Amanda Eberhart, Registration Unit Manager  
SUBJECT: Request for waiver of late registration penalties

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### **Recommendation:**

That the Board approves 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 a "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 the 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. Please see the attached Ministerial Waiver Analysis and Recommendation for additional details.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	2407-2409 HILLSIDE	NINA MITINA	1,000.00	800.00	200.00
	1232 ASHBY	ARTEMIS YK PROPERTIES LLC	1,500.00	1,125.00	375.00
	3335 CALIFORNIA	XI CHEN	231.00	231.00	
	2907 DWIGHT	WONA MINIATI	300.00	300.00	
	1325 ADDISON	TOM WAGNER	300.00	240.00	60.00
	1842 63RD	ALTARES LLC	1,500.00		1,500.00
	2210 CURTIS	ALTARES LLC	1,000.00		1,000.00
	1419 MILVIA	MILVIA PROPERTY LLC	1,500.00	1,200.00	300.00
	2720-2722 RUSSELL	MALCOM SMITH	750.00	75.00	675.00
	2501 DANA	FELIX NEMIROVSKY	300.00	240.00	60.00
	2825 DOHR	DAVID HSU	348.00	348.00	
	94 ROCK LANE	MILAD SABETIMANI	300.00	300.00	
	1440 WALNUT	ROBERT CUBBERLY	300.00	300.00	
<b>TOTAL</b>			9,329.00	5,159.00	4,170.00

**Financial Impact: Ministerial Waivers**

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$5,159**.

**Discretionary Waivers**

Staff recommendations are attached and presented to the full Board for approval for the waiver requests listed below. 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
W5082	1811 DELAWARE	VASUDOVAN TRUST	600.00	600.00	-
W5083	2915 BENVENUE	THOMAS CORDI	600.00	600.00	-
W5084	1625 8TH ST	NAVOTO BABITT	1,242.00		1,242.00
W5085	3001 TELEGRAPH	DWF VI VMG TELEGRAPH GARDENS LLC	5,400.00		5,400.00
W5086	2756 ACTON and 2385 OAK	YAKOV SILVERTEST	2,000.00	1,000.00	1,000.00
<b>TOTAL</b>			9,842.00	2,200.00	7,642.00

**Financial Impact: Discretionary Waivers**

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$2,200.00**.

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

DéSeana Williams, Executive Director  
 Rent Stabilization Board  
 2125 Milvia Street, Berkeley, CA 94704  
 (510) 981-7368

June Ministerial Waiver Analysis and Recommendation **Distributed at the Meeting  
Item 7.b.**

Address	Details
2407-2409 Hillside	<p>The duplex located at <u>2407-2409 Hillside</u>, has been owned by the current owner since 2013. In the last five fiscal years, the owner has paid the registration fee late one time. In fiscal 21/22, the property was granted an Administrative Waiver and had 90% of the penalties waived for the registration cycle. A search of Rent Board records will show 22/23 registration was also paid late. The property owner states in their waiver that, “they have made attempts to register, and has emails from the former registration manager indicating that their property information was received.” Staff can confirm registration compliance for the 21/22 registration cycle. Unfortunately, the Rent Board records will show we did not receive the 22/23 registration payment by the July 1<sup>st</sup> deadline instead, it was received after the January penalty was applied to the account. It was at this time the property owner began making various complaints to the Rent Board Executive Director, the Board, and the City of Berkeley’s customer service lines stating he had not been able to get a hold of any Registration Staffer. After looking into this claim, it was determined that the property administrator was emailing registration staff that no longer worked at the Rent Board instead of the public inboxes. Also, the registration unit has not received a request for an appointment from this property instead the out-of-state property administrator emailed the public inbox 3 days before coming to California to let us know they were in the state. Registration staff have responded to the inquiries of the property administrator to the best of their ability. Per Rent Board Regulation 884 C, this property qualifies to have 80% of the penalties waived based on two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalty.</p>
1232 Ashby	<p>The 8-unit multi-residential property located at <u>1232 Ashby</u> has been owned by the current owner since <u>November 2022</u>. Unfortunately, due to the owner’s timing of the purchase, they would have most likely missed the notifications regarding registering the property during the 22/23 Registration cycle. The first time the owner updated their records with the Rent Board to register their property was in February 2023 after the January penalty billings were sent. Per Rent Board Regulation 883 I, this property qualifies to have 75% of the penalties waived because the property has less than 10 rental units, the LLC owns no other property in Berkeley and the property was registered within 12 months of the LLC acquiring the property. Staff recommends waiving 75% of the penalties.</p>
3335 California	<p>The duplex located at <u>3335 California</u>, has been owned by the current owner since 1994. In the last five fiscal years, the owner has paid the registration fee late once. In fiscal 18-19, they were granted an Administrative Waiver. The property owner states in their waiver that, “this unit was previously owner occupied. They began renting the property in September or Aug of 2022”. The owner also states they never received a bill only the January Penalty Letter. A search of Rent Board Records will show this owner was charged pro-rated registration fees for the tenancy that started on 7/31/2022. The Rent Board Ordinance gives property owners 60 days to pay pro-rated fees. If no payment is received the property is charged a 100% penalty. Per Rent Board Regulation 884 C, this property qualifies to have 80% of the penalties waived based on two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalty.</p>



## June Ministerial Waiver Analysis and Recommendation

2907 Dwight	The Property located at <u>2907 Dwight Way</u> is a single-family home partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. In their waiver request the property manager states they never received the original billing statement. A search of Rent Board records will show that the property manager submitted a postmarked check by the July 1st deadline. Unfortunately, there was a Rent Registry Portal error that charge the account two additional penalties for the 22-23 registration cycle. Registration Administrators removed one penalty in February 2022 leaving one remaining penalty on the account. Per Regulation 883 G, this property qualifies to have 100% of the penalty removed due to staff error. Staff recommends waving 100% of the penalty fee per the regulation.
1325 Addison	The Property located at <u>1325 Addison</u> is a single-resident Condominium partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. A search of Rent Board Records will show the property owner paid their 21/22 registration fees late and was granted an Administrative Waiver. In their waiver request the property owner states they, “tried multiple times since last summer to talk to someone due to an ambiguity on our billing statement. A search of the Rent Board’s phone log, the Rent Registry email, and the Rent Stabilization email inboxes don't show any emails received from the property owner using the email address on the Waiver Form. The email on the waiver form is the same email listed in the contacts section of the Rent Registry Portal. At this time it is unclear what outreach attempts the property owner made. Per Regulation 884 C, this property qualifies to have 80% of the penalty removed based on two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalty fee per the regulation.
1842 63rd	The Property located at 1842 63rd St is a single family home fully covered under the Berkeley Rent Ordinance. In the last 5 fiscal years, the property owner has made no late payments. The owner states in their waiver that, “they did not receive the bill or statement showing the payment due”. A search of Rent Board records will show this property is owned by an LLC that owns an additional property in the City of Berkeley. Staff also reviewed the contact information in the RentRegistry Portal. There you will see the same contact information that is also listed on the waiver form submitted. Staff also reviewed the historical property records, and can confirm the address and contact information are the same in both portals. Based on the waiver packet submitted, and the statement from the account manager, staff is unable to find a Rent Board error under Regulation 883 A-G. Staff recommends denying the penalty waiver.
2210 Curtis	The Property located at <u>2210 Curtis St</u> is a single-family home fully covered under the Berkeley Rent Ordinance. In the last 5 fiscal years, the property owner has made no late payments. The owner states in their waiver that, “they did not receive the bill or statement showing the payment due”. A search of Rent Board records will show this property is owned by an LLC that owns an additional property in the City of Berkeley. Staff also reviewed the contact information in the RentRegistry Portal. There you will see the same contact information that is listed on the waiver form submitted. Staff also reviewed the historical property records, and can confirm the address and contact information is the same in both portals. Based on the waiver packet submitted, and the statement from the account manager, staff is unable to find a Rent Board error under Regulation 883 A-G. Staff recommends denying the penalty waiver.

## June Ministerial Waiver Analysis and Recommendation

1419 Milvia	<p>The Property at 1419 Milvia is a residential property made up of 3 units fully covered by the Rent Ordinance. Unfortunately, due to the owner's timing of the purchase, they would have most likely missed the notifications regarding registering the property during the 21/22 Registration cycle. The first time this owner registered with the Rent Board was in February after the January Penalty bills were sent. Also, the owner has completed registration for this property for the 22-23 registration cycle after 12 months of ownership but before the end of 24 months; and qualifies to have 80% of their penalties removed by the Executive Director under regulation 883 I. Staff recommends waiving 80% of the penalties.</p>
2720-2722 Russell	<p>The Property located at 2720/2722 Russell is a 2,3, 4-unit single-family home partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. In their waiver request the property manager states they never received the original billing statement. A search of Rent Board records will show that the owner submitted a check during the Administrative Waiver period. Unfortunately, there was a Rent Registry Portal error that did not record the payment as on time and penalties were charged to the account. During the 22/23 Internal Audit and Compliance Review, Registration Administrators corrected the oversight and credited the account \$675. Based on the date payment was received this property qualified to have 90% of the penalty fee removed. 90% of the penalty has already been credited to the account. No staff action is necessary at this time.</p>
2501 Dana	<p>The Property at <u>2501 Dana St #6</u> is a single-resident Condominium partially covered under Measure MM. Unfortunately, this property has not had five years of financial history to review. A search of Rent Board records will show the Trustee paid late during the 21/22 registration cycle and was granted a 100% Administrative waiver. Regrettably, the statement provided and the documentation packet submitted by the Trustee do not align. The Waiver Form is for the property located at 2501 Dana. The email the Trustee provided as evidence is for 2409/2407 Hillside and the email also references 775 Spruce. The Trustee states in their waiver that, “the Rent Board portal had incorrect information that prevented them from registering online”. The trustee also states that the documented email shows “attempts to correct their information”. The trustee did not state in their waiver what information was incorrect. Staff can confirm the owner’s name and contact information match the county records. A review of all email communication from the Trustee will show that the issue he was having with 2501 Dana was entering a new occupancy as the unit was listed as vacant when there was a tenant there. On Monday, August 30, 2021, the former registration unit manager informed the Trustee via email how to record a new tenancy by using the “Report New Occupancy” function in the portal. These instructions are included in the email chain submitted by the Trustee as evidence. The trustee also had the option of emailing or mailing a paper Vacancy Registration Form for staff to enter on his behalf. It is unclear at this time why those options were not taken to prevent penalties from accruing on the account. Per Regulation 884 C, this property qualifies to have 80% of the penalties waived based on two late payments. Staff recommends waiving 80% of the penalty fee.</p>

## June Ministerial Waiver Analysis and Recommendation

2825 Dorh	The Property located at 2825 Dohr is a single-family home partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. In the property owner’s waiver request the state, “they never received the original billing statement”. Unfortunately, this property was not among the Measure MM Outreach mailing lists This property registered for the first time in the 22/23 registration cycle. Per Rent Board regulation 883 G, this property qualifies to have 100% of its penalties waived due to staff error. Staff recommends waiving 100% of the penalties per the ordinance.
94 Rock Lane	The single-family home located at <u>94 Rock Lane</u> has been owned by the current owner since <u>2013</u> . Prior to the passing of Measure MM, this property was exempt from the Registration Requirement. The owner states in their waiver that, “the property was rent until June 30, 2022.” Unfortunately both the property owner and Registration Administrators made errors registering this property. This property owner was incorrectly charged the fully covered registration fee, which they paid. Regrettably, the City of Berekely Fiance Department informed us that the check had been returned. It was at this time the Registration unit saw the registration fee and penalties were incorrect. Rent Board regulation 883 G, this property qualifies to have 100% of its penalties waived. Staff recommends waiving 100% of the penalties per the ordinance.
1440 Walnut	The Property located at 1440 Walnut is a single-family home partially covered under Measure MM and has been owned by the current owner since 2022. The property owner states in their waiver that, “the statement was sent to their former property manager. When this was realized, the owner corrected the information”. A review of Rent Board records will show the property owner paid the pro-rated registration fees for the 21/22 registration cycle. Unfortunately, when the 22/23 registration bills were printed, our new rent registry platform did not recognize the 21/22 completed registration and charged the property owner penalties. Rent Board regulation 883 G, this property qualifies to have 100% of its penalties waived due to staff error. Staff notes, the property owner has already paid the outstanding fee, staff recommends crediting 100% of the penalties per the ordinance.

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No:</b> W5082	<b>Property address:</b> 1811 DELAWARE ST	<b>Transferred:</b> 06/22/2022
<b>Exempt units (as of February 2021):</b> Unit # 1811 DELAWARE ST BERKELEY CA 94703 - NAR - Vacant		
<b>Owner(s):</b> Swamiratha & Lata Vasudavan	<b>Waiver filed by:</b> OWNER	<b># of Units:</b> 1
<b>Other Berkeley rental property owned:</b> 1811 DELAWARE ST BERKELEY CA 94703		

**Late payment/penalty history:** No late payment history.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2021-22	ALL	\$0.00	-	\$0.00	\$0.00	\$0.00
<b>Totals (penalties previously assessed)</b>				<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Penalties Currently Under Consideration**

**Reason for Penalties:** Penalties incurred under prior owner.

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 2022-23	1	-	-	\$600.00	-	\$600.00
<b>Totals</b>				<b>\$600.00</b>	<b>\$0.00</b>	<b>\$600.00</b>

**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 penalties fees were incurred when the former owner rented out the studio on the property.

**Recommendation:** Staff recommends waiving 100% of the penalty fee.

**Staff Analysis:** The 3-unit 2, 3, or 4 single-family home located at 1811 Delaware has been owned by the current owner since June 2022. The property owner states in their waiver that, "the property consists of an owner-occupied unit and a studio. The studio has been vacant since closing but the prior owner did not disclose the studio had been rented in the past". The prior owners left \$600 in penalties on the account and the new owners are asking the Board to waive the proper owner's penalties. Per regulation 884 (B)(7), This waiver qualifies as Discretionary. Staff recommends the Board waive 100% of the penalties.

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>

**Request for Waiver of Late Registration Penalties**

*Please Read Important Information on Page 2*

Property Address: 1811 Delaware St. #B, Berkeley, Ca 94703  
Owner: Vasudevan Trust, Swaminatha & Lata Vasudevan Trustees  
Date of acquisition, if new owner: June 22, 2022  
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.

My wife & I purchased this property and closed escrow on June 22, 2022. Property consists of an owner-occupied house and a studio unit. Studio unit has been vacant and not available for rent since closing. Prior owner did not disclose that studio had been previously rented, and that registration and/or penalty fees were owed. We are preparing to re-reg, star & rent the studio & request relief of fees we were unaware of. Thank you.

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

Date: 2/7/23 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: Swamiv@gmail.com  
Mailing Address: 1811 Delaware St. Berkeley Ca 94703  
Phone Number: 650 387 1781 Fax Number: \_\_\_\_\_

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No:</b> W5083	<b>Property address:</b> 2915 BENVENUE AVE #C	<b>Transferred:</b> 09/18/2002
<b>Exempt units (as of February 2021):</b> Unit # NA - OCCC - Tenant		
<b>Owner(s):</b> THOMAS CORDI	<b>Waiver filed by:</b> OWNER	<b># of Units:</b> 1
<b>Other Berkeley rental property owned:</b> None		

**Late payment/penalty history:** This is a partially covered unit under Measure MM. Unfortunately, there are not 5 years of payment history to review.

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

**Penalties Currently Under Consideration**

**Reason for Penalties:** Justice

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 2022-23	1	-	-	\$600.00	-	\$600.00
<b>Totals</b>				<b>\$600.00</b>	<b>\$0.00</b>	<b>\$600.00</b>

**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 moved to Florida possibly and acknowledges they should have followed up regarding their PIN to register. The property owner also mentions Cancer but does not provide any additional information.

**Recommendation:** Staff recommends waiving 50% of the penalties.

**Staff Analysis:** The Property at 2915 Benvenue is a single-resident Condominium partially covered under Measure MM. Unfortunately, there are not five years of financial history to review for this property. Regrettably, the statement provided by the property owner is a little hard to understand. In their waiver, they mention that they moved to Florida and don't travel back to Berkeley often due to T-Cell Lymphoma. They also state on June 15th they spoke with a Housing counselor. In that email, the property owner had questions about tracking Rents. On August 18th, In the same email chain, the property owner informed their Housing Counselor that they did not have a PIN to register. That request was forwarded to the Registration

Unit for follow-up. The owner also states that they. "Had no excuse not register" and that they do not know why they didn't follow up sooner about the PIN. Staff also notes that the email backup was the only documentation received. The waiver packet did not include any evidence regarding Cancer treatment. Per Regulation 884 (B) (11), this waiver qualifies as Discretionary.

RECEIVED

FEB 06 2023

Initial: \_\_\_\_\_  
Berkeley Rent Board

**Request for Waiver of Late Registration Penalties**

Please Read Important Information on Page 2

Property Address: 2915 BENVENUE AVE Unit C

Owner: THOMAS CORDI

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

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

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 moved to Florida. Since then, I have travelled to Berkeley very infrequently due to cancer (T-cell LYMPHOMA). I attempted to register online but I had no pin number. I was corresponding with Carla Crozier on July 15, 2022. I never received a letter with PIN. I arrived, studied and visited the office to register in person. I have no excuse other than fault money as to why I did not pursue the problem with Mrs Crozier. She was very helpful on the phone. I do have email from me to her*

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

Date: 2/6/23 Signature: Thomas Cordi

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: tdc@berkeley.ca.gov

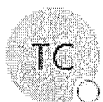
Mailing Address: 389 Cypress Drive Santa Rosa Beach, FL 32459

Phone Number: 850-570-1725 Fax Number: \_\_\_\_\_

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



 Reply  Reply All  Forward  IM



Thomas Cordi <[tdc@berkeley.edu](mailto:tdc@berkeley.edu)>

 Milan, Drew

**Fwd: City of Berkeley Rent Board-Counseling Call Follow up**

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Copy of correspondence with Ms. Carla Orozco concerning my inability to register online in July 2022. I never received a letter, and I was not able to visit Berkeley until now.

Thomas Cordi

Sent from my iPad

Begin forwarded message:

**From:** Thomas Cordi <[tdc@berkeley.edu](mailto:tdc@berkeley.edu)>

**Date:** August 18, 2022 at 4:06:17 PM PDT

**To:** "Orozco, Carla" <[corozco@cityofberkeley.info](mailto:corozco@cityofberkeley.info)>

**Subject:** Re: City of Berkeley Rent Board-Counseling Call Follow up

Hi Carla,

I have tried to register my property at 2915 Benvenue ave c, but I have yet to receive a welcome letter with my registration number. I cannot complete the online registration without your reg number. Can you send me a welcome letter with the apn and PIN number.

Thank you,

Tom Cordi

Sent from my iPad

On Jul 15, 2022, at 11:19 AM, Orozco, Carla <[corozco@cityofberkeley.info](mailto:corozco@cityofberkeley.info)> wrote:

Hi Thomas,

We track rent ceilings, not actual rents. For your reference you can view the market medians report below.

[Data & Reports | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/data-reports)

Thanks,  
Carla

**Carla Orozco**

**Housing Counselor, Rent Stabilization Board**

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No:</b> W5084	<b>Property address:</b> 1625 8TH ST BERKELEY CA	<b>Transferred:</b> 04/21/2010
<b>Exempt units (as of February 2021):</b> Unit # B - NAR - Tenant, Unit # NA - OCCC - Owner		
<b>Owner(s):</b> NAVOTO BABITT	<b>Waiver filed by:</b> OWNER	<b># of Units:</b> 3
<b>Other Berkeley rental property owned:</b> None		

**Late payment/penalty history:** In the last five fiscal years, the owner has paid the registration fee late in the 17/18, 18/19, 20/21, 21/22, and 22/23 registration cycles. Due to the number of late payments received, staff expanded the fiscal year review by an additional 5 years to see if a pattern had been established. Staff found late payments in the additional registration cycles: 16/17, 14/15, 13/14, and 12/13. In Fiscal Year 15/16, the property owner received a settlement from the Rent Board.

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

**Penalties Currently Under Consideration**

**Reason for Penalties:** Registration Late last 5 years

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 2022-23	0	-	-	\$1,242.00	-	\$1,242.00
<b>Totals</b>				<b>\$1,242.00</b>	<b>\$0.00</b>	<b>\$1,242.00</b>

**Grounds under Regulation 884(B):** (10) The landlord has paid late each year for the prior five years

**Good cause claimed by owner:** The owner has struggled mentally and financially since COVID.

**Recommendation:** Staff recommends denying the penalty waiver.

**Staff Analysis:** The triplex located at 1625 8th St has been owned by the current owner since 1994. In the last five fiscal years, the owner has paid the registration fee late in the 17/18, 18/19, 20/21, 21/22, and 22/23 registration cycles. Due to the amount of late payments received, staff expanded the fiscal year review by an additional 5 years to see if a pattern had been established. Staff found late payments in the additional registration cycles: 16/17, 14/15, 13/14, and 12/13. In Fiscal Year 15/16, the property owner

received a settlement from the Rent Board. In the waiver submitted by the owner they state, "They have had difficulty mentally and financially since Covid 2020"; and that "they have been depressed about not working and losing their elders". The waiver former clearly states "where possible, to document the circumstances that prevented timely payment", unfortunately, there was no evidence or documentation submitted with the waiver packet. Also, since the 20/21 registration cycle, the Board has offered a COVID Amnesty each year for property owners impacted by COVID. It is unclear why the property owner did not take advantage of any of these waiver periods to have outstanding penalties removed. Per Rent Board regulation 884 (B) (11), this waiver qualifies as Discretionary. Staff recommends denying the waiver based on the pattern of late registration payments.

RECEIVED

FEB 17 2023

Initial: \_\_\_\_\_  
Berkeley Rent Board

**Request for Waiver of Late Registration Penalties**

Please Read Important Information on Page 2

Property Address: 1625 8<sup>th</sup> Street  
Owner: NAVOTO BABITT 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 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.

To whom it may concern; Please Forgive me from my TARDINESS IN RESPONDING TO PAYMENT FEES. It's been TOUGH FOR me mentally and financially since covid in 2020 and have been trying to rebound since. Depression around not working and loosing my elder has been tragic for me and my family. It's been Also hard trying to Finish the 2ND unit to get it rented out and still trying to conclude permit work. Timing And Funding plus education in this LANDLORDSHIP Has not been in my favor. please WAIVE the penalties THAT HAS been charged to me. I'm working HARDER TO EDUCATE MYSELF SO I CAN HANDLE THIS BUSINESS AND THIS DOES NOT KEEP HAPPENING. ONCE AGAIN I APOLOGIZE FOR NOT HANDLING THIS MATTER SOONER. THANK YOU FOR CONSIDERING, Navoto Babitt

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

Date: 2/14/2023 Signature: Mr. Navoto L. Babitt

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: MRPUTTNUTT@GMAIL.COM

Mailing Address: P.O. BOX 2097 BERKELEY CA. 94702

Phone Number: 510-757-8662 Fax Number: \_\_\_\_\_

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

Public

## **Request for Waiver of Late Registration Penalties – Information**

### **Please Read Before Completing the Waiver Request**

**Note: Before submitting a waiver request, you must pay all outstanding registration fees and file all registration forms**

The penalties on your bill are owed under the law. The Rent Board **may** forgive some or all of the penalties when the late payment was not deliberate and the owner acts in “good faith.” Most waivers are processed by staff, based primarily on your past payment history (see Reg. 883\*). But under certain circumstances (see Reg. 884\*) the Rent Board will review a waiver request to determine what amount, if any, to forgive. In these discretionary reviews the Board is looking at “good cause” and the “totality of the circumstances” to determine an appropriate penalty.

Examples of good cause for a full or partial waiver of penalties include: • *you had a death or illness in the family* • *you are a new owner with no other Berkeley residential rental property* • *you didn't receive the original billing statement* • *you thought that the property or unit was exempt from registration* • *you didn't know about the requirement to pay a prorated registration fee on a previously exempt unit.*

**Procedure for Discretionary Waivers:** Staff will review your waiver request and make a recommendation to the Board. If a circumstance outlined in Regulation 884 applies, staff will send you a copy of the recommendation about a week before the Board meeting. You may submit a written response to the recommendation. The Board will review the staff recommendation and any response, and issue a decision. You are not required to, but may, attend and address the Board. Staff will mail you the Board's decision, which cannot be further appealed.

**Full waiver is granted:** The account is cleared, your eligibility for annual general adjustments (AGAs) is restored, and you are deemed in compliance from the date the waiver application was completed.

**Partial waiver is granted:** The denied amount **must** be resolved within 30 days or the waiver may be rescinded and the full amount of penalties reinstated. While any penalties remain outstanding, the property is considered not registered. This means, among other things, that you may not impose rent increases, may not evict tenants, and may be subject to tenant petitions for rent withholding.

For questions about waivers please call Amanda Eberhart at (510) 981-4904.

**Communications Disclaimer:**

**This document will be included in the Rent Board's agenda packet and, as such, will become part of the City's electronic records, which are accessible through the City's website.** This means that any e-mail addresses, names, addresses, and other information you provide 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, please call the Rent Board's Registration Unit at (510) 981-7368 to make that request.

\* The referenced regulations can be found at: Chapter 8: Rent Registration

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No:</b> W5085	<b>Property address:</b> 3001 TELEGRAPH AVE	<b>Transferred:</b> 01/31/2022
<b>Exempt units (as of February 2021):</b> Unit # 401 - SEC8-V - Rent Subsidized Tenant, Unit # 304 - SEC8-V - Rent Subsidized Tenant		
<b>Owner(s):</b> BRAD VAUGHN	<b>Waiver filed by:</b> PROPERTY MANAGER	<b># of Units:</b> 38
<b>Other Berkeley rental property owned:</b> 2161 Allston Way BERKELEY CA 94704, 3001 TELEGRAPH AVE BERKELEY CA 94704, 2310 FULTON ST BERKELEY CA 94704		

**Late payment/penalty history:** This is a Measure MM property. Unfortunately, there are not five years of payment history to review.

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

**Penalties Currently Under Consideration**

**Reason for Penalties:** Property Owner owns more than 11 units

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 2022-23	0	-	-	\$5,400.00	-	\$5,400.00
<b>Totals</b>				<b>\$5,400.00</b>	<b>\$0.00</b>	<b>\$5,400.00</b>

**Grounds under Regulation 884(B):** (6) The landlord requesting the waiver owns or manages 11 or more rental units

**Good cause claimed by owner:** Property Manager states change of ownership was not processed and invoice was sent to the prior ownership.

**Recommendation:** Staff recommends denying the penalty waiver.

**Staff Analysis:** The 38-unit property at 3001 Telegraph is a combined store, office, and residential property partially covered by Measure MM. DWF VI VMG Telegraph Gardens LLC has owned this property since January 2022. Unfortunately, there are not 5 years of Payment History to review. In the waiver submitted by the property manager, they state, "The change of ownership was not processed and an invoice was sent to prior ownership". The documentation submitted along with the waiver discusses Below Market Rate units and the processing of an unapplied check. The packet did not include a previously

submitted Amended Registration Statement Form (ARS). Unfortunately, the Rent Board does not have an ARS on file with the new property manager. Rent Board records show the property contact information was updated using Real Quest records. While researching the property and LLC, staff found that the Authorized Agents for DWF VI VMG Telegraph Gardens LLC are the same Authorized Agents for DIVCO West LLC. DIVCO WEST LLC owns 2161 Allston and 2312 Fulton. The total number of units for all three properties is 172. All three properties paid the 21/22 registration fees on time and 2161 Allston also was granted a fiscal year 22-23 administrative correction of \$9,000. Per Regulation 884 (B)(6) this waiver qualifies as discretionary. Based on the totality of the circumstances, the staff recommends the Board deny the waiver.



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>

**Request for Waiver of Late Registration Penalties**

*Please Read Important Information on Page 2*

Property Address: 3001 Telegraph Ave., Berkeley CA 94705

Owner: DWF VI VMG, Telegraph Gardens, LLC

Date of acquisition, if new owner: 01/28/2022

Name & relationship of person filing request, if not owner: Kristen Parsons, Accounting Mgr.

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.

Change of ownership was not processed and invoice was sent to prior ownership.

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

Date: 11/18/2022 Signature: Kristen Parsons

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: kristen@livevmg.com

Mailing Address: 2312 Fulton St, Ste C, Berkeley CA 94704

Phone Number: 530 760 9350 Fax Number: N/A

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

## **Request for Waiver of Late Registration Penalties – Information**

Please Read Before Completing the Waiver Request

**Note: Before submitting a waiver request, you must pay all outstanding registration fees and file all registration forms**

The penalties on your bill are owed under the law. The Rent Board **may** forgive some or all of the penalties when the late payment was not deliberate and the owner acts in “good faith.” Most waivers are processed by staff, based primarily on your past payment history (see Reg. 883\*). But under certain circumstances (see Reg. 884\*) the Rent Board will review a waiver request to determine what amount, if any, to forgive. In these discretionary reviews the Board is looking at “good cause” and the “totality of the circumstances” to determine an appropriate penalty.

Examples of good cause for a full or partial waiver of penalties include: • *you had a death or illness in the family* • *you are a new owner with no other Berkeley residential rental property* • *you didn't receive the original billing statement* • *you thought that the property or unit was exempt from registration* • *you didn't know about the requirement to pay a prorated registration fee on a previously exempt unit.*

**Procedure for Discretionary Waivers:** Staff will review your waiver request and make a recommendation to the Board. If a circumstance outlined in Regulation 884 applies, staff will send you a copy of the recommendation about a week before the Board meeting. You may submit a written response to the recommendation. The Board will review the staff recommendation and any response, and issue a decision. You are not required to, but may, attend and address the Board. Staff will mail you the Board's decision, which cannot be further appealed.

**Full waiver is granted:** The account is cleared, your eligibility for annual general adjustments (AGAs) is restored, and you are deemed in compliance from the date the waiver application was completed.

**Partial waiver is granted:** The denied amount **must** be resolved within 30 days or the waiver may be rescinded and the full amount of penalties reinstated. While any penalties remain outstanding, the property is considered not registered. This means, among other things, that you may not impose rent increases, may not evict tenants, and may be subject to tenant petitions for rent withholding.

For questions about waivers please call Amanda Eberhart at (510) 981-4904.

### **Communications Disclaimer:**

**This document will be included in the Rent Board's agenda packet and, as such, will become part of the City's electronic records, which are accessible through the City's website.** This means that any e-mail addresses, names, addresses, and other information you provide 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, please call the Rent Board's Registration Unit at (510) 981-7368 to make that request.

\* The referenced regulations can be found at: Chapter 8: Rent Registration

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No:</b> W5086	<b>Property address:</b> 2385 OAK ST BERKELEY CA	<b>Transferred:</b> 07/26/2012
<b>Exempt units (as of February 2021):</b> None		
<b>Owner(s):</b> YAKOV SILVERTEST	<b>Waiver filed by:</b> OWNER	<b># of Units:</b> 2
<b>Other Berkeley rental property owned:</b> None		

**Late payment/penalty history:** In the last 5 fiscal years, the property owner has paid the registration fee late three times for 2756 Acton. In the 17/18, registration cycle they were charged both July and January penalties. In the 18/19 registration cycle, they were charged a July penalty and were granted an administrative waiver which removed 55% of the penalties. The 20/21 registration fees were also submitted late and the property was granted a waiver. The property at 2385 Oak was granted a statute of limitation credit and the Rent Board removed \$8,508 of outstanding fees on the account.

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

**Penalties Currently Under Consideration**

**Reason for Penalties:** Death of property owner's daughter a few years ago.

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 2022-23	2	-	-	\$1,000.00	-	\$1,000.00
FY 2022-23	2	-	-	\$1,000.00	-	\$1,000.00
<b>Totals</b>				<b>\$2,000.00</b>	<b>\$0.00</b>	<b>\$2,000.00</b>

**Grounds under Regulation 884(B):** (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.  
(8) The penalty has accrued because registration fees have not been paid for three or more fiscal years

**Good cause claimed by owner:** The property owner's daughter passed away a few years ago and she was the one who handled all the paperwork and bills.

**Recommendation:** Staff recommends waiving 50% of the penalties

**Staff Analysis:** The properties located at 2756 Acton and 2385 Oak St are single-family homes fully covered under the Berkeley Rent Ordinance. In the last 5 fiscal years, the property owner has paid the registration fee late three times for 2756 Acton. In the 17/18, registration cycle they were charged both July and January penalties. In the 18/19 registration cycle, they were charged a July penalty and were granted an Administrative waiver which removed 55% of the penalties. The 20/21 registration fees were also submitted late and the property was granted a waiver. The property at 2385 Oak was granted a statute of limitation credit and the Rent Board removed \$8,508 of outstanding fees on the account. In the waiver submitted by the property owner, they state that “their daughter passed away a few years ago and she was the one who handled the paperwork”. Staff notes the Waiver Form clearly states that “where possible to attach evidence to document the circumstance that prevented timely payment”. Unfortunately, the waiver submitted by the owner did not include any documentation for staff to review or verify. Based on the waiver packet submitted, and the statement from the property owner, this waiver qualifies as discretionary under Regulation 884 (B)(1) AND 884 (B)(8). Staff recommends the Board waive 50% of the penalties based on the totality of the circumstances, history of late payments, and death of the property owner’s daughter.

RECEIVED

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2125 Milvia Street, Berkeley, CA 94704  
PHONE: (510) 981-7368 • FAX: (510) 981-4910  
WEB: <https://rentboard.berkeleyca.gov>

FEB 24 2023  
Initial: mp  
Berkeley Rent Board

**Request for Waiver of Late Registration Penalties**

*Please Read Important Information on Page 2*

Property Address: 2756 Acton St.

~~Owner:~~ → 2385 Oak St  
OAK  
Date of acquisition, if new owner: \_\_\_\_\_

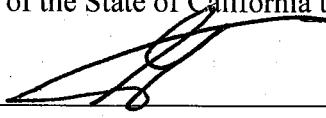
Yakov Silvertst  
2608 MCGEE AV  
BERKELEY CA 94703

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.

My daughter passed away a couple of years ago  
and she used to handle all my paperwork and bills.  
its been a difficult adjustment and catching up period  
I apologize for unintentionally not paying on time.  
my english is bad and I wasn't aware  
I've been struggling with deep depression. I ask you  
kindly to please wave/cancel penalty

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

Date: 2.21.2023 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: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

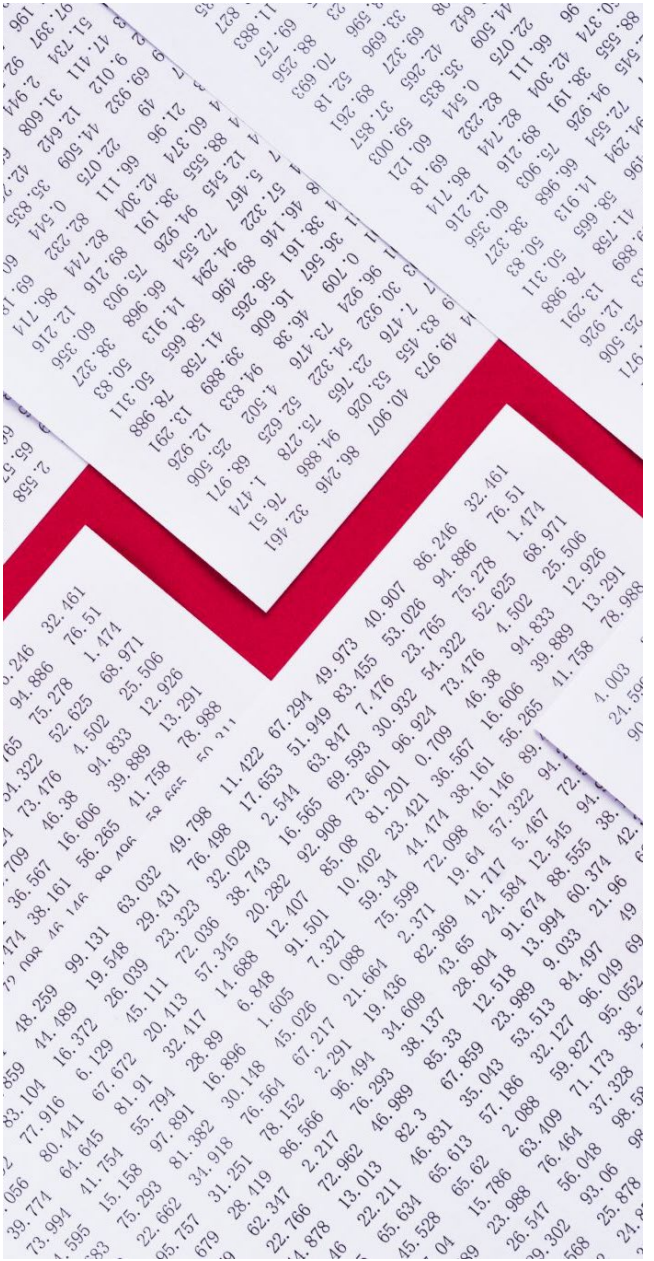
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

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



Distributed at the meeting  
Item 8.b.

# FY 2023/24 Budget Recommendation





# Budget 101

## Five Questions



How much money are we starting with?

How much revenue is projected?

What cost increases are anticipated?

What new expenditures are required and needed?

What is the Board's reserve level for next fiscal year?



Q: How much money are we starting with?

A: FY 2023 Year-End Projections

**Year-End Uncommitted Reserve:**  
**\$1,264,000**



**Capital Reserve: \$133,513**





Q: How much FY 2024 revenue?

A: Projected using # units & registration fees

Revenue Type	FY 2023 Units	FY 2023 Total	FY 2024 Units	FY 2024 Total
Fully-Covered Units	19,600 x \$250	= \$4.9 Million	19,600 X \$290	= \$5.68 Million
Measure MM Units	5,000 x \$150	= \$750,000	5,200 X \$178	= \$925,000
Totals	24,600 Units	= \$5.65 Million	24,800 Units	= \$6.6 Million





# FY 2024 Revenue Projections

Revenue Type	FY 2024 Projected
Fully-Covered Units	\$5,725,000
Measure MM Units	\$946,600
Penalties	\$250,000
Fair Chance Ord.	\$41,576
Misc. Fees	\$2,000
<b>Total Projected Revenue</b>	<b>\$6,965,175</b>



Q: What costs are increasing?

A: FY 2024 Non-Negotiable Cost Increases + \$750,000

Personnel Costs (Cola + Benefit increases) +\$150,000

Establishing Finance Unit +\$565,000

Building Rent & School Board +\$20,000

Board Stipend + \$10,000

Possible Small Increases to Vendor contracts +\$5,000



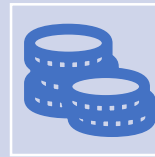


Q: What new expenditures are required and needed?

A: Office Relocation



Upfront Costs + \$200,000



Potential Other Costs + \$233,000



# Budgeting for FY 2024

## Agency Priorities

 Max Estimated Office Relocation \$433,000

 Digitizing Property Files \$95,000

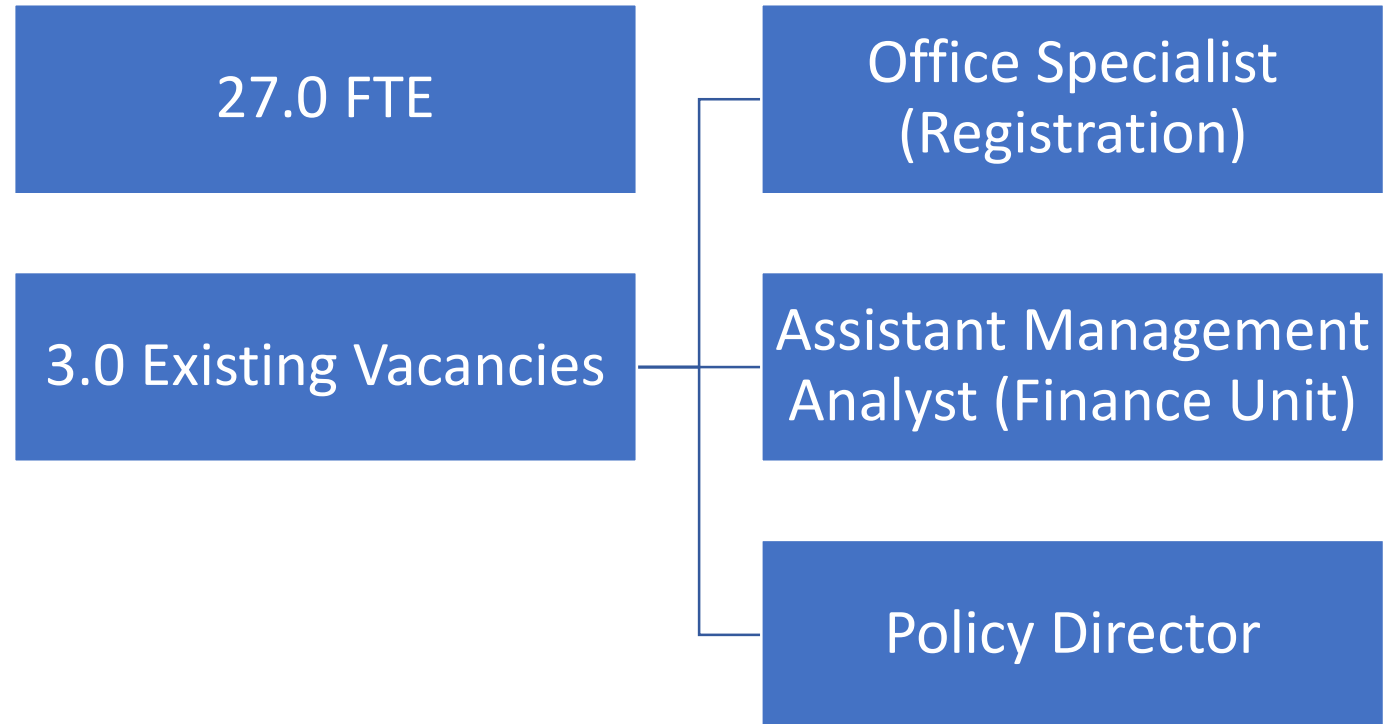
 Staff and Board Trainings \$60,000

 Digital Education \$40,000

 Increased Travel +\$10,000



# Staffing Model



# FY 2024 Budget Recommendation



\$7,026,110 in recurring expenditures



\$120,350 from capital reserve  
(3Di development & file digitization)



\$433,000 office relocation expenditure



\$7,506,460 spending level





Q: What is the Board's reserve level for FY 2024?

A: Board Uncommitted Reserve Policy

**Staff  
Recommends  
a 12% Reserve for  
FY 2024**





# Rent Board Budget Snapshot

	<b>Projected FY 2023</b>	<b>Proposed FY 2024</b>
<b>Total Authorized Fund Expenditures</b>	<b>6,602,445</b>	<b>7,506,460</b>
Fully-covered Unit Revenue	4,350,000	5,725,000
Measure MM Revenue	600,000	946,600
Registration Penalties	425,000	250,000
Fair Chance Ord. Administration	41,575	41,575
Misc. (Project review, Settlements, Admin. Fees)	1,500	2,000
<b>Total Authorized Fund Revenue</b>	<b>5,418,075</b>	<b>6,965,175</b>
<b><i>FY 23 Registration Revenue</i></b>	<b>775,359</b>	
Annual Surplus/Shortfall	(409,011)	(541,285)
<b>FUND BALANCE (cash basis)</b>	<b>1,397,668</b>	<b>856,383</b>
<b>FUND BALANCE (accrual basis)</b>	<b>1,397,668</b>	<b>856,383</b>
<b>TOTAL UNCOMMITTED RESERVE BALANCE</b>	<b>1,264,155</b>	<b>843,220</b>



# Budget & Personnel Committee's FY 2024 Budget Recommendation



FY 2024 revenue projection of **\$6,965,175**



Proposed FY 2024 Recurring Expenditures of **\$7,026,110**



Spending from the Board's Capital Reserve of **\$120,350**

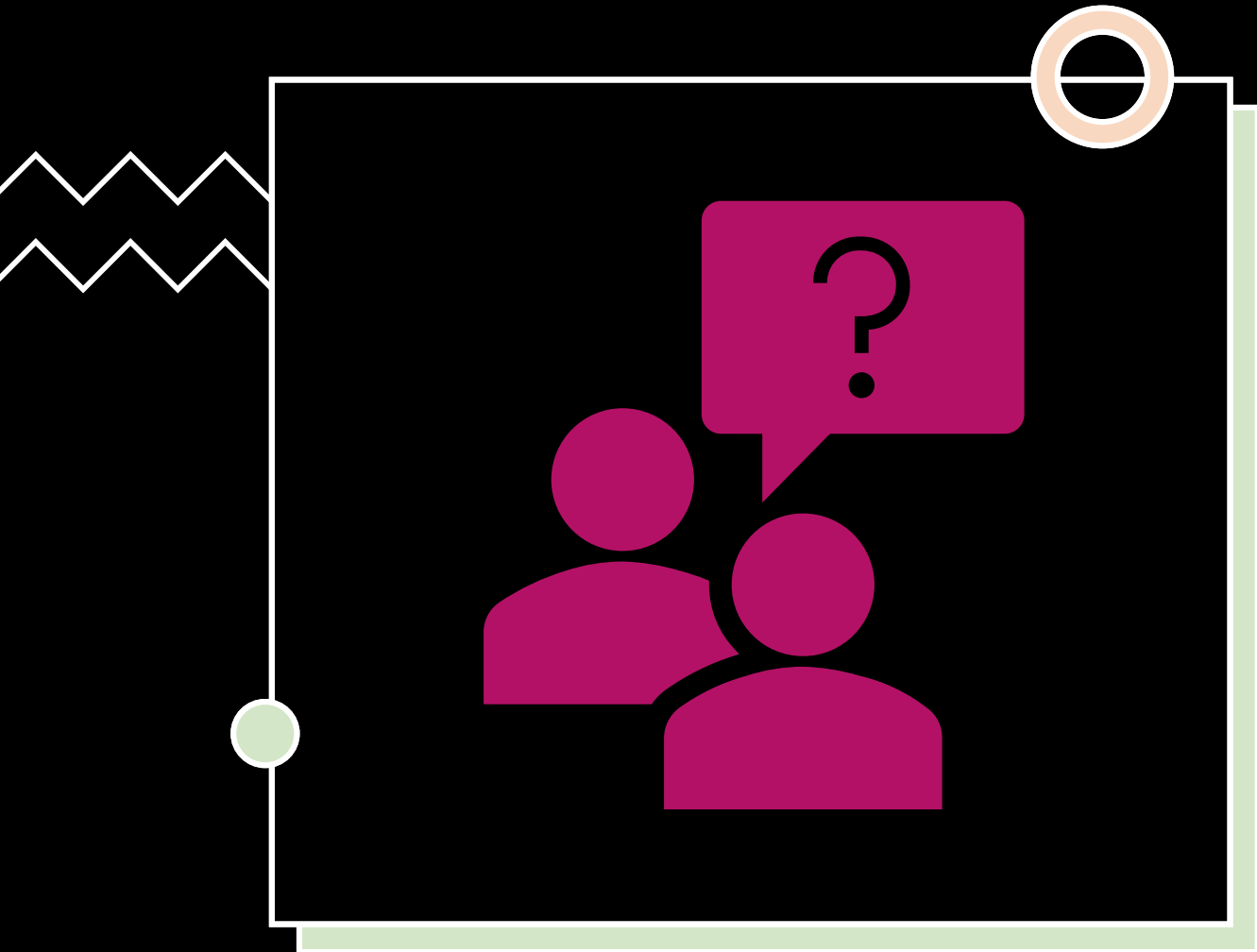


Max spending from the uncommitted reserve of **\$420,935**



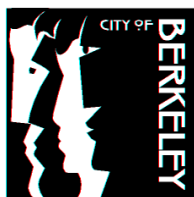
Total Proposed Spending Authority of **\$7,506,460**





# Questions





## Rent Stabilization Board

### RENT STABILIZATION BOARD

DATE: June 15, 2023

TO: Honorable Members of the Rent Stabilization Board

FROM: Honorable Members of the Budget & Personnel Committee  
 By: DéSeana Williams, Executive Director  
 Lief Bursell, Senior Planner

SUBJECT: Recommendation to Board on FY 2023/24 Line-Item Budget, Staffing Model & Expenditure Level

#### **Recommendation:**

That the Board adopt Resolution 23-13 approving the FY 2023/24 line-item budget and staffing model of 27.0 FTE career employees and authorize an overall spending level of \$7,506,460, which includes \$120,350 in expenditures from the Board's capital reserve.

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

Legally, the Board has until the end of June to adopt a staffing model and a budget with a maximum expenditure authorization for FY 2023/24. The Board's Budget and Personnel Committee is responsible for recommending to the Board the adoption of its annual budget. The Committee has met four times thus far in calendar year 2023 to review the status of the budget, the composition of the staffing model, and the projected revenues and expenditures for the coming fiscal year.

The Board received the FY 2022/23 mid-fiscal year budget update at its March 16, 2023 meeting as part of the Budget & Personnel Committee's recommendation to increase registration fee levels for FY 2023/24. After reviewing the status of the budget and the agency's projected revenue needs for the next fiscal year, the Board voted to raise the fully-covered unit fee from \$250 to \$290 per unit and to raise the partially-covered unit fee from \$150 to \$178 per unit. The Board and the Budget & Personnel Committee determined that these increased fee levels would provide the agency with sufficient revenue to cover expenditures for the upcoming fiscal year.

The Board also recently acted to add two new positions to establish a new Finance Unit within the Rent Board. The Board's Finance Unit will be responsible for the agency's extensive financial and budgetary duties, currently spread between several work units. At its October 20, 2022, meeting, the Board adopted resolution 22-23, which authorized the creation of a new Finance Director position in the Administrative and Fiscal Services Manager classification. At its May 18, 2023 meeting, the Board adopted resolution 23-12, which authorized adding a new Assistant Management Analyst position for the Finance Unit.

The Finance Director was hired in April of 2023, and staff has begun recruiting for the Assistant Management Analyst position, which should be filled sometime within the first quarter of FY 2023/24. The transition of all financial duties to the Finance Unit will take place once the unit is fully staffed.

### **FY 2022/23 Revenue Accounted for in FY 2022**

As a result of the data transition to the 3Di platform, some registration fees due FY 2022/23 were applied in FY 2021/22. This created a surplus in FY 2021/22 of \$775,359 which was later carried over to FY22/23. While the Board still received the appropriate amount of revenue for both years, the Board's financial statements show surplus revenue in FY 2021/22 and lower than anticipated revenue in FY 2022/23. Staff has also worked with 3Di to make the user experience more straightforward and to call attention to the need for owners to complete registration for the current registration period before moving to any registration or payments meant for the following registration year.

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

Approximately 5,175 partially-covered units have been registered through the 3rd quarter of the FY 2022/23 registration year, up from the 4,750 units registered through the 3rd quarter of 2022. This includes 600 units in affordable housing projects operated by nonprofits that pay the lower \$37 per unit Measure MM fee. Total partially-covered unit revenue is estimated at around \$750,000 in FY 2023. The total number of partially-covered rental units subject to registration will continue to grow as new buildings are constructed and then leased for the first time. Staff and the Budget & Personnel Committee will continue to monitor and report on changes to the number of partially-covered units registered each fiscal year.

### **FY 2021/22 Year-end Fund Balance**

Staff reviewed the City of Berkeley Finance Department's closing reports detailing the Board's FY 2021/22 revenues and expenditures. The Board's year-end FY 2021/22 revenue was \$6,369,586, including the \$775,359 surplus revenue meant for FY 2022/23. The total year-end FY 2021/22 expenditures were \$5,232,297. After adjusting for this revenue and allocating it to FY 2022/23, actual revenues for FY 2021/22 were \$5,594,226. \$37,500 in funds was still owed

to the East Bay Community Law Center for services provided in FY 2021/22, which carried over to FY 2022/23.

The Board spent \$1,043,238 less than projected in its adopted FY 2021/22 budget. This was primarily due to personnel savings from several vacancies and delayed expenditures for the 3Di database and the tenant survey, which were planned but only expended for in the current fiscal year. The Board's revenues were also about \$80,000 greater than initially anticipated. Lower expenditures and slightly higher revenues left the Board with a total annual surplus of \$324,430 at the end of the fiscal year. As of June 30, 2022, the total fund balance was \$1,769,178.

The Board's capital reserve ended the fiscal year with a balance of \$420,200, and the Board's uncommitted reserve year-end balance is \$1,348,978. The year-end reserve amount exceeds the 8-16% Boards Reserve policy. Please note that these numbers are still preliminary because they need to be audited by the City of Berkeley's outside auditor.

### **3<sup>rd</sup> Quarter Update on FY 2022/23 Budget Status and Year-End Projections**

At the end of the 3rd quarter of FY 2022/23 (as of March 31, 2023), the agency's total revenue was \$5,262,839, and its total expenditures were \$4,447,907. Total FY 2022/23 registration year revenue through the 3rd quarter, including the \$775,359 accounted for in FY 2021/22, was \$6,038,198. Staff now project the total FY 2022/23 expenditures at around \$6,600,000, while total FY22/23 revenue projects at just over \$6,193,000. This would result in an FY 2022/23 deficit of \$409,000. While this is not a small deficit, it is \$700,000 less than initially projected. The change in the anticipated deficit amount is due to decreased personnel costs, increased revenue from increased partially-covered unit registration, and a notable increase in revenue from registration penalties.

The Board now projects to start next fiscal year with an uncommitted fund balance of just over \$1,260,000, over 19% of projected FY 2022/23 expenditures. The Board will also have \$133,513 in its capital reserve, \$73,513 of which is earmarked towards the continued development of the 3Di Rent Registry system.

### **Increased Registration Penalty Collection**

Annual registration penalty revenue averaged \$158,000 per fiscal year for a 10-year period between FY 2009/10 and FY 2018/19. During that period, registration penalty revenue averaged about 3.6% of total annual registration fee revenue. Penalty revenues then dipped to an average of around \$79,000 (1.6% of registration fee revenue) during FY 2019/20 and FY 2020/21 during the initial years of the COVID-19 pandemic. Increased revenues from penalty payments, which

were just over \$225,000 in FY 2021/22, coincided with the first year that partially-covered units were required to register with the Board.

Penalty revenues of over \$200,000 are more than was collected at any point in the previous decade. The agency collected a high of \$196,000 in penalty revenue in FY 2010/11. While \$225,000 is the most penalty revenue that the Board has received recently, penalty revenues for FY 2021/22 comprised 4.2% of total registration revenue received, well within the normal 3%-5.5% range.

For FY 2022/23, registration penalty revenue is again making a new high. Currently, staff projects the agency will end the year with about \$425,000 in penalty revenue, which is 7.4% of the total projected registration revenue. While some of this increase is likely still due to partially-covered units registering for the first time, staff have also amended and improved the collections process for this current registration year. The Budget & Personnel Committee has asked for more detail on the changes and improvements made to the collections process, and staff plans to present this information to the Board in the Fall of 2023.

### **Budgeting for Office Relocation**

The agency's current lease with 2001 Center Street LLC expires at the end of February 2024, within the 3rd quarter of the upcoming fiscal year. The Executive Director and the Budget & Personnel Committee have prioritized moving to a larger office space to give the agency room to grow while remaining in a central location easily accessible by transit. The size of the agency's current office space limits the Rent Board's ability to increase its staffing capacity, as there are no vacant offices for new staff positions. Staff has also consistently expressed interest in having all staff on the same floor to increase collaboration between working groups.

So far, staff is considering several locations that fit the criteria of being within Berkeley's downtown area and the necessary square footage to allow the agency to grow into the future. Depending on the location, downtown Berkeley's office space is currently offered at up to \$4 per square foot. This is slightly lower than the \$4.36 per square foot the agency is currently paying for its office space. Several available office spaces offer more than 10,000 square feet on one floor. A space of this size is considerably larger than the agency's current office space, which has 6,759 square feet spread between two floors. While the additional square footage is needed to increase agency capacity, it will come at a substantial cost.

The Executive Director is working with a commercial real estate agent to identify and make offers on potential sites. Based on the information provided by the agency's commercial real estate agent, upfront costs for entering a lease agreement for office space will include payment of the initial months' rent, a security deposit of up to 3 months' rent, and moving expenses. The

total costs for these items could be as high as \$200,000, which is reflected in the proposed budget recommendation.

Staff is also contracting with an architectural firm to create floorplans that test how the agency's needs can be accommodated in the available office suites.

Staff is hopeful that tenant improvements, several months of free rent, and possible reimbursement of architectural services can be negotiated as part of any new lease agreement. However, any lease negotiation has a wide range of possible outcomes, and the Board may be required to pay some additional upfront costs. A possible worst-case scenario is that the agency will need to extend the lease at its current location to allow for the completion of tenant improvements in a new office space.

If the agency relocates to an office space of over 10,000 square feet, the Board's expenditures for building rent could increase by up to \$200,000 for FY 2024/25. The agency currently pays around \$350,000 per year in rent, which could go up to \$550,000 per year for a larger office space. The rental rate would then continue to increase incrementally throughout the lease term, and annual expenditures for the agency office space could approach \$750,000 by the end of a 10-year lease agreement. Relocating to new office space will require future registration fee increases, likely as soon as FY 2024/25.

### **Highlights of the FY 2023/24 Proposed Budget**

The proposed FY 2023/24 Budget (Attachment 1) requests new spending authorization totaling \$7,506,460. This amount includes \$7,026,110 toward the agency's recurring operational expenses, \$196,526 for the office relocation (including first month's rent, security deposit, and moving costs), and \$277,750 for development and maintenance of the 3Di Rent Registry database, property file digitization, consultant support for annual evaluations of the Executive Director and General Counsel, and expenditures for additional staff and a commissioner training.

**\$233,000 – Unallocated** - To prepare for possible contingencies related to the office relocation, including upfront costs associated with tenant improvements such as architectural services, staff recommends the Board authorize \$233,000 to the agency's unallocated account. The exact area of this expenditure is not allocated, so it is available for various expenses the Board may incur when relocating offices. In the ideal circumstance, all or most of these funds would not be used, but having this unallocated funding in place is important so it can be accessed if necessary.

**\$122,750 – 3Di Rent Registry** - The Board adopted a one-time \$20 adjustment to the registration fee in FY 2017/18, with the \$400,000 collected placed in the Board's capital reserve and earmarked for finding a sustainable long-term solution to the agency's database needs. The



agency contracted with 3Di, Inc. in the Fall of 2020 to first develop a standalone module for Measure MM registration and then create a replacement for the previous Rent Tracking System (RTS) and case management databases. The Measure MM system launched in February of 2021, and an integrated rental registry for fully-covered units, petitions, eviction tracking, and counseling case management launched in March of 2022. This proposed expenditure reflects the second of two payments for the development and configuration of the 3Di Rent Registry platform and the annual \$62,400 payment for maintenance and support. The \$60,350 development payment would come from the Board's capital reserve funds.

**\$95,000 – Property File Digitization** – The proposed budget recommends allocating \$95,000, including the remaining \$60,000 in the Board's capital reserve, not already committed towards the 3Di Rent Registry, towards the digitization of the Board's property files. The property files are currently maintained in a filing system mounted to a concrete foundation. Moving this system and installing it in a new location would cost the agency around \$20,000. Property file digitization will make agency records more accessible, reduce the need for storage space, and avert the need to invest \$20,000 towards moving the existing storage system.

**\$60,000 – Board & Staff Trainings** -The proposed budget recommends that \$10,000 be allocated annually to the Training line item (40-63) for ongoing enhanced training opportunities for staff. An additional one-time allocation of \$50,000 is set aside in the CIP line item for professional development and DEI training for staff, as well as separate training for the Board's elected commissioners and the agency's senior leadership team.

**\$40,000 – Digital Education** – Investing in digital education has been an ongoing Board priority. This expenditure is proposed to pay for the creation of new digital video content, as well as other forms of digital outreach.

**\$10,000 – Increased Travel** – The Board recently expressed interest in traveling to attend an out-of-state training. Therefore, staff recommends increasing the allocation to the Transportation & Commercial Travel (40-61/64), Meals & Lodging (40-62), and Registration Fees (40-63) line items.

### **Staffing Model**

The proposed budget recommendation does not include any further changes to the existing staffing model, which would remain at 27.0 FTEs. The Board should anticipate receiving more details on the Executive Director and Budget & Personnel Committee's plans to add additional capacity, including recommendations on new staff positions later in FY 2023/24.

### **Status of the Rent Board Fund Reserve Balance**

Historically, the Board has attempted to maintain a "one-to-two-month" uncommitted reserve balance in the Rent Stabilization Fund. The Budget & Personnel Committee believes an 8% reserve is too low and recommends that the Board target maintaining at least two months or 16% of the agency's recurring operational budget.

The Board previously elected to go below the 8% reserve level to contain the size of fee increases and even authorized going as low as 5% to prevent a fee increase during the COVID-19 pandemic. Despite this possibility, the agency has managed to maintain a reserve of over 16% since the end of FY 2017/18, and staff anticipates the Board will end this current fiscal year with an uncommitted reserve of just over 19%. The Board should anticipate starting FY 2023/24 with a reserve balance above its targeted level. The Board will also have around \$134,000 that is still set aside in its capital reserve, around \$74,000 of which is earmarked for the ongoing development of the 3Di Rent Registry.

The proposed budget also allocates \$60,350 of the capital reserve towards the 3Di Rent Registry system and \$60,000 for the property file digitization project. This would leave the Board's capital reserve with a remaining total of \$13,163, which is reserved for future expenditures on possible improvements to the 3Di Rent Registry system.

With FY 2023/24 revenue projected at \$6,965,175, the Budget & Personnel Committee's proposed expenditure level would reduce the Board's uncommitted reserve by up to \$420,000. While both staff and the Committee are hopeful that the office relocation will not require this maximum expenditure, the Board would still end FY 2022/23 with over 840,000 in its uncommitted reserve, an amount which is equal to exactly 12% of its recurring operational budget of \$7,026,110. The proposed reduction to the Board's fund balance below the 16% target is primarily recommended because there are still so many unknowns when budgeting the costs of relocating to a new office space.

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

In FY 2020/21, FY 2021/22, and FY 2022/23, the adopted budget anticipated spending down the Board's uncommitted reserve, so the fund ended the year with less than 8% of recurring expenditures remaining. Savings in personnel costs from staff turnover and ongoing vacancies, as well as better than anticipated registration revenue from fully covered and Measure MM units, meant that the Board's reserve was never reduced to this level.

For FY 2023/24, the Budget & Personnel Committee recommends a 12% reserve target. While this is higher than the previous year's recommendation, it is lower than the recommended 16%

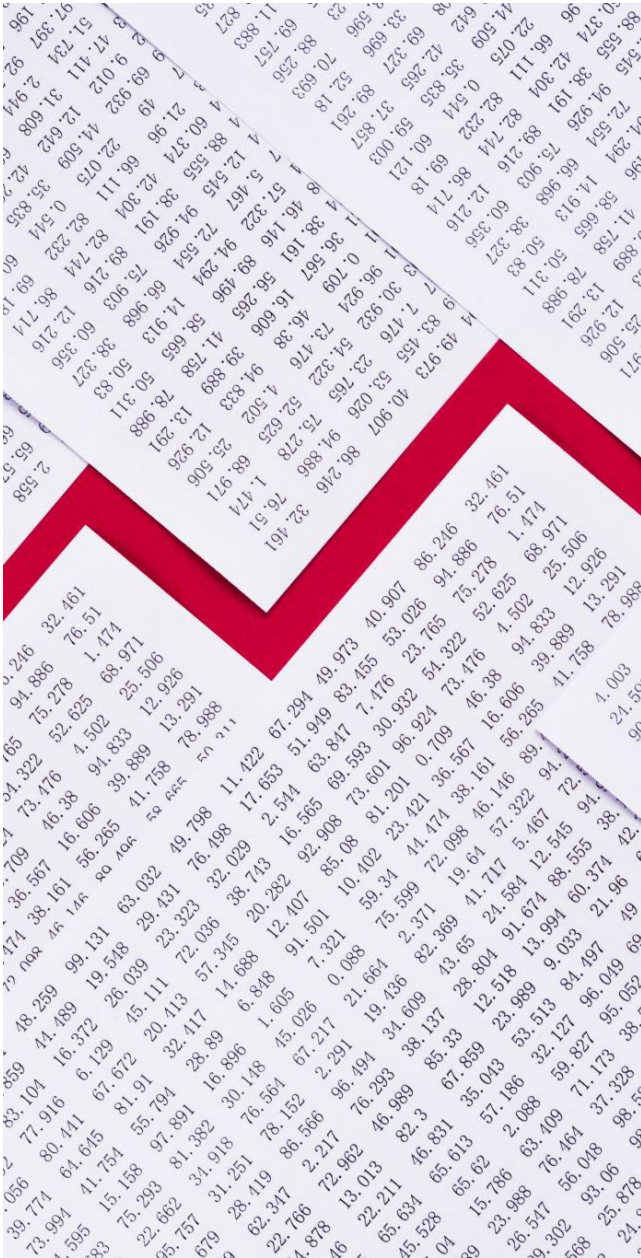
target. If the agency continues to collect additional revenue from the registration of new partially-covered units or if the agency can negotiate favorable lease terms for new office space, the Board's reserve balance may stay at or above the targeted 16% level.

Attachments:

1. FY 2024 Budget Recommendation Presentation
2. Proposed FY 2024 Line-Item Budget with 3/4th-year FY 2023 Update and Preliminary Year-end FY 2022 actuals
3. FY 2023 and FY 2024 Graphic Overview of Changes in Rent Board Expenditures
4. Proposed FY 2023/24 Position Detail grouped by unit, classification and job duty
5. Resolution 22-13 authorizing FY 2023/24 Expenditure Authorization and Staffing Model

# FY 2023/24 Budget Recommendation

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# Budget 101

## Five Questions

How much money are we starting with?

How much revenue is projected?

What cost increases are anticipated?

What new expenditures are required and needed?

What is the Board's reserve level for next fiscal year?

Q: How much money are we starting with?

A: FY 2023 Year-End Projections

**Year-End Uncommitted Reserve:**

**\$1,264,000**



**Capital Reserve: \$133,513**

Q: How much FY 2024 revenue?

A: Projected using # units & registration fees

Revenue Type	FY 2023 Units	FY 2023 Total	FY 2024 Units	FY 2024 Total
Fully-Covered Units	19,600 x \$250	= \$4.9 Million	19,600 X \$290	= \$5.68 Million
Measure MM Units	5,000 x \$150	= \$750,000	5,200 X \$178	= \$925,000
Totals	24,600 Units	= \$5.65 Million	24,800 Units	= \$6.6 Million

# FY 2024 Revenue Projections

Revenue Type	FY 2024 Projected
Fully-Covered Units	\$5,725,000
Measure MM Units	\$946,600
Penalties	\$250,000
Fair Chance Ord.	\$41,576
Misc. Fees	\$2,000
<b>Total Projected Revenue</b>	<b>\$6,965,175</b>



Q: What costs are increasing?

A: FY 2024 Non-Negotiable Cost Increases + \$750,000

Personnel Costs (Cola + Benefit increases) +\$150,000



The chart consists of five blue rectangular boxes stacked vertically, each containing a cost category and its increase. The boxes are staggered to the right from top to bottom. Small grey downward-pointing arrows are positioned between each box, indicating a cumulative total.

Establishing Finance Unit +\$565,000

Building Rent & School Board +\$20,000

Board Stipend + \$10,000

Possible Small Increases to Vendor contracts +\$5,000

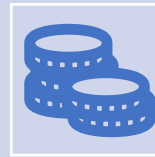


Q: What new expenditures are required and needed?

A: Office Relocation



Upfront Costs + \$200,000



Potential Other Costs + \$233,000

# Budgeting for FY 2024

## Agency Priorities

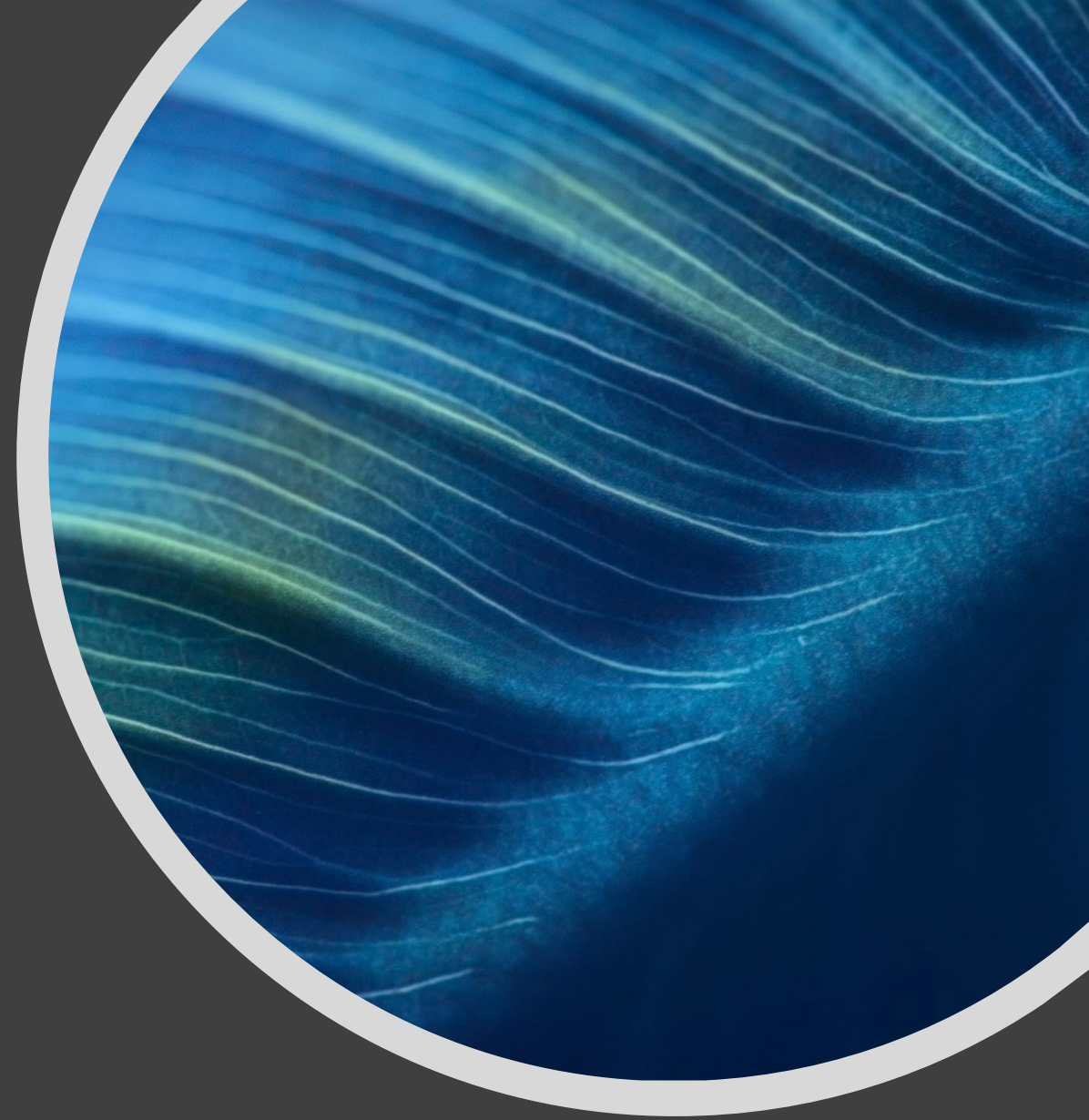
 Max Estimated Office Relocation \$433,000

 Digitizing Property Files \$95,000

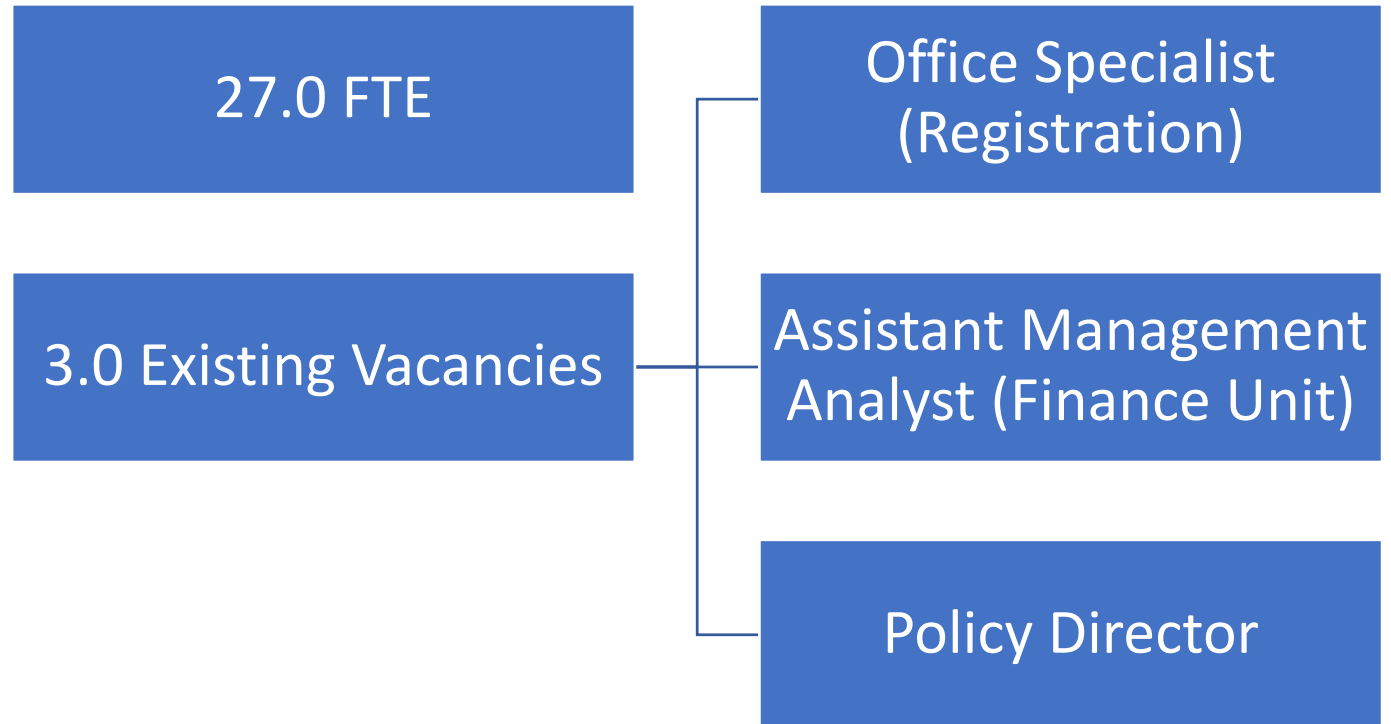
 Staff and Board Trainings \$60,000

 Digital Education \$40,000

 Increased Travel +\$10,000



# Staffing Model



# FY 2024 Budget Recommendation



\$7,026,110 in recurring expenditures



\$120,350 from capital reserve  
(3Di development & file digitization)



\$433,000 office relocation expenditure



\$7,506,460 spending level

Q: What is the Board's reserve level for FY 2024?

A: Board Uncommitted Reserve Policy

**Staff  
Recommends  
a 12% Reserve for  
FY 2024**

# Rent Board Budget Snapshot

	<b>Projected FY 2023</b>	<b>Proposed FY 2024</b>
<b>Total Authorized Fund Expenditures</b>	<b>6,602,445</b>	<b>7,506,460</b>
Fully-covered Unit Revenue	4,350,000	5,725,000
Measure MM Revenue	600,000	946,600
Registration Penalties	425,000	250,000
Fair Chance Ord. Administration	41,575	41,575
Misc. (Project review, Settlements, Admin. Fees)	1,500	2,000
<b>Total Authorized Fund Revenue</b>	<b>5,418,075</b>	<b>6,965,175</b>
<b><i>FY 23 Registration Revenue</i></b>	<b>775,359</b>	
Annual Surplus/Shortfall	(409,011)	(541,285)
<b>FUND BALANCE (cash basis)</b>	<b>1,397,668</b>	<b>856,383</b>
<b>FUND BALANCE (accrual basis)</b>	<b>1,397,668</b>	<b>856,383</b>
<b>TOTAL UNCOMMITTED RESERVE BALANCE</b>	<b>1,264,155</b>	<b>843,220</b>

# Budget & Personnel Committee's FY 2024 Budget Recommendation



FY 2024 revenue projection of **\$6,965,175**



Proposed FY 2024 Recurring Expenditures of **\$7,026,110**



Spending from the Board's Capital Reserve of **\$120,350**

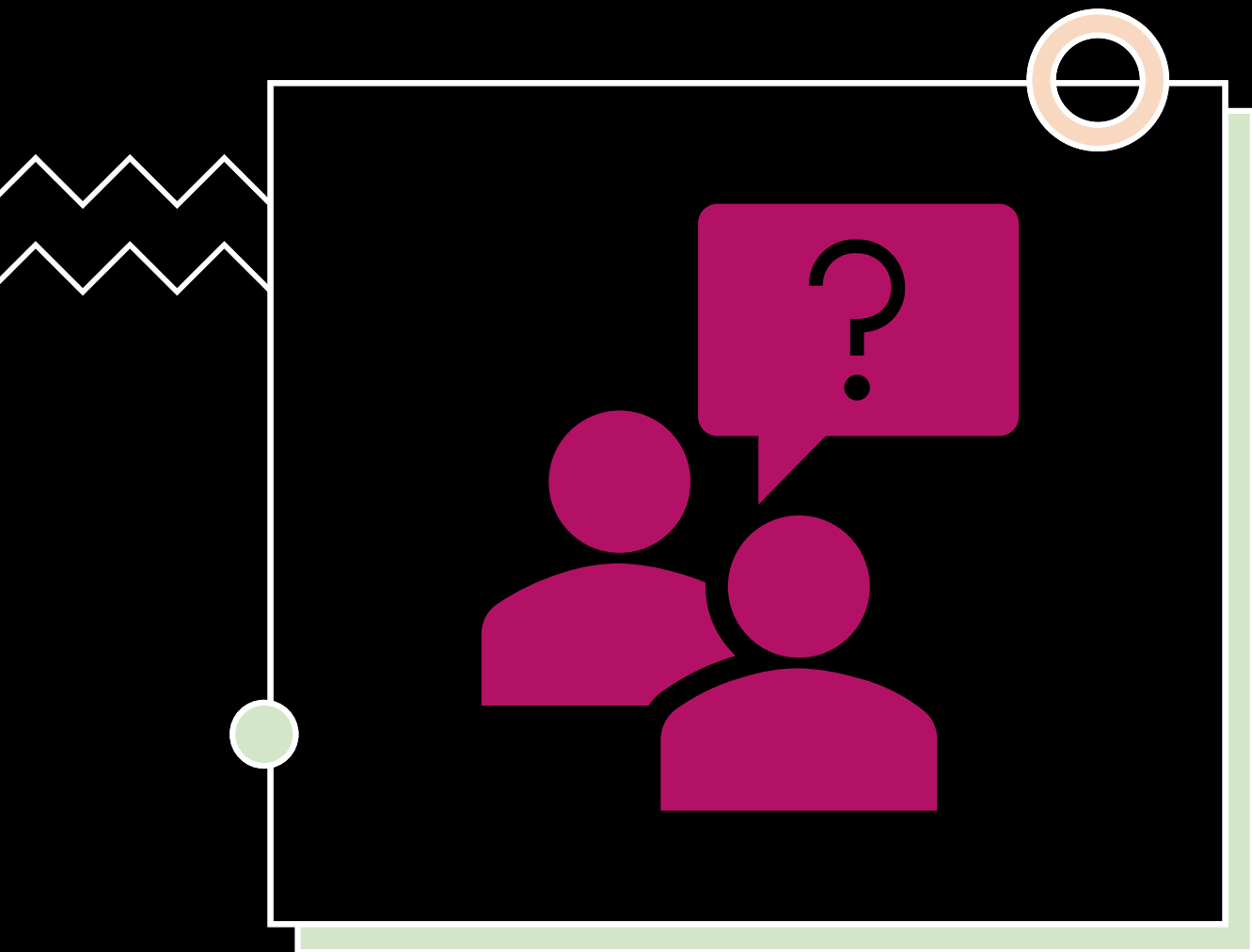


Max spending from the uncommitted reserve of **\$420,935**



Total Proposed Spending Authority of **\$7,506,460**





Questions



**Rent Stabilization Program  
FUND 440  
FY 2023 3rd Quarter Budget Update and Proposed FY 2024 Budget**

Code	Description	Adopted FY 2022	Prelim. Year-End FY 2022	Adopted FY 2023	Actual 3/4ths FY 2023	Projected FY 2023	Proposed FY 2024
11-01	Monthly Employees	2,850,000	2,362,632	3,015,000	1,963,297	2,750,000	3,265,000
11-03	Hourly Employees	0	0	0	0	0	0
13-01	Overtime	2,000	476	1,000	0	1,000	1,000
27-20	Benefits	1,800,000	1,580,209	2,075,000	1,250,560	1,955,000	2,225,000
30-12	Stipends	53,500	53,250	154,000	118,966	154,000	164,000
30-12b	Technology Stipend			30,000	30,000	30,000	5,000
30-23	Misc. Legal Expenses	20,000	41,756	85,000	52,872	160,000	20,000
30-36	Temp. Agency Employees	5,000	25,414	25,000	47,720	153,000	10,000
30-38	Misc. Professional Services	410,000	475,811	378,500	284,814	389,000	402,800
30-42	Office Equip. Mtc. Svcs. / Furniture	13,000	9,962	13,000	10,283	13,000	25,000
30-43	Bldg. & Structures Mtc. Svc.	500	424	500	341	500	500
30-51	Bank Credit Card Charges	25,000	10,702	25,000	13,079	25,000	20,000
40-10	Professional Dues & Intern Fees	3,000	139	2,000	1,993	2,000	2,000
40-31	Telephones	5,000	8,802	7,000	5,792	8,000	9,000
40-50	Printing and Binding	35,000	25,871	30,000	18,471	30,000	30,000
40-62	Meals & Lodging	1,000	0	1,000	0	500	7,000
40-63	Registration Fees/Training	12,000	1,393	12,000	2,897	12,000	13,000
40-61/64	Transportation & Commercial Travel	3,000	73	3,000	8	1,000	4,000
40-70	Advertising/public access	45,000	42,142	50,600	30,604	50,600	99,100
40-80	Books & Publications	13,000	15,396	13,000	10,597	13,000	13,000
50-10	Rental of Land / Buildings	375,000	346,284	370,000	297,026	370,000	528,405
51-10	Postage	40,000	5,945	35,000	24,720	35,000	35,000
51-20	Messenger / Delivery	500	37	500	16	500	500
55-11	Office Supplies	13,500	11,015	13,500	11,381	13,500	13,500
55-50	Food and Water	1,000	1,121	1,000	4,480	4,500	2,500
70-43	Office Equipment and Furniture	5,000	0	5,000	0	5,000	5,000
70-44	Computers, Printers, Software	12,000	35,778	15,000	23,358	25,000	10,000
75-25	PC Replacement/City Software Licences	74,305	74,305	74,305	55,728	74,305	74,305
75-35	Mail Services	3,600	3,600	3,600	2,700	3,600	3,600
75-50	City Vehicle / Fuel & Maint.	1,500	1,500	1,500	0	4,500	7,500
	Displacement Reimbursement Offset	0	12,480	0	12,480	0	0
	Unallocated	0	0	0	0	0	233,000
	<b>Expenditure Subtotal**</b>	<b>5,822,405</b>	<b>5,146,517</b>	<b>6,440,005</b>	<b>4,274,181</b>	<b>6,283,505</b>	<b>7,228,710</b>
	Capital Reserve (incl. 3Di, file digitization, evaluations, training)	453,130	85,780	358,100	173,726	318,940	277,750
		<b>Adopted FY 2022</b>	<b>Prelim. Year-End FY 2022</b>	<b>Adopted FY 2023</b>	<b>Actual 3/4ths FY 2023</b>	<b>Projected FY 2023</b>	<b>Proposed FY 2024</b>
	<b>Total Authorized Fund Expenditures*</b>	<b>6,275,535</b>	<b>5,232,297</b>	<b>6,798,105</b>	<b>4,447,907</b>	<b>6,602,445</b>	<b>7,506,460</b>
	Fully-covered Unit Revenue	5,010,000	5,468,342	4,885,000	4,235,941	4,350,000	5,725,000
	Measure MM Revenue	300,000	674,069	600,000	587,334	600,000	946,600
	Registration Penalties	75,000	225,297	150,000	396,809	425,000	250,000
	Fair Chance Ord. Administration	115,850	0	50,000	41,575	41,575	41,575
	Misc. (Project review, Settlements, Admin. Fees)	15,000	1,877	2,000	1,180	1,500	2,000
	<b>Total Authorized Fund Revenue*</b>	<b>5,515,850</b>	<b>6,369,586</b>	<b>5,687,000</b>	<b>5,262,839</b>	<b>5,418,075</b>	<b>6,965,175</b>
	Annual Surplus/Shortfall	(759,685)	1,137,289	(1,111,105)	814,932	(1,184,370)	(541,285)
	Previous FY Carryover Expenditures		37,500				
	FY 23 Registration Revenue***		775,359				
	Registration Year Revenue		5,594,226		6,038,198	6,193,434	
	<b>FUND BALANCE (cash basis)</b>	<b>685,064</b>	<b>2,582,038</b>	<b>1,470,933</b>	<b>3,396,970</b>	<b>1,397,668</b>	<b>856,383</b>
	<b>FUND BALANCE (accrual basis)</b>	<b>647,564</b>	<b>1,769,178</b>	<b>658,073</b>	<b>3,359,470</b>	<b>1,397,668</b>	<b>856,383</b>
	<b>TOTAL UNCOMMITTED OPERATIONAL FUND BALANCE</b>	<b>370,564</b>	<b>1,348,978</b>	<b>423,473</b>	<b>3,149,740</b>	<b>1,264,155</b>	<b>843,220</b>

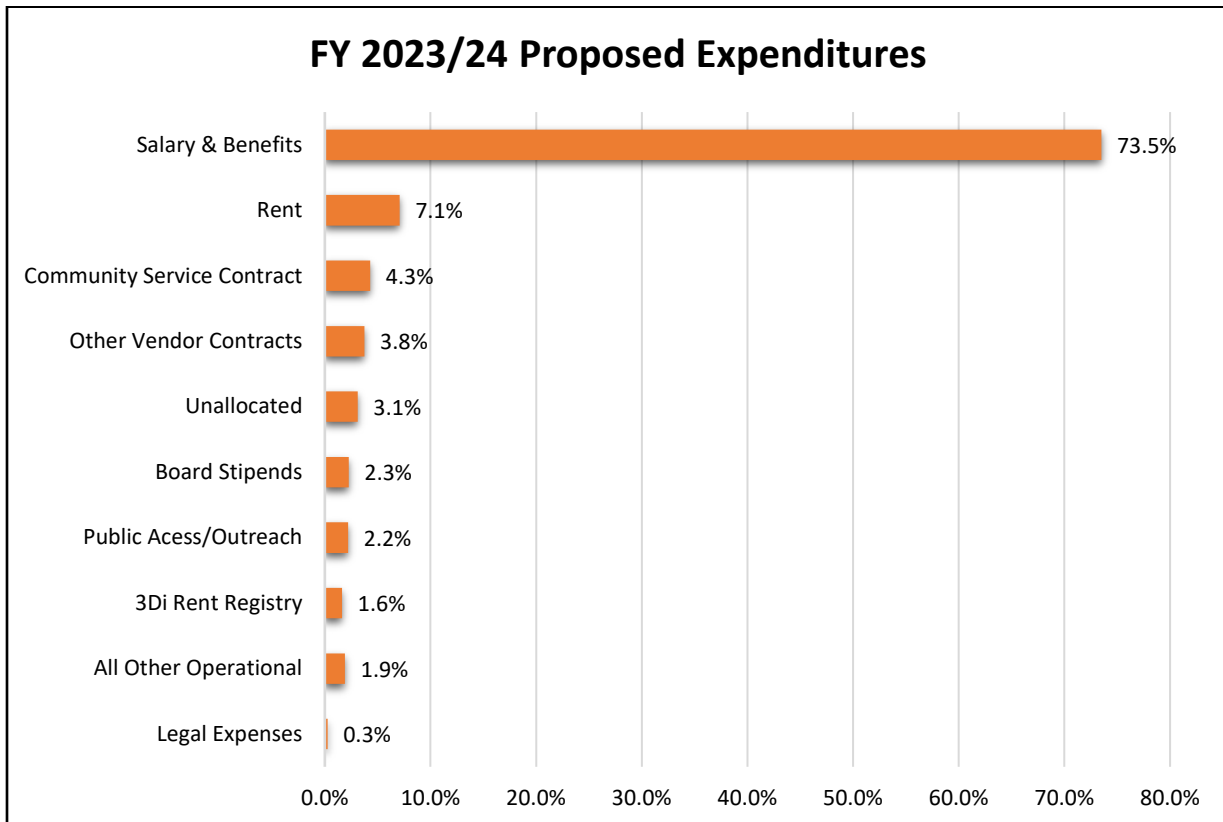
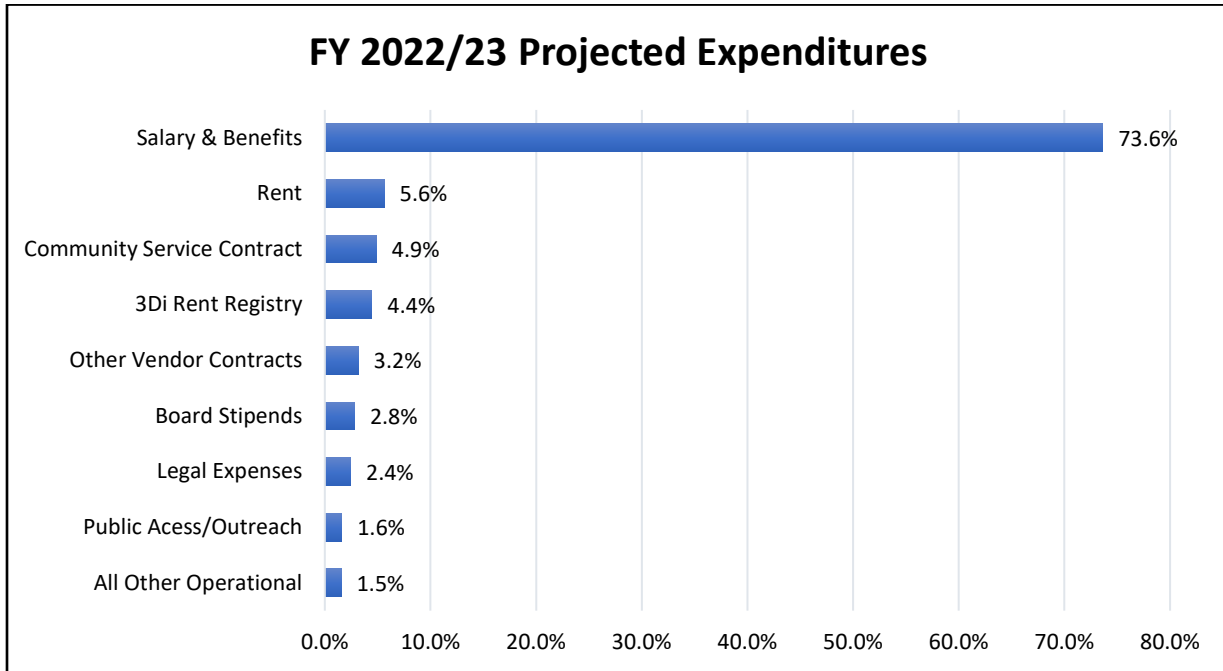
\* Note: this report only reflects charges & revenues against the Rent Board Fund (Fund 440) and does not include services charged to or received from other funds

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

\*\*\* Note: \$775,359.47 in FY23 registration revenue was collected as FY22 revenue.

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

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



**RENT BOARD POSITION DETAIL**

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

FY 2023 Adopted		FY 2024 Proposed	
<b>Administration / Policy Unit</b>		<b>Administration / Policy Unit</b>	
Executive Director	1.00	Executive Director	1.00
Policy Director	1.00	Policy Director	1.00
Community Services Specialist II	1.00	Community Services Specialist II	1.00
Associate Management Analyst	1.00	Associate Management Analyst	1.00
Senior Planner	1.00	Senior Planner	1.00
Associate Planner	1.00	Associate Planner	1.00
Office Specialist II	1.00	Office Specialist II	1.00
<b>Subtotal for FTE</b>	<b>7.00</b>	<b>Subtotal for FTE</b>	<b>7.00</b>
		Salary/Benefit Total = \$1,321,000	
<b>Finance Unit</b>		<b>Finance Unit</b>	
Administrative & Fiscal Services Manager	1.00	Administrative & Fiscal Services Manager	1.00
Assistant Management Analyst	0.00	<b>Assistant Management Analyst</b>	<b>1.00</b>
Accounting Office Specialist III	0.00	<b>Accounting Office Specialist III</b>	<b>1.00</b>
<b>Subtotal for FTE</b>	<b>1.00</b>	<b>Subtotal for FTE</b>	<b>3.00</b>
		Salary/Benefit Total = \$565,000	
<b>Legal Unit</b>		<b>Legal Unit</b>	
General Counsel	1.00	General Counsel	1.00
Staff Attorney II	2.00	Staff Attorney II	2.00
<b>Subtotal for FTE</b>	<b>3.00</b>	<b>Subtotal for FTE</b>	<b>3.00</b>
		Salary/Benefit Total = \$940,000	
<b>Hearings Unit</b>		<b>Hearings Unit</b>	
Senior Hearing Examiner	1.00	Senior Hearing Examiner	1.00
Legal Secretary	1.00	Legal Secretary	1.00
<b>Subtotal for FTE</b>	<b>2.00</b>	<b>Subtotal for FTE</b>	<b>2.00</b>
		Salary/Benefit Total = \$435,000	
<b>Registration Unit</b>		<b>Registration Unit</b>	
Senior Management Analyst	1.00	Senior Management Analyst	1.00
Community Services Specialist II	1.00	Community Services Specialist II	1.00
Accounting Office Specialist III	1.00	<b>Accounting Office Specialist III</b>	<b>0.00</b>
Office Specialist III	1.00	Office Specialist III	1.00
Office Specialist II	2.00	Office Specialist II	2.00
<b>Subtotal for FTE</b>	<b>6.00</b>	<b>Subtotal for FTE</b>	<b>5.00</b>
		Salary/Benefit Total = \$768,000	
<b>Public Information Unit</b>		<b>Registration &amp; Public Information Units</b>	
Community Services Specialist III	1.00	Community Services Specialist III	1.00
Community Services Specialist II	5.00	Community Services Specialist II	5.00
Office Specialist II	1.00	Office Specialist II	1.00
<b>Subtotal for FTE</b>	<b>7.00</b>	<b>Subtotal for FTE</b>	<b>7.00</b>
		Salary/Benefit Total = \$1,215,000	
<b>Total RSB Staff</b>	<b>26.00</b>	<b>Total RSB Staff</b>	<b>27.00</b>

**Board Approved Changes in FY 2023 include the following:**  
 Create a 1.0 FTE Policy Director  
 Eliminate a 1.0 FTE Deputy Director  
 Increase Senior Management Analyst to 1.0 FTE  
 Increase Community Services Specialist III to 1.0 FTE  
 Add 1.0 FTE Administrative & Fiscal Services Manager

**Board Approved Changes for FY 2024:**  
 Move 1.0 FTE Accounting Office Specialist III from Registration Unit to Finance Unit  
 Add 1.0 FTE Assistant Management Analyst to Finance Unit

## RESOLUTION 23-13

### **ADOPTING THE FISCAL YEAR 2023-2024 BUDGET, STAFFING MODEL POSITION DETAIL, AND THE MAXIMUM EXPENDITURE LEVEL**

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

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

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

**WHEREAS**, the Budget and Personnel Committee met five times in fiscal year 2022-2023 to monitor the budget and the Program's progress in meeting the goals established by the Board; and

**WHEREAS**, on March 16, 2023, after reviewing the available reserves and considering revenue needs for FY 2024, the Board voted to increase the annual registration fee for fully-covered units to \$290 per unit and the Measure MM or partially-covered unit fee to \$178 per unit; and,

**WHEREAS**, on June 1, 2023, the Budget and Personnel Committee and the Executive Director met and discussed a line-item operating budget and staffing model for FY 2023-2024 for the Board's consideration; and,

**WHEREAS**, the proposed operating budget (including contracts) for FY 2023-2024 authorizes new expenditures totaling \$7,506,460, which includes both recurring operational, capital needs and one-time expenditures related to the agency's relocation to a new office space; and

**WHEREAS**, the proposed budget for FY 2023-2024 includes up to \$60,350 authorized expenditures from the capital reserve for both the development of the 3Di Rent Registry; and

**RESOLUTION 23-13**

**ADOPTING THE FISCAL YEAR 2023-2024 BUDGET, STAFFING MODEL POSITION  
DETAIL, AND THE MAXIMUM EXPENDITURE LEVEL (Page 2)**

**WHEREAS**, the proposed budget for FY 2023-2024 also includes up to \$60,000 in authorized expenditures from the capital reserve to pay for the digitization of the Rent Board's property files; and

**WHEREAS**, after reviewing the current workload and filled positions along with the goals and objectives for FY 2023-2024 articulated by the Board, the Executive Director, and the Budget and Personnel Committee, the Board believes that it is necessary to maintain a staffing level of at least 27.0 career Full-Time Equivalents (FTE's).

**NOW, BE IT RESOLVED** that an overall spending level totaling \$7,506,460 (\$7,026,110 in recurring operational and special projects, unallocated funding of \$233,000 for possible expenditures related to the agency's office relocation, and \$120,750 in funding from the capital reserve) and a staffing level of 27.0 FTE's is hereby adopted for the Fiscal Year 2023-2024.

Dated: June 15, 2023

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

YES:

NO:

ABSTAIN:

ABSENT:

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Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director



## Rent Stabilization Board

DATE: June 15, 2023

TO: Honorable Members of the Rent Stabilization Board

FROM: DeSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolutions authorizing the Executive Director to execute a contract modification with the Eviction Defense Center in an amount not to exceed \$435,500 annually and the East Bay Community Law Center in an amount not to exceed \$423,605 annually for the 2023/24 and 2024/25 fiscal years

### **Recommendation:**

That the Board adopt Resolutions 23-14 and 23-15 authorizing the Executive Director to execute new two-year contracts with the Eviction Defense Center (EDC) in an amount not to exceed \$435,500 annually and the East Bay Community Law Center (EBCLC) in an amount not to exceed \$423,605 annually for the 2023/24 and 2024/25 fiscal years.

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

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

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

Since 2001 the Board has annually authorized funding for both the EDC and the EBCLC; although, since 2017, the majority of the funding for these agencies has come through Council. The Board's most recent contracts with both providers commenced in 2016. Since that date, the Board has been funding both providers through a series of contract amendments. This year, the agency opted to send this contract out for bids in order to allow for competition for public monies and to reset some of the data reporting requirements under the grant. In order to increase the ability of the providers to budget for future staffing needs, the agency opted to increase the duration of the service contract from one fiscal year to two fiscal years. Both EDC and EBCLC

responded to the Request for Proposals, and the agency selected their proposals. The proposals from both providers are attached.

The work performed by the EDC and EBCLC remains critical to the core purpose of the Ordinance. These organizations help to preserve community diversity and prevent mass displacement of vulnerable tenants.

### City Council Funding

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

That two-year funding cycle allowed the EDC and the EBCLC to expand their scope of services as well as the volume of assistance provided to Berkeley tenants. The added funding allowed the providers to serve the additional clientele of moderate-income tenants and tenants who live in units that are partially exempt from the rent ordinance such as Section 8 tenants or tenants in single-family homes. Further, the additional assistance has allowed the providers to assist tenants with issues pertaining to provisions of the Tenant Protection Ordinance [B.M.C. 13.79 et seq.] and the Relocation Ordinance [B.M.C. 13.84 et seq.].

On July 23, 2019, the City Council adopted a resolution authorizing the transfer of \$550,000 to the Rent Board for fiscal years 2019/20 and 2020/21 respectively to amend their contracts with the providers to provide services similar to the initial prior two-year cycle. The City Council has continued to provide annual funding to the Board in the amount of \$275,000 for both the EDC and the EBCLC to continue their ongoing Anti-Displacement Programs, and their proposed fiscal year 2023/24 budget continues this allocation. Staff understand that the City Council intends to continue funding the Board's contracts with EDC and EBCLC at this level.

### **Financial Impact:**

The funding request is \$435,500 for the EDC and \$423,605 for the EBCLC for a total of \$859,105 for fiscal year 2023/24. The City Council will provide the Board with \$550,000 in funding towards these contracts and the Board is responsible for funding the remaining \$309,105. Based upon the proposed budget included elsewhere in your agenda package, there is sufficient funds in the fiscal year 2023/24 budget to cover the Board's portion of these contract amounts.



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

DéSeana Williams, Executive Director (510) 981-7368

**Attachments:**

1. Eviction Defense Center Proposal
2. East Bay Community Law Center Proposal

## RESOLUTION 23-14

### **AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A TWO-YEAR CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) IN AN AMOUNT NOT TO EXCEED \$871,000 FOR FISCAL YEARS 2023/24 AND 2024/25**

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

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

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

WHEREAS, the Board first contracted with the Eviction Defense Center (EDC) in 2001 to provide services to lower-income Berkeley tenants, and the Board has extended the contract with amendments through Fiscal Year (FY) 2022/23; and

WHEREAS, the Board's contract with the EDC is scheduled to expire on June 30, 2023 and a need continues to exist for providing services to lower-income Berkeley tenants on matters dealing with their tenancies; and

WHEREAS, in April of 2023 the City of Berkeley issued a formal Request for Proposal (RFP) asking qualified vendors to submit proposals for the providing of outreach and legal services to lower income Berkeley tenants; and

WHEREAS, EDC was one of two vendors that submitted proposals that met the RFP requirements; and

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

## RESOLUTION 23-14

### **AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A TWO-YEAR CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) IN AN AMOUNT NOT TO EXCEED \$871,000 FOR FISCAL YEARS 2023/24 AND 2024/25 (Page 2)**

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

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, has recently allocated annual funding to EDC for this purpose; and

WHEREAS, at the request of the City Council, the scope of services under this contract has been expanded to include the additional funding provided by City Council; and

WHEREAS, the proposed City Council and Rent Board budgets for FY 2023/24 include \$275,000 (General Fund) and \$160,500 (Rent Board Fund) respectively to fund the services provided by this contract; and

WHEREAS, the Board expressed a desire that its Executive Director negotiate a contract of at least two-years in duration with any vendors providing anti-displacement services to lower income tenants; and

WHEREAS, the Board anticipates the City Council will approve \$275,000 in funding to EDC for both FY 2023/24 and FY 2024/25 and agrees to authorize the Board's Executive Director to disburse any funding allocated by the City Council toward the services provided by this contract; and

WHEREAS, the Board agrees to provide \$148,605 in funding for the services provided by this contract in FY 2024/25.

**RESOLUTION 23-14**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A TWO-YEAR CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) IN AN AMOUNT NOT TO EXCEED \$871,000 FOR FISCAL YEARS 2023/24 AND 2024/25 (Page 3)**

NOW, THEREFORE BE IT RESOLVED, that the Rent Stabilization Board authorizes the Board's Executive Director to enter into a new two-year contract with the EDC for an amount not to exceed \$435,500 (including \$275,000 from City Council General Fund) per fiscal year. The term of this contract is from July 1, 2023 through June 30, 2025. The total amount payable under this contract shall not exceed \$871,100.

Dated: June 15, 2023

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

RECUSED:

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

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director

## RESOLUTION 23-15

### **AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A TWO-YEAR CONTRACT WITH THE EAST BAY COMMUNITY LAW CENTER (EBCLC) IN AN AMOUNT NOT TO EXCEED \$847,210 FOR FISCAL YEARS 2023/24 AND 2024/25**

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

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

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

WHEREAS, the Board first contracted with East Bay Community Law Center (EBCLC) in 1996 after the passage of Costa Hawkins necessitated provision of services to lower-income Berkeley tenants, and the Board has extended the contract with amendments each fiscal year through Fiscal Year (FY) 2022/23; and

WHEREAS, the Board's contract with East Bay Community Law Center (EBCLC) is scheduled to expire on June 30, 2023 and a need continues to exist for providing services to lower-income Berkeley tenants on matters dealing with their tenancies; and

WHEREAS, in April of 2023 the City of Berkeley issued a formal Request for Proposal (RFP) asking qualified vendors to submit proposals for the providing of outreach and legal services to lower income Berkeley tenants; and

WHEREAS, EBCLC was one of two vendors that submitted proposals that met the RFP requirements; and

WHEREAS, the Board has been pleased with the excellent services provided by the EBCLC since from 1996 until 2023; and

## RESOLUTION 23-15

### **AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A TWO-YEAR CONTRACT WITH THE EAST BAY COMMUNITY LAW CENTER (EBCLC) IN AN AMOUNT NOT TO EXCEED \$847,210 FOR FISCAL YEARS 2023/24 AND 2024/25** (Page 2)

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

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, has recently allocated annual funding to EBCLC for this purpose; and

WHEREAS, at the request of the City Council, the scope of services under this contract has been expanded to include the additional funding provided by City Council; and

WHEREAS, the proposed City Council and Rent Board budgets for FY 2023/24 include \$275,000 (General Fund) and \$148,605 (Rent Board Fund) respectively to fund the services provided by this contract; and

WHEREAS, the Board expressed a desire that its Executive Director negotiate a contract of at least two-years in duration with any vendors providing anti-displacement services to lower income tenants; and

WHEREAS, the Board anticipates the City Council will approve \$275,000 in funding to EBCLC for both FY 2023/24 and FY 2024/25 and agrees to authorize the Board's Executive Director to disburse any funding allocated by the City Council toward the services provided by this contract; and

WHEREAS, the Board agrees to provide \$148,605 in funding for the services provided by this contract in FY 2024/25.

**RESOLUTION 23-15**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A TWO-YEAR CONTRACT WITH THE EAST BAY COMMUNITY LAW CENTER (EBCLC) IN AN AMOUNT NOT TO EXCEED \$847,210 FOR FISCAL YEARS 2023/24 AND 2024/25**  
(Page 3)

NOW, THEREFORE BE IT RESOLVED, that the Rent Stabilization Board authorizes the Board's Executive Director to enter into a new two-year contract with the EBCLC for an amount not to exceed \$423,605 (including \$275,000 from City Council General Fund) per fiscal year. The term of this contract is from July 1, 2023 through June 30, 2025. The total amount payable under this contract shall not exceed \$847,210.

Dated: June 15, 2023

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

RECUSED:

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Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director

PROPOSAL

Community Tenant Legal Services

Specification No. 23-11601-C

**1. Contractor Identification**

Collective Legal Services, THE EVICTION DEFENSE CENTER  
A Nonprofit Law Corporation  
350 Frank H. Ogawa Plaza, Suite 703  
Oakland, CA 94612

Contact person: Anne Tamiko Omura, Esq. Executive Director 510-452-4541

Tax payer ID # 94-3188860

**2. Project Proposal**

See attachment A, Project Proposal

**3. Client References**

Nicolas Traylor, Executive Director  
Richmond Rent Program  
400 Civic Center Plaza, suite 200  
Richmond, CA 94804  
510-620-6564  
[nicolas\\_traylor@ci.richmond.ca.us](mailto:nicolas_traylor@ci.richmond.ca.us)

Projects: Legal Service Contract, 2018 – the present

Myette Anderson, Community Services Specialist II  
City of Berkeley, Health, Housing & Community Services Department  
2180 Milvia Street, 2nd Floor  
Berkeley, CA 94704  
510-981-5419  
[myanderson@cityofberkeley.info](mailto:myanderson@cityofberkeley.info)

Projects: Berkeley Emergency Rental Assistance Program, FY 2022 & FY 2023



Gregory Garrett, Development & Redevelopment Program Manager  
City of Oakland Housing and Community Development  
One Frank H. Ogawa Plaza  
Oakland, CA 94612  
(510) 697-6444  
[ggarrett@oaklandca.gov](mailto:ggarrett@oaklandca.gov)

Projects: Keep Oakland Housing ERAP I and II (FY 2021, 2022 & 2023), CDBGCV3 Housing Stabilization Services (FY 2023)

**4. Price Proposal**

See attachment B, Pricing Proposal

**5. Contract Terminations**

The Eviction Defense Center has never experienced any contract termination for default or early contract termination.

**6. Grantor Audits**

The Eviction Defense Center was subject to an audit by the City of Berkeley, Health Housing & Community Services Department for the 2022 program year. The Eviction Defense Center did not receive a copy of the report.

ATTACHMENT A  
EVICTION DEFENSE CENTER - PROJECT PROPOSAL

(a) (1) Eviction Defense Center – current levels of service

The Eviction Defense Center is currently under contract with the Berkeley Rent Board to provide anti-displacement legal services to Berkeley tenants. The contract is funded by mixed funding allocations from the Berkeley Rent Board (\$160,500.00) and the Berkeley City Council (\$275,000.00), for a total of \$435,500.00. For the past 6 fiscal years under this contract, the Eviction Defense Center has had an agreed upon Scope of Services to provide legal services to **400** unduplicated Berkeley tenants, with at least 120 of these tenants receiving “direct representation,” at least 180 of these tenants receiving “limited scope services” and the remaining 100 receiving “brief legal services.”<sup>1</sup>

Prior to the pandemic, the Eviction Defense Center regularly **outperformed** these target numbers. In the 2018 grant cycle, the Eviction Defense Center served **542** unduplicated tenants: 345 received in-depth legal representation; 146 received limited scope services; and 51 received brief legal services. In the 2019 grant cycle, the Eviction Defense Center served **691** unduplicated tenants: 400 received in depth legal representation; 65 received limited scope services; and 226 received brief legal services.

When the Covid-19 pandemic hit in March of 2020, the demand for tenant legal services in the City of Berkeley skyrocketed. The Eviction Defense Center was the only non-profit legal services agency in Alameda County to keep its doors open throughout the entire pandemic, even in the earliest months of the lock down. As a result, the Eviction Defense Center was inundated with desperate calls from Berkeley tenants needing consultations about their legal rights and legal protections. In March of 2020, the Eviction Defense Center was on pace to provide legal services to over **750** unduplicated Berkeley tenants. Instead, by the end of the grant fiscal year on June 30, 2020, the Eviction Defense Center had served a record **1251** unduplicated Berkeley tenants. These numbers have remained high for the duration of the pandemic, even with the temporary court closures and subsequent emergency Eviction Moratoria in both the City of Berkeley and the County of Alameda. In the 2021 grant cycle, the Eviction Defense Center served **998** unduplicated Berkeley tenants. In the 2022 grant cycle, the Eviction Defense Center

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<sup>1</sup> Under the current contract, “limited scope services” were defined as legal services anticipated to conclude with less than 5 hours of attorney time, and “direct representation” was defined as legal services anticipated to take significantly more than 5 hours of attorney time. “Brief legal services” were defined as brief attorney consultations at outreach events, answering legal questions from tenants attending the event. The definitions of service based on an hourly projection has proven difficult as attorneys cannot always guess the amount of time that a client case will need. A legal dispute that seems simple and straightforward can snowball into an unlawful detainer that takes years to litigate or into a prolonged negotiation that spans several months. Under the current system, many clients reported under “limited scope services” eventually graduated to “direct representation.”

served **1249** unduplicated Berkeley tenants. In the 2023 grant cycle, the Eviction Defense Center is on pace to serve more than **1035** unduplicated Berkeley tenants.

For the past three years, the bulk of tenants served received “limited scope services” related to the impacts of Covid-19. The Eviction Defense Center wrote letters to landlords regarding Covid-19 losses of income, provided assistance in gathering documentation of the Covid-19 financial impact, provided housing stabilization counseling, and provided legal consultations regarding the moratoria and legal rights and responsibilities. As the eviction moratoria sunset and the limits on unlawful detainer filings end, the Eviction Defense Center anticipates that the numbers will again shift back to a heavier focus on tenants needing “in-depth legal representation.” Eventually the Eviction Defense Center anticipates that the demand for legal services will revert to pre-pandemic levels with decreased overall numbers but a larger portion of clients receiving in depth legal services.

(a)(2) Eviction Defense Center – proposed levels of service

The Eviction Defense Center proposes providing eviction prevention and anti-displacement services to a minimum of 400 unduplicated tenants each fiscal year. Of those 400 unduplicated tenants, at least 150 shall receive “in-depth legal representation and services,” at least 200 shall receive limited scope services, and at least 50 shall receive brief legal services.<sup>2</sup>

In-depth legal representation and services shall include but not be limited to the following: Opening a case file and providing:

\*ongoing counseling and negotiation with landlords/landlord attorneys by a licensed attorney in matters pertaining to habitability, alleged lease violations, harassment, retaliation, rental disputes, relocation issues, Section 8 issues, discrimination, threats of displacement, landlord foreclosure issues, notices to quit, Ellis Act notices, Owner Move-in Notices, etc.

\*assistance with hoarding issues including but not limited to: arranging and overseeing remediation of excessive clutter; negotiating with the landlord/property manager/landlord attorney; providing ongoing preventative onsite visits, etc.

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<sup>2</sup> Under the proposed contract, “in-depth legal representation and services” are defined as cases where the Eviction Defense Center signs on as counsel, and where all correspondence is on Eviction Defense Center letterhead as attorneys of record. Generally, “in depth” cases are contested issues with adverse parties, highlighting the importance of the tenant being officially represented by counsel. By contrast, “limited scope legal services” tend to focus on tenants who are not yet in adversarial situations, but who find themselves in need of legal advice and/or support in order to maintain their housing. While these cases may graduate into “in-depth legal representation,” the goal in early intervention is to diffuse potentially destabilizing issues in order to maintain housing. Finally, “brief legal services” will be defined as brief attorney consultations at outreach events to answer legal questions posed by attendees at the Berkeley Food Pantry or Berkeley Public Library. These definitions under the proposed contract provide a more effective way of categorizing cases than under the old system.

\*full representation in court at unlawful detainer settlement conference and trial; including preparation of all legal documents, conducting all pre-trial discovery, preparing for trial, and handling all motions.

\*assistance with harassment issues from the landlord or management, including writing Tenant Protection Ordinance [TPO] letters, documenting TPO evidence, handling pre-litigation TPO case preparation, and working with private counsel to file TPO lawsuits on behalf of Berkeley tenants when the harassment persists.

\*representation of tenants in buy-out agreements and enforcing the provisions of the Tenant Buy Out Ordinance.

\*representation of tenants at Rent Board hearings and mediations.

\*regular onsite visits for elderly and/or disabled tenants who require additional assistance in order to maintain their housing.

\*assisting tenants with Section 8 Termination Hearings.

\*assisting tenants with Shelter Plus Care Administrative Hearings.

\*drafting reasonable accommodation requests for disabled tenants and representing them throughout the interactive process.

\*legal counseling and assistance with preparing documents and a narrative in defense of small claims actions to collect rent.

\*representation of tenants in Fair Chance Ordinance issues.

Limited scope legal services shall include but not be limited to the following:

\*housing stabilization counseling for households who have fallen behind in rent and have applied for rental assistance

\*providing legal consultations regarding housing issues including but not limited to: habitability issues/repair issues; potential lease violations; harassment; security deposits; roommate replacement issues; rent issues; lock outs; lease terminations; etc.

\*providing assistance with gathering proof of financial hardship due to Covid-19 and assistance with written notification to the landlord.

\*assistance with Stays of Execution where the tenant was unrepresented in court and judgment has already entered

Brief legal services shall include one-on-one tenant counseling and answering legal questions at outreach events.

b) Eviction Defense Center – current data collection practices

The Eviction Defense Center currently collects data on all clients served under the “direct legal representation” and “limited scope assistance” categories. The Eviction Defense Center collects demographic information including: full address with zip code; age; gender; race; disability status; presence of minor children; income level and source; referral source; and AMI. The Eviction Defense Center also tracks if the tenant is a “female head of household” and if any of the adult tenants being served were formerly homeless.

Data is tracked on a client database spreadsheet/log and maintained in each individual file, the hard copy of which is stored for a minimum of five years.

Case details, including a summary of the housing issue, a log of actions taken by attorneys and staff, and a description of outcomes, are maintained in the client file. A brief summary of the level of service provided is maintained on the client database spreadsheet/log. In the past, the log has been maintained in an intentionally brief manner, as directed by the Berkeley Rent Board, in order to maintain attorney/client privilege should there be a public information request.

The Eviction Defense Center does not currently collect data for clients receiving brief legal services at outreach events. If necessary, under the new grant, the Eviction Defense Center can request that attendees fill out a full intake form before asking their question to the attorney. However, in these settings, particularly at the Food Pantry, it frequently deters tenants from approaching and asking their legal questions.

c) Eviction Defense Center – proposed outreach to potential clients

The Eviction Defense Center currently engages in multiple outreach activities throughout the year, including but not limited to:

- direct mailings to clients
- direct emails to tenants who have reported prior housing issues (access to emails provided by Alameda County Housing Secure)
- attorney tabling at the Berkeley Food Pantry twice a month
- attorney clinic once a month at the Berkeley Public Library (see attached flier)
- direct outreach to management at nonprofit housing organizations
- outreach to the Berkeley Unified School District
- fliers at various public events
- fliers posted at community gatherings and at community organizations
- direct outreach to the Executive Director of the Berkeley Property Owners Association

Early intervention is the key to success in maintaining stabilized housing. If Eviction Defense Center attorneys can address legal issues in the early stages of conflict, there is a better chance of a positive resolution for clients. In person outreach allows the agency to answer brief legal questions for clients while also creating a relationship with the community and familiarizing the Eviction Defense Center name and contact information with tenants who could later find themselves in need of assistance.

As part of this grant proposal, the Eviction Defense Center proposes to continue the same outreach activities with the hope of reaching the most vulnerable communities in need of assistance.

d) Eviction Defense Center – selection process for in-depth representation and services

The Eviction Defense Center was founded on the deep-rooted philosophy that all tenants deserve legal representation when they stand to lose something as important as their housing. The Eviction Defense Center does not turn away Berkeley tenants for “lack of agency capacity” or failure to meet requirements of a “selection process.” The Eviction Defense Center shall provide in-depth representation to Berkeley tenants whose household income is below 80% AMI and who face a threat to their housing that requires attorney intervention. Housing issues requiring attorney intervention are situations where a landlord or property manager is actively trying to displace a tenant, or where a tenant must affirmatively assert their rights in order to avoid displacement. Common situations requiring “in-depth representation and services” include: litigation (the filing of an unlawful detainer); service of threatening notices or notice to quit; allegations of lease violations; harassing or threatening actions; verbal threats of eviction; the existence of circumstances, frequently disability related, which could lead to displacement; filing of rent board petitions; unlawful rent increases; refusal to allow roommates; or any other action which threatens the stability of the tenant housing. The Eviction Defense Center only declines cases where there is not a colorable claim that a tenancy exists or where there is an existing or potential conflict of interest.<sup>3</sup>

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<sup>3</sup> Eviction Defense Center does not provide in-depth legal representation for 1) family evictions where the parties are closely related and there is no true landlord/tenant relationship; 2) disputes solely between tenants where one tenant is trying to get another evicted; 3) former property managers who were involved in the eviction process for the premises due to potential conflicts; 4) forcible detainers or situations where there was no clear landlord/tenant relationship (squatters) and 5) tenants with whom the office has a conflict of interest. The most frequent conflict of interest arises when the Eviction Defense Center has represented a tenant for alleged nuisance and the landlord has enlisted the help of other tenants as adversarial witnesses at trial. The professional code of conduct for attorneys prevents the Eviction Defense Center from subsequently representing those tenants who were adverse to the represented client.



NEED HELP WITH HOUSING MATTERS  
OR FACING EVICTION?

# Eviction Defense Center

Thursday, April 13

10:00 a.m. to 12:00 p.m.

Come to the Central Library  
2090 Kittredge St., Berkeley CA

Recieve assistance with substandard housing conditions, subsidized housing, rent increases, fair housing matters, and eviction defense. The Eviction Defense Center also handles Rental Assistance Applications for the City of Berkeley.

FOR MORE INFORMATION CALL 510-981-6100 OR DROP-IN ON THE DAY OF THE EVENT.



**NON-DISCRIMINATION/WORKFORCE COMPOSITION FORM FOR NON-CONSTRUCTION CONTRACTS**

To assist the City of Berkeley in implementing its Non-Discrimination policy, it is requested that you furnish information regarding your personnel as requested below and return it to the City Department handling your contract:

Organization: EVICTION DEFENSE CENTER  
 Address: 350 FRANK H. OGAWA PLAZA + 703 OAKLAND CA 94612  
 Business Lic. #: 030676

Occupational Category: <u>PROFESSIONALS</u> (See reverse side for explanation of terms)	Total Employees		White Employees		Black Employees		Asian Employees		Hispanic Employees		Other Employees	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Official/Administrators	1	1		1			1					
Professionals	2	2	1	1	1	1						
Technicians												
Protective Service Workers												
Para-Professionals		3		1						2		
Office/Clerical	2						1		1			
Skilled Craft Workers												
Service/Maintenance												
Other (specify)												
Totals:												

Is your business MBE/WBE/DBE certified? Yes: \_\_\_\_\_ No:  If yes, by what agency? \_\_\_\_\_

If yes, please specify: Male: \_\_\_\_\_ Female: \_\_\_\_\_ Indicate ethnic identifications: \_\_\_\_\_

Do you have a Non-Discrimination policy? Yes:  No: \_\_\_\_\_

Signed:  Date: 5/17/23

Verified by: \_\_\_\_\_ Date: \_\_\_\_\_  
 City of Berkeley Contract Compliance Officer

Contract Description/Specification No: **Community Tenant Legal Services for the Rent Board/23-11601-C**

Attachment B (page 1)



**CITY OF BERKELEY**  
**Nuclear Free Zone Disclosure Form**

I (we) certify that:

1. I am (we are) fully cognizant of any and all contracts held, products made or otherwise handled by this business entity, and of any such that are anticipated to be entered into, produced or handled for the duration of its contract(s) with the City of Berkeley. (To this end, more than one individual may sign this disclosure form, if a description of which type of contracts each individual is cognizant is attached.)
2. I (we) understand that Section 12.90.070 of the Nuclear Free Berkeley Act (Berkeley Municipal Code Ch. 12.90; Ordinance No. 5784-N.S.) prohibits the City of Berkeley from contracting with any person or business that knowingly engages in work for nuclear weapons.
3. I (we) understand the meaning of the following terms as set forth in Berkeley Municipal Code Section 12.90.130:

"Work for nuclear weapons" is any work the purpose of which is the development, testing, production, maintenance or storage of nuclear weapons or the components of nuclear weapons; or any secret or classified research or evaluation of nuclear weapons; or any operation, management or administration of such work.

"Nuclear weapon" is any device, the intended explosion of which results from the energy released by reactions involving atomic nuclei, either fission or fusion or both. This definition of nuclear weapons includes the means of transporting, guiding, propelling or triggering the weapon if and only if such means is destroyed or rendered useless in the normal propelling, triggering, or detonation of the weapon.

"Component of a nuclear weapon" is any device, radioactive or non-radioactive, the primary intended function of which is to contribute to the operation of a nuclear weapon (or be a part of a nuclear weapon).

4. Neither this business entity nor its parent nor any of its subsidiaries engages in work for nuclear weapons or anticipates entering into such work for the duration of its contract(s) with the City of Berkeley.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: ANNE DAVARA Title: EXEC DIR

Signature:  Date: 5/17/23

Business Entity: EVICTON DEFENSE CENTER

Contract Description/Specification No: **Community Tenant Legal Services for the Rent Board/23-11601-C**

Attachment C

**CITY OF BERKELEY**  
**Oppressive States Compliance Statement**

The undersigned, an authorized agent of THE EVICTION DEFENSE CENTER (hereafter "Vendor"), has had an opportunity to review the requirements of Berkeley City Council Resolution Nos. 59,853-N.S., 60,382-N.S., and 70,606-N.S., (hereafter "Resolutions"). Vendor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with those Business Entities which maintain business relationships with morally repugnant regimes. Vendor understands the meaning of the following terms used in the Resolution:

"Business Entity" means "any individual, firm, partnership, corporation, association or any other commercial organization, including parent-entities and wholly-owned subsidiaries" (to the extent that their operations are related to the purpose of the contract with the City).

"Oppressive State" means: **Tibet Autonomous Region and the Provinces of Abo, Kham and U-Tsang; and Burma (Myanmar)**

"Personal Services" means "the performance of any work or labor and shall also include acting as an independent contractor or providing any consulting advice or assistance, or otherwise acting as an agent pursuant to a contractual relationship."

Contractor understands that it is not eligible to receive or retain a City contract if at the time the contract is executed, or at any time during the term of the contract it provides Personal Services to:

- a. The governing regime in any Oppressive State.
- b. Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- c. Any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

Vendor further understands and agrees that Vendor's failure to comply with the Resolution shall constitute a default of the contract and the City Manager may terminate the contract and bar Vendor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

The undersigned is familiar with, or has made a reasonable effort to become familiar with, Vendor's business structure and the geographic extent of its operations. By executing the Statement, Vendor certifies that it complies with the requirements of the Resolution and that if any time during the term of the contract it ceases to comply, Vendor will promptly notify the City Manager in writing.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: ANNE OMURA Title: EXEC. DIR

Signature:  Date: 5/17/23

Business Entity: EVICTION DEFENSE CENTER

Contract Description/Specification No: **Community Tenant Legal Services for the Rent Board/23-11601-C**

I am unable to execute this Statement; however, Vendor is exempt under Section VII of the Resolution. I have attached a separate statement explaining the reason(s) Vendor cannot comply and the basis for any requested exemption.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Sanctuary City Compliance Statement**

The undersigned, an authorized agent of THE EVICTION DEFENSE CENTER (hereafter "Contractor"), has had an opportunity to review the requirements of Berkeley Code Chapter 13.105 (hereafter "Sanctuary City Contracting Ordinance" or "SCCO"). Contractor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE"). Contractor understands the meaning of the following terms used in the SCCO:

- a. "Data Broker" means either of the following:
  - i. The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies;
  - ii. The aggregation of data that was collected for another purpose from that for which it is ultimately used.
- b. "Extreme Vetting" means data mining, threat modeling, predictive risk analysis, or other similar services." Extreme Vetting does not include:
  - i. The City's computer-network health and performance tools;
  - ii. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer-based activity.

Contractor understands that it is not eligible to receive or retain a City contract if at the time the Contract is executed, or at any time during the term of the Contract, it provides Data Broker or Extreme Vetting services to ICE.

Contractor further understands and agrees that Contractor's failure to comply with the SCCO shall constitute a material default of the Contract and the City Manager may terminate the Contract and bar Contractor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

By executing this Statement, Contractor certifies that it complies with the requirements of the SCCO and that if any time during the term of the Contract it ceases to comply, Contractor will promptly notify the City Manager in writing. Any person or entity who knowingly or willingly supplies false information in violation of the SCCO shall be guilty of a misdemeanor and up to a \$1,000 fine.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 17 day of MAY, 2023, at OAKLAND, California.

Printed Name: ANNE OMURA Title: EXEC. DIR.

Signed: [Signature] Date: 5/17/23

Business Entity: EVICTION DEFENSE CENTER

Contract Description/Specification No: **Community Tenant Legal Services for the Rent Board/23-11601-C**

**CITY OF BERKELEY**  
**Living Wage Certification for Providers of Services**

**TO BE COMPLETED BY ALL PERSONS OR ENTITIES ENGAGING IN A CONTRACT FOR PERSONAL SERVICES WITH THE CITY OF BERKELEY.**

The Berkeley Municipal Code Chapter 13.27, Berkeley's Living Wage Ordinance (LWO), provides that contractors who engage in a specified amount of business with the City (except where specifically exempted) under contracts which furnish services to or for the City in any twelve (12) month period of time shall comply with all provisions of this Ordinance. The LWO requires a City contractor to provide City mandated minimum compensation to all eligible employees, as defined in the Ordinance. In order to determine whether this contract is subject to the terms of the LWO, please respond to the questions below. Please note that the LWO applies to those contracts where the contractor has achieved a cumulative dollar contracting amount with the City. Therefore, even if the LWO is inapplicable to this contract, subsequent contracts may be subject to compliance with the LWO. Furthermore, the contract may become subject to the LWO if the status of the Contractor's employees' changes (i.e., additional employees are hired) so that Contractor falls within the scope of the Ordinance.

**Section I.**

**1. IF YOU ARE A FOR-PROFIT BUSINESS, PLEASE ANSWER THE FOLLOWING QUESTIONS**

a. During the previous twelve (12) months, have you entered into contracts, **including the present contract**, bid, or proposal, with the City of Berkeley for a **cumulative amount of \$25,000.00 or more?**

YES \_\_\_\_ NO \_\_\_\_

If **no**, this contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If **yes**, please continue to question **I(b)**.

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES \_\_\_\_ NO \_\_\_\_

If you have answered, "YES" to questions **I(a)** and **I(b)** this contract IS subject to the LWO. If you responded "NO" to **I(b)** this contract IS NOT subject to the LWO. **Please continue to Section II.**

**2. IF YOU ARE A NON-PROFIT BUSINESS, AS DEFINED BY SECTION 501(C) OF THE INTERNAL REVENUE CODE OF 1954, PLEASE ANSWER THE FOLLOWING QUESTIONS.**

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid or proposal, with the City of Berkeley for a cumulative amount of \$100,000.00 or more?

YES  NO \_\_\_\_

If **no**, this Contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If **yes**, please continue to question **2(b)**.

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES  NO \_\_\_\_

If you have answered, "YES" to questions **2(a)** and **2(b)** this contract IS subject to the LWO. If you responded "NO" to **2(b)** this contract IS NOT subject to the LWO. **Please continue to Section II.**

**Section II**

**Please read, complete, and sign the following:**

THIS CONTRACT IS SUBJECT TO THE LIVING WAGE ORDINANCE.

THIS CONTRACT IS NOT SUBJECT TO THE LIVING WAGE ORDINANCE.

Contract Description/Specification No: **Community Tenant Legal Services for the Rent Board/23-11601-C**

**Attachment F (page 1)**

The undersigned, on behalf of himself or herself individually and on behalf of his or her business or organization, hereby certifies that he or she is fully aware of Berkeley's Living Wage Ordinance, and the applicability of the Living Wage Ordinance, and the applicability of the subject contract, as determined herein. The undersigned further agrees to be bound by all of the terms of the Living Wage Ordinance, as mandated in the Berkeley Municipal Code, Chapter 13.27. If, at any time during the term of the contract, the answers to the questions posed herein change so that Contractor would be subject to the LWO, Contractor will promptly notify the City Manager in writing. Contractor further understands and agrees that the failure to comply with the LWO, this certification, or the terms of the Contract as it applies to the LWO, shall constitute a default of the Contract and the City Manager may terminate the contract and bar Contractor from future contracts with the City for five (5) years from the effective date of the Contract termination. If the contractor is a for-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 25% or more of their compensated time engaged in work directly related to the contract with the City. If the contractor is a non-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 50% or more of their compensated time engaged in work directly related to the contract with the City.

These statements are made under penalty of perjury under the laws of the state of California.

Printed Name: ANNE OMUVA Title: EXEC. DIR.

Signature:  Date: 5/17/23

Business Entity: EVICTON DEFENSE CENTER

**Section III**

- 
- **\*\* FOR ADMINISTRATIVE USE ONLY -- PLEASE PRINT CLEARLY \*\***

I have reviewed this Living Wage Certification form, in addition to verifying Contractor's total dollar amount contract commitments with the City in the past twelve (12) months, and determined that this Contract IS / IS NOT (circle one) subject to Berkeley's Living Wage Ordinance.

\_\_\_\_\_  
Department Name

\_\_\_\_\_  
Department Representative

To be completed by  
Contractor/Vendor



**Form EBO-1  
CITY OF BERKELEY**

**CERTIFICATION OF COMPLIANCE WITH EQUAL BENEFITS ORDINANCE**

If you are a **contractor**, return this form to the originating department/project manager. If you are a **vendor** (supplier of goods), return this form to the Purchasing Division of the Finance Dept.

**d. SECTION 1. CONTRACTOR/VENDOR INFORMATION**

Name: <b>EVICTON DEFENSE CENTER</b>		Vendor No.:	
Address: <b>350 FRANK H. OGAWA PL + 703</b>	City: <b>OAKLAND</b>	State: <b>CA</b>	ZIP: <b>94612</b>
Contact Person: <b>ANNE TAMIKO OMIWA</b>		Telephone: <b>510 452 4541</b>	
E-mail Address: <b>TAMIKO23 @ SBCGLOBAL. NET</b>		Fax No.: <b>510 452 4875</b>	

**SECTION 2. COMPLIANCE QUESTIONS**

- A. The EBO is inapplicable to this contract because the contractor/vendor has no employees.  
 Yes  No (If "Yes," proceed to Section 5; if "No", continue to the next question.)
- B. Does your company provide (or make available at the employees' expense) any employee benefits?  
 Yes  No  
If "Yes," continue to Question C.  
If "No," proceed to Section 5. (The EBO is not applicable to you.)
- C. Does your company provide (or make available at the employees' expense) any benefits to the spouse of an employee?  
 Yes  No
- D. Does your company provide (or make available at the employees' expense) any benefits to the domestic partner of an employee?  
 Yes  No

If you answered "No" to both Questions C and D, proceed to Section 5. (The EBO is not applicable to this contract.) If you answered "Yes" to both Questions C and D, please continue to Question E. If you answered "Yes" to Question C and "No" to Question D, please continue to Section 3.

- E. Are the benefits that are available to the spouse of an employee identical to the benefits that are available to the domestic partner of the employee?  
 Yes  No

If you answered "Yes," proceed to Section 4. (You are in compliance with the EBO.)  
If you answered "No," continue to Section 3.

**SECTION 3. PROVISIONAL COMPLIANCE**

- A. Contractor/vendor is not in compliance with the EBO now but will comply by the following date:
  - By the first effective date after the first open enrollment process following the contract start date, not to exceed two years, if the Contractor submits evidence of taking reasonable measures to comply with the EBO; or
  - At such time that administrative steps can be taken to incorporate nondiscrimination in benefits in the Contractor's infrastructure, not to exceed three months; or
  - Upon expiration of the contractor's current collective bargaining agreement(s).

Contract Description/Specification No: **Community Tenant Legal Services for the Rent Board/23-11601-C**

Attachment G (page 1)

B. If you have taken all reasonable measures to comply with the EBO but are unable to do so,  
do you agree to provide employees with a cash equivalent? \*  Yes  No

\* The cash equivalent is the amount of money your company pays for spousal benefits that are unavailable for domestic partners.

**SECTION 4. REQUIRED DOCUMENTATION**

At time of issuance of purchase order or contract award, you may be required by the City to provide documentation (copy of employee handbook, eligibility statement from your plans, insurance provider statements, etc.) to verify that you do not discriminate in the provision of benefits.

**SECTION 5. CERTIFICATION**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am authorized to bind this entity contractually. By signing this certification, I further agree to comply with all additional obligations of the Equal Benefits Ordinance that are set forth in the Berkeley Municipal Code and in the terms of the contract or purchase order with the City.

Executed this 17 day of MAY, in the year 2023, at OAKLAND, CA  
(City) (State)

ANNE OMURA  
Name (please print)

[Signature]  
Signature

EXEC. DIR.  
Title

94-3188860  
Federal ID or Social Security Number

**FOR CITY OF BERKELEY USE ONLY**

- Non-Compliant (The City may not do business with this contractor/vendor)
- One-Person Contractor/Vendor  Full Compliance  Reasonable Measures
- Provisional Compliance Category, Full Compliance by Date: \_\_\_\_\_

Staff Name (Sign and Print): \_\_\_\_\_ Date: \_\_\_\_\_

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

**CITY OF BERKELEY**  
**Right to Audit Form**

The contractor agrees that pursuant to Section 61 of the Berkeley City Charter, the City Auditor's office may conduct an audit of Contractor's financial, performance and compliance records maintained in connection with the operations and services performed under this contract.

In the event of such audit, Contractor agrees to provide the Auditor with reasonable access to Contractor's employees and make all such financial, performance and compliance records available to the Auditor's office. City agrees to provide Contractor an opportunity to discuss and respond to any findings before a final audit report is filed.

Signed:  \_\_\_\_\_ Date: 5/22/23

Print Name & Title: ANNE OMURA, EXEC. DIR.

Company: EVICTON DEFENSE CENTER

Contract Description/Specification No: **Community Tenant Legal Services for the Rent Board/23-11601-C**

Please direct questions regarding this form to the Auditor's Office, at (510) 981-6750.



ATTACHMENT B

EVICTIION DEFENSE CENTER – PRICE PROPOSAL

CONTRACTOR: The Eviction Defense Center      BL#030676

TOTAL FUNDING REQUEST: \$435,500.00/year to serve 400 unduplicated tenants per Project Proposal

DIRECT COSTS – LABOR/BENEFITS

EMPLOYEE	HOURLY RATE	TOTAL HOURS	AMOUNT CHARGED	TOTAL ANNUAL CONTRACT
Supervising Attorneys	\$60.10	1040	\$62,504.00	\$62,504.00
Staff Attorneys	\$48.08	3432	\$165,010.56	\$227,514.56
Paralegals	\$37.50	346	\$12,975.00	\$240,489.56
Intake Specialists/Case Managers	\$37.50	2293	\$85,987.50	\$326,477.06
		7111	\$326,477.06	\$326,477.06

FRINGE BENEFITS @ 15% OF TOTAL LABOR = \$48,971.56

DIRECT COSTS – LITIGATION FEES

LITIGATION EXPENSES*					\$10,000.00
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\*includes court costs, process service, filing fees, depositions, investigative reports, expert witness reports, inspection reports, and expert witness testimony

OVERHEAD COSTS @ 13% OF TOTAL DIRECT COSTS = \$50,051.38

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\$435,500.00



## 1. **Contractor Identification**

Name: East Bay Community Law Center  
 Place of Business: 2921 Adeline Street, Berkeley, CA 94703  
 Contact Person: Rui Bing Zheng 510-269-6650  
 Tax ID: 94-3042565

## 2. **Project Proposal**

### **A. Firm's current level of service to Berkeley tenants**

In the last fiscal year, Berkeley residents (19%) were the second highest community served across EBCLC's eight program areas. Within EBCLC's Housing Program, we employ high-impact strategies to fight displacement, including, but not limited to eviction defense services, rent board petitions, and subsidized housing hearings. EBCLC provides holistic legal representation to Berkeley tenants living with low or no income and are defendants in cases involving unlawful detainers, subsidy termination hearings, and other serious threats to safe and stable housing. In particular, cases include working with long-term tenants; legal issues to be resolved before the Berkeley Rent Board or the Berkeley Housing Authority; or clients who otherwise require further direct representation in negotiating the resolution of legal issues with their landlord.

Tenants are represented by staff attorneys and law students who are supervised by staff attorneys; tenants also receive additional supportive assistance through our Social Work and Financial Assistance and Housing Navigation programs. In addition, tenants may be referred to another EBCLC program for assistance with a co-occurring legal issue regarding their immigration status, consumer debt, criminal records, or access to public benefits. Berkeley tenants receive multiple levels of assistance depending on their specific need. Services are delivered by staff attorneys, a staff social worker, program coordinators, a Housing Navigation Project Manager, and our graduate-level law students and social work interns. Students and interns undergo intensive clinical training on delivering legal and social services.

The onset of the COVID-19 pandemic significantly impacted how we deliver legal and social work services, as well as the presenting issues facing Berkeley tenants. The pandemic significantly decreased the number of tenants reaching out for services, as the eviction moratoria dramatically reduced the number of new eviction cases filed. However, the cases that do proceed are often legally and factually more complex; accordingly, housing attorneys are required to spend five to ten times the number of hours in preparing and litigating these cases, compared to pre-pandemic cases. We have also noticed a trend of landlords filing dual legal proceedings, such as an eviction case and a restraining order, which result in attorneys conducting



investigations that include identifying and interviewing potential witnesses, preparing and conducting all parties for depositions, and hiring expert witnesses. These dual filing strategies are efforts to overwhelm and pressure tenants to vacate. As a result, while our eviction caseloads remain lower than pre-pandemic, our staff are working harder than ever before to keep up with the demands of each case.

Over the last two fiscal years, EBCLC has provided various levels of service to 323 unduplicated clients. With the lifting of the moratorium, we expect to see a significant increase in unlawful detainers (eviction cases) filed. In the last fiscal year alone, the Housing Program secured a total amount of \$236,947.51 in rent waived and move-out payments for Berkeley tenants. The need for more intensive social work support has also increased, as the pandemic brought about or merely exacerbated existing issues for tenants related to basic needs, such as food insecurity, loss of employment or income, inability to access critical medical or mental health services, domestic violence, and threats of displacement. We have also observed that Berkeley households with low income continue to struggle for financial security, even as pandemic restrictions eased. Severe inequalities in the Bay Area have led tenants in Berkeley, particularly seniors, to become stripped of the protective services that help them maintain secure housing. The availability of Section 8 housing and affordable housing opportunities has also decreased in Berkeley, pushing families out of Berkeley and often out of Alameda County entirely. Thus, we continue our commitment to prioritizing the preservation of long-term rentals for Berkeley tenants, particularly since the pandemic's onset.

Unfortunately, in reacting to the strength of local eviction moratoria, landlord harassment continues to remain at an all-time high. Tenants are reporting threats of extra-judicial evictions, discrimination, retaliation, unlawful rent increases, and extensive violations of the warranty of habitability. In response, our Housing Program expanded the number of full representation cases we take on for tenants in such circumstances. For example, we have increased assistance for tenants in subsidized housing proceedings, rent board hearings, requests for repairs, temporary relocations, and landlord retaliation/harassment. Due to the incredible hardships faced by so many tenants with low income in our community, these cases have also increased in complexity, often requiring intensive collaboration with our social workers, other legal divisions within EBCLC, sister organizations, and government officials. The communities we serve are often on the brink of complete socio-economic collapse, which requires our advocates to think creatively in addressing tenant concerns at a time where resources for such concerns are still incredibly sparse.

In light of Alameda County's eviction moratorium lifting on April 29, 2023, at 11:59 PM, our Housing Program is preparing to serve the anticipated onslaught of eviction



cases that will be filed within coming months, as eviction moratorium protections in Berkeley are scheduled to end in late summer. We are currently piloting a new Answer Clinic, in addition to our Tenants' Rights Workshop (TRW), where staff attorneys will prioritize filing various motions for vulnerable populations who are on the cusp of facing mass evictions. We are scheduling technical assistance training for attorneys in other community-based organizations who do not presently offer housing services, to enable them to respond to the eviction issues their clients are dealing with.

In addition to direct legal services to Berkeley tenants, EBCLC's Housing Program also conducted extensive advocacy over the last three years, which led to the passage of Alameda County's eviction moratorium at the onset of the pandemic; we believe that having these protections in place for tenants protected the lives of thousands of residents. However, attacks on the eviction moratoria continued up until its lifting in April 2023. Accordingly, during this current fiscal year, the Housing Program continued efforts in collaboration with our sister organization to advocate for sustained protections beyond April 2023. We also continue to lead a working group with other organizations that hold regular meetings with the presiding housing judge in Department 511 of the Alameda County Superior Court. These meetings allow advocates to share concerns about the status of eviction proceedings, provide input and guidance on conducting court services, and ensure that the court is complying with all relevant eviction moratoria. Currently, this will continue to be the forum to address any violations of post-moratoria language that threaten tenants as we move forward.

In prioritizing services to communities of color, we ensure that our services are culturally and linguistically responsive. At each service delivery level, we can serve clients in English, Spanish, Cantonese, and Mandarin. For tenants who require language services beyond the capacity of staff and interns, EBCLC utilizes interpretation services to provide translation and interpretation at no cost to tenants. We also strive to hire staff and recruit board members that reflect the communities we serve. As of October 2022, 80% of staff identified as Black, Indigenous, and People of Color (BIPOC); 59% spoke one or more languages in addition to English; and 66% of program staff utilized multiple languages in their work at EBCLC. Additionally, among our Board of Directors, 72% identified as BIPOC and 24% spoke one or more languages in addition to English.

There are three tiers of service a tenant can receive, with each tenant automatically receiving pre-litigation services. This determines whether a tenant will move to a higher tier based on their legal situation. The following details what each tier of service entails:



### **Pre-Litigation Services**

All Berkeley tenants who contact EBCLC's Housing Program are extensively screened for eligibility and need. Four full-time Intake Project Coordinators field phone calls and/or meet face-to-face with tenants, now that our office has opened to the public with the easing of COVID-19 pandemic restrictions. They provide brief information guided by the rotating Attorney of the Day (AOD) as appropriate, Know Your Rights handouts, template letters for tenants to complete on their own, information and referrals, and are assessed for the newly implemented Answer Clinic, limited scope assistance, and direct representation.

### **Limited Scope Assistance**

#### *Answer Clinics*

Effective May 2023, the Housing Program will implement a newly-designed Answer Clinic following the lifting of the Alameda County eviction moratorium. These in-person Answer Clinics will be conducted once a week at our Adeline Street Office and are expected to scale up to twice a week in June 2023. Tenants who are seniors and individuals living with disabilities, limited or no access to technology, complex legal issues, long-term tenancy, and eviction cases based on unpaid rent during the pandemic are prioritized to receive services.

The Answer Clinics aims to file answers in order to prevent mass evictions as well as to educate and inform the court by filing motions for eviction cases that stem from back rent accrued during the pandemic (March 2020-April 2023). The language present in the Alameda County eviction moratorium prevents landlords from issuing eviction notices for unpaid rent during that time frame. Yet, tenant advocates are concerned that the court and landlords will not abide by this rule; as such, tenant advocates remain committed to providing another layer of protection for tenants who are most vulnerable and at risk of losing stable housing by filing motions for eviction cases based on earlier pandemic-related back rent.

Additionally, EBCLC staff attorneys, volunteers, and law students will provide consultation, draft and file responsive pleadings and motions on behalf of tenants, provide advice and referrals for those seeking rental assistance or housing navigation, and advise tenants on the next stages of their eviction case. If it is determined that a client needs more extensive services, the Housing Program may provide other limited scope and direct representation services, based on capacity. Otherwise, referrals to external organizations are provided to ensure all the tenant's needs are met.

#### *Tenants' Rights Workshops*



Tenants, who are not facing an eviction lawsuit and have other legal questions, are scheduled for individual Tenants' Rights Workshops (TRW) after they receive an assessment screening. The Housing Program continues to provide individual TRW appointments remotely; however, we anticipate shifting to a hybrid model of weekly workshops where we provide both in-person at our Adeline Office and remote appointments by the summer. This hybrid model is intended to meet the diverse tenant needs across the community.

The TRWs provide tenants with information, advice and counsel, and brief services on a wide range of housing issue that include, but are not limited to rent increases, repairs and habitability, reasonable accommodations, security deposits, and subsidized housing. Under the supervision of EBCLC staff attorneys, law students will provide consultations to clients and write demand/dispute/cease and desist/reasonable accommodation letters and make phone calls on behalf of the client; as needed, law students also assist with completing applications and gathering documentation. As is the case with our Answer Clinics, if it is determined that a client needs more extensive services, EBCLC may provide other limited scope or direct representation services, depending on capacity. Otherwise, external referrals are provided to ensure all of the tenant's needs are met.

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

Tenants with more urgent legal needs, including eviction lawsuits, rent board petitions, public housing authority hearings, and other time sensitive matters are scheduled for an appointment with an attorney or law student during normal business hours. At these appointments, tenants receive legal services such as responsive pleading, motions, letters, petitions, and advocacy with landlords, the Rent Board or subsidized housing staff on behalf of the client. In addition, cases are evaluated for further representation. Tenants who have current litigation or administrative proceedings are referred for direct representation.

#### **In-Depth Legal Representation and Holistic Social Work Services**

As part of our holistic service delivery model, social workers at EBCLC provide ongoing case management, crisis intervention, system navigation, and supportive advocacy to tenant/clients throughout the agency. In the Housing Program, in-depth legal representation services include, but are not limited to court/hearing attendance; filing of legal documents such as petitions, answer letters, and motions; negotiation for settlement agreements; and advocating on behalf of tenants. EBCLC's Housing Program has expanded services over the last three years to include holistic social work services that function in tandem with attorneys representing tenants on



their legal cases. A social worker is designated to work with tenant/clients who receive direct representation services and provide consultations to all tenant/clients as needed. The Social Worker assists tenant/clients in accessing public benefits and identifying appropriate supportive services. They help tenants/clients seek urgent medical care, furniture, clothes, and food when those needs compete against housing stability and security. They also support tenants/clients while they attend virtual hearings, assist in preparing for court hearings, and provide emotional support when they feel overwhelmed by the legal process. Over the last six years, our experience has shown us that providing holistic services leads to more successful outcomes as tenants/clients are more fully able to actively participate in their legal case. People under chronic stress may not be able to maintain alertness and have difficulty with directional information (Liu, 2020). Social workers provide supportive services that help alleviate the stressors that impede a tenant/client's ability to be fully present and engaged with their attorney to move towards successful resolution of their legal matter.

The Financial Assistance and Housing Navigation Project Manager assists tenants in finding safe permanent housing and facilitates access to the Housing Retention Program and/or Alameda County Housing Secure Emergency Rental Assistance Program (ERAP) funds. Tenants are thoroughly screened for eligibility for these rental assistance programs and assisted in completing the lengthy application process, which also includes document gathering, completing and submission of the application, and any necessary follow-up. If a tenant is not eligible to receive rental assistance funds, the Project Manager actively seeks available housing options and assists tenants in applying for housing, if applicable. The Project Manager has extensive knowledge about community resources in Berkeley and surrounding cities and works tirelessly to help tenants find sustainable alternative housing in the case that the tenant is unable to remain in their current home.

### **Impact: Client Stories**

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

JK is an elderly Black female tenant and long-term client of our Housing Program who filed a petition with the Berkeley Rent and Stabilization Board for rent reduction based on longstanding habitability issues since she first moved in several years earlier. In collaboration with a law student, a hearing brief was filed, and the client and other witnesses were prepared to testify. Prior to the hearing date, we engaged in mediation with a Hearing Officer, which ultimately resulted in a significant rent reduction for the past two years. Even more importantly, the



landlord agreed to repair all the habitability issues as part of the settlement, which were completed a few weeks later.

Another client, JH, was an elderly Berkeley tenant who has benefitted from our holistic services. She previously experienced homelessness and her life's circumstances became more difficult during the COVID-19 pandemic. After her husband suddenly passed away, she fell behind in rent; when her son, who lives with chronic mental health issues, came to visit, he disturbed other tenants in her senior housing community. Soon, an eviction lawsuit was filed and concurrently, her son was incarcerated, leaving her bereft and alone. JH was referred to our social work services, upon when it was discovered that she was methadone dependent and had several untreated medical issues. Due to mobility issues, JH was living in an unsafe amount of clutter that was causing her to fall. Once our attorney successfully obtained a settlement agreement, our Housing Navigation Project Manager helped JH access rental assistance. Our social worker obtained Meals on Wheels services, connected her to a Life Long Medical Care case manager, and assisted her with scheduling medical appointments and referrals to specialists. Through collaborative work, the social work and Housing Navigation Project Manager obtained funds necessary to pay for de-cluttering and deep cleaning services. Additionally, our social worker collected donated furniture and was able to refurnish JH's apartment. After JH's apartment was finished, her outlook was completely transformed. She was so elated that she could use her kitchen for the first time in many years and walk around without falling. Lastly, JH's debilitating medical conditions were finally stabilized by her medical team. Before closing her case in 2023, the social work enrolled JH in In Home Supportive Services, so she can sustainably continue living independently and is no longer isolated.

## **B. Firm's current data collection practices for its cases**

EBCLC recognizes the importance of collecting valid and detailed data points that enhance service delivery, shape our mission, and ensure we are accurately tracking services as defined by the various funders for reporting purposes. In 2018, we upgraded our case management system to LegalServer, which has allowed us to improve the ways in which we collect and manage data.

Across the organization, EBCLC employs LegalServer as our case management system to track all aspects of a case for each client served. LegalServer has the capacity to maintain demographic, income, and contact information; referral source; open and closing dates; case notes; legal issue; type of service provided; conflict check information; historical cases; and outcomes, including any financial benefit such as amount of rent waived and relocation payments. Staff and law students fully





utilize LegalServer to capture case-related information and enter case notes to track all services provided.

As the primary roadmap for maintaining records of all services provided to clients, LegalServer also has the capability to generate detailed and customized reports based on entered data. Thus, it is the primary resource to produce all funder reports with various required data points as outlined in grant proposals and agreements. Additionally, EBCLC leverages LegalServer to automate sending electronic client satisfaction surveys upon a case's closure via SMS or email, available in English and Spanish. Further, clients have the option of opting out of completing surveys or indicating if they do not want to receive communications from EBCLC.

EBCLC's Data and Evaluation Manager oversees LegalServer to ensure valid and accurate data is being maintained. He produces monthly dashboards for each program based on LegalServer data that is reviewed by Program Directors, Co-Deputy Directors, and the Executive Director. These dashboards show various data points for the month, including but not limited to opened and closed cases, legal issue trends, demographic information, data quality, communities served, advocacy campaigns, and impact litigation cases. The dashboards enable managers to track services, identify trends, and check data quality. Additionally, he also conducts evaluations based on LegalServer data and surveys. Evaluation information is shared with Program Directors, who pay particular attention to negative feedback to determine if there are structural issues within the service delivery model that needs to be examined and/or altered.

### **C. Proposed outreach to potential clients under this project**

The Housing Program utilizes various forms of outreach to educate Berkeley community members on housing-specific matters. During the pandemic, this outreach was critical due to the conflicting and sometimes incorrect information circulating about the Alameda County and statewide eviction moratoria. This most recently arose with the lifting of the statewide moratorium and its impact on various Bay Area counties and cities. Critical in this effort has been the strengthening of our communications department, with the hiring of a Communications Officer, whose role is dedicated to uplifting EBCLCs accomplishments, upcoming events, and specific program information on social media and beyond. Social media played a critical role in pushing out immediate and sometimes urgent information for tenants, including those living in Berkeley.

In addition to outreach conducted through our Development and Communications Department, Housing Program staff will be conducting targeted training for community-based organizations. The Housing Navigation Project Manager is



finalizing a train-the-trainer model for implementation that educates case managers and other staff working with Berkeley tenants. She will schedule sessions at the Woman's Daytime Drop-In Center and various buildings, apartment complexes, and senior living communities in Berkeley that serve tenants living with low income. Topics for the training will include information on addressing eviction notices, security deposits, asking for repairs, advocating for clients, and other issues as identified. Our Housing Navigation Project Manager has developed long-standing relationships with community-based organizations over the past 20 years. Well-known by both former clients and staff in Berkeley, she serves as a key connector within the community in her ability to access avenues that otherwise may be challenging for clients.

Furthermore, the Housing Program has developed and distributes Know Your Rights materials, specifically to Berkeley tenants that are shared through various means including presentations, other organizations, and to Berkeley tenants at large. Template letters and hardcopies and electronic forms are shared with callers who are ineligible for services or choose not to meet with an attorney after their assessment call. Embedded in all training, outreach materials, and presentations is information regarding what services EBCLC provides and how to reach the Housing Program.

#### **D. How the firm selects cases for in-depth representation**

EBCLC prioritizes services to under resourced communities who would not otherwise have access to high quality legal services. The Housing Program specializes in complex cases and are often referred to these types of cases from sister organizations. The Housing Program selects cases for in-depth representation based on priority areas as follows: case involves an unlawful detainer; the tenant has long-term tenancy or has subsidized housing; tenant has a disability; tenant lives in Berkeley or Oakland; or there is an access to justice issue that may involve an inability to attend court hearings/no transportation, language barriers, no access to technology, and an inability to read or write. Additionally, other factors taken into consideration are the complexity of the legal issue and the type of legal issue presented.

3. Client References (minimum of three; California cities or other large public sector entities)
  - a. Aileen Brown; Administrative Assistant I; City of Oakland Housing and Community Development; 250 Frank Ogawa Plaza, Suite 5313, Oakland, CA 94612; (510) 238-6282; CDBG Agreement



- b. Monique Berlanga; Executive Director; Centro Legal de la Raza; 3400 East 12<sup>th</sup> Street, Oakland, CA 94601; (510)-437-155; Alameda County Housing Secure and Oakland Housing Secure.
  - c. Leah Simon-Weisberg; Legal Director for Anti-Displacement and Land Use Programs; ACCE; 2220 Livingston St. Suite 214, Oakland, CA 94606; (323) 842-8614; Community partner and Chair of the Elected Berkeley Rent Board; City of Berkeley Rent Stabilization Board and EBCLC contracts
  - d. Ty Alper; Clinical Professor of Law (Co-Director, Death Penalty Clinic + Co-Director, Clinical Program); U.C. Berkeley School of Law; 346 North Addition Berkeley, CA 94720-7200; (510) 643-7849; Berkeley School of Law and EBCLC Clinical Program affiliation
  - e. Lisa Greif; Supervising Attorney, Housing Unit; Bay Area Legal Aid; 1735 Telegraph Ave, Oakland, CA 94612; (510) 663-4744, ext. 5211; Alameda County Housing Secure
- 4. Price Proposal See Price Proposal Document
  - 5. Contract Terminations  
EBCLC has not had any contracts terminated in the last five (5) years.
  - 6. Grantor Audits  
Please see the attached reports.



Health, Housing and  
Community Services Department  
**Office of the Director**

February 22, 2021

Zoë Polk, Executive Director  
East Bay Community Law Center  
2921 Adeline Street  
Berkeley, CA 94703

Dear Ms. Polk:

**Subject:** Contract # 010579 - FY18 Closure of On-site Monitoring  
Housing Retention Program (HRP)  
Fair Housing

**Subject:** Monitoring of East Bay Community Law Center (EBCLC) Contract with the  
City of Berkeley (COB)

Dear Ms. Polk,

On 6/11/19 and 6/13/19, Rhianna Babka and Mary-Claire Katz, Managing Supervisor and Program Monitor for the City of Berkeley (COB) Housing & Community Services Department, monitored EBCLC's activities which are under contract with the COB. EBCLC is a recipient of COB funding, and is carrying out the following programs:

1. Housing Retention Program
2. Fair Housing Program

EBCLC provides very valuable and necessary legal services to persons living in Berkeley. We acknowledge and appreciate the work that you do for the community and your dedication to working with the COB.

No concerns or findings were found in the Fair Housing program. There are some questions related to attorney timekeeping in the Housing Retention Program that were unresolved and that will be evaluated in next monitoring.

*A Vibrant and Healthy Berkeley for All*

2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley, CA 94704 Tel: 510.981.5100 TDD: 510.981.6903 Fax: 510.981.5450  
E-mail: [housing@ci.berkeley.ca.us](mailto:housing@ci.berkeley.ca.us) - [dhs@cityofberkeley.info](mailto:dhs@cityofberkeley.info)

Zoe Polk, EBCLC  
Subject: Monitoring of EBCLC Contract with the COB  
February 22, 2021  
Page 2 of 2

In reviewing our community agency monitoring, we saw that as there were no findings, we did not do a formal closeout with EBCLC. We will be archiving this monitoring for now with the note that records of attorney time will be evaluated in the next monitoring, and that this letter will serve in lieu of an official letter from the EBCLC monitoring profile in City Data Services.

The monitoring staff appreciate EBCLC staff's continued assistance throughout the monitoring visits.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary-Claire Katz".

Mary-Claire Katz  
HHCS Contract Monitor

cc: Rhianna Babka, Shauna Fujimoto, Martha Brown

## Rui Bing Zheng

---

**From:** Santos, Jennifer@DSS <Jennifer.Santos@dss.ca.gov>  
**Sent:** Tuesday, September 8, 2020 1:21 PM  
**To:** Shauna Fujimoto; Rosa Bay; Theo Cuison; Mindy Phillips; Zoe Polk  
**Cc:** Zaragoza, Laura@DSS; Barahona, Desiree@DSS  
**Subject:** RE: Immigration Service Bureau Desk Review: East Bay Community Law Center

Dear East Bay Community Law Center,

The California Department of Social Services Immigration Services Bureau has concluded the monitoring desk review for your organization. We would like to thank you for compiling the requested documents for the Immigration Services Funding Desk Review and for making time for our follow up conference call.

CDSS will be sending out a LTTA calendar with all available trainings for your organization. In addition, I will keep an eye out for the trainings requested around updates on asylum and 9<sup>th</sup> circuit appeals.

Again, thank you to everyone involved for taking the time to participate. We appreciate all of the work you and every member of your staff have demonstrated. The Immigration Services Bureau is looking forward to our continued partnership.

Thank you,

Jennifer Santos  
Immigration Services Bureau  
California Department of Social Services  
744 P Street, MS 9-6-33  
Sacramento, CA 95814  
[jennifer.santos@dss.ca.gov](mailto:jennifer.santos@dss.ca.gov)  
(916) 809-5203



Confidentiality Notice: This email communication from the California Department of Social Services' Immigration and Refugee Programs Branch, including any attachments, is for the sole use of the intended recipient(s) to which it is addressed and may contain confidential, exempt, and/or privileged information protected under applicable law. Any unauthorized review, use, disclosure, duplication, or distribution is prohibited. If you are not the intended recipient, you are hereby notified that this email message and any attachments should be destroyed immediately.

East Bay Community Law Center  
 FY23-24 BUDGET: July 1, 2023 - June 30, 2024  
 Eviction Defense and Housing Legal Services, Berkeley Rent Board

<b>Personnel Expense</b>	<b>Total Program Budget</b>		
<b>Position</b>	<b>\$/hr</b>	<b>% FTE</b>	<b>Cost</b>
Program co-Director (Gordon)	59.89	10%	10,900
Program co-Director (Yu)	58.79	10%	10,700
Program Director (Rubenstein)	58.24	10%	10,600
Program Deputy Director (Jovel)	51.65	10%	9,400
Staff Attorney 1 (Janowitz)	59.34	30%	32,400
Staff Attorney 2 (Bixby)	51.10	20%	18,600
Staff Attorney 3 (Flannery)	48.90	20%	17,800
Staff Attorney 4 (Guerra)	48.90	20%	17,800
Staff Attorney 5 (Fishman)	43.96	20%	16,000
Social Worker (TBH)	43.96	40%	32,000
Program Manager (Jones)	47.25	40%	34,400
Intake Coordinator (Brown)	36.81	20%	13,400
Intake Coordinator (Carter)	37.36	20%	13,600
Intake Coordinator (Villeneuve)	37.36	20%	13,600
Intake Coordinator (Wright)	36.81	20%	13,400
Contracts Officer (Fujimoto)	53.85	5%	4,900
<b>Subtotal Salaries</b>		<b>315%</b>	<b>269,500</b>
Payroll Taxes @ 7.65%			20,617
Fringe Benefits @ 12.35%			33,283
<b>Subtotal Taxes &amp; Benefits</b>			<b>53,900</b>
<b>Total Personnel Expense</b>			<b>323,400</b>
<b>Direct Operating Expenses</b>			
Litigation Expenses			12,000
Translation/Interpretation Services			6,000
Shared Operating & Occupancy Expenses			26,950
<b>Total Direct Operating Exp</b>			<b>44,950</b>
<b>Indirect Expenses @ 15%</b>			<b>55,255</b>
<b>Total Expense</b>			<b>423,605</b>



Rent Stabilization Board

DATE: June 15, 2023

TO: Honorable Members of the Rent Stabilization Board

FROM: DéSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolution 23-16 authorizing the Executive Director to amend the contract with Brian Augusta & Associates for legislative advocacy services by extending the term through July 31, 2023, and increasing the contract by an amount not to exceed \$7,000

**Recommendation:**

Adopt Resolution 23-16 authorizing the Executive Director to amend the contract with Brian Augusta & Associates for legislative advocacy services by extending the term through July 31, 2023, and increasing the contract by an amount not to exceed \$7,000.

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

Since 1984, the Rent Stabilization Board (Board) has contracted for legislative advocacy services in Sacramento. Such services are critical to the agency as they directly inform potential and proposed legislative measures that affect Berkeley's Rent Stabilization Ordinance and coordinate rental housing-related legislative issues.

The current contract with Mr. Augusta is \$5,000 per month or \$60,000 annually. The contract also calls for reimbursement of associated travel expenses. The additional amount set aside for these documented costs was \$1,000, for a total contract amount not to exceed \$60,000 for the fiscal year 2022/2023.

For nearly a decade, Brian Augusta (dba Brian Augusta & Associates) has served as the Board's legislative advocate and has done an excellent job.

In May 2023, to align with best practices, staff released an invitation to bid for Legislative Advocacy Services for the Berkeley Rent Stabilization Board (Specification No. 23-11605-C), extending an opportunity for the most qualified and responsive firm to provide legislative and advocacy support for the Board. The due date for the proposals was on June 8, 2023. An amendment allows sufficient time for staff to review the submissions while ensuring uninterrupted legislative support to the Board.



Mr. Augusta's firm has agreed to continue to provide the following types of services for the Rent Board through July 30, 2023:

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

The Rent Board has utilized the services of a legislative advocate for many years to provide highly time-consuming and detailed work in Sacramento with legislators and their staff members to protect the interests of Berkeley's Rent Ordinance and Regulations.

**Financial Impact:**

There are sufficient funds in the Fiscal Year 2022/2023 budget to extend Mr. Augusta's contract through July 31, 2023, increasing the amount not to exceed \$7,000. Staff will return to the Board in July 2023 to make a recommendation for FY 2023/24 legislative advocacy services.

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

DéSeana Williams, Executive Director (510) 981-7368

**RESOLUTION 23-16**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT MODIFICATION WITH BRIAN AUGUSTA & ASSOCIATES THROUGH JULY 31, 2023 IN AN AMOUNT NOT TO EXCEED \$7,000**

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City of Berkeley Rent Stabilization Board that the Executive Director is hereby authorized to extend the contract with Brian Augusta & Associates to represent the City of Berkeley Rent Stabilization in Sacramento on rent control issues through July 31, 2023, in an amount not to exceed \$7,000. The new total amount payable under this contract shall not exceed \$495,000.

Dated: June 15, 2023

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

YES:

NO:

ABSTAIN:

ABSENT:

---

Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director



Rent Stabilization Board

DATE: June 15, 2023

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: DéSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolution 23-17 authorizing the Executive Director to modify the contract with Berkeley Community Media to capture telecast all Board meetings by increasing the contract amount by a total not to exceed \$22,000 for fiscal year (FY) 2023-24

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### **Recommendation**

That the Board adopts Resolution 23-17 authorizing the Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Rent Board meetings through June 30, 2024, for an additional amount not to exceed \$22,000 for FY 2023-24.

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

The Board has maintained a contract with Berkeley Community Media (BCM) since June 5, 1995, for live broadcasts of regularly scheduled Rent Stabilization Board (RSB) meetings, periodic special meetings, and other services. For FY 2023/2024, BCM is proposing to continue to broadcast live, gavel-to-gavel coverage for a total of 15 RSB meetings and to rebroadcast all RSB meetings and four special programs for \$22,000. This amount also includes equipment for taping all RSB meetings, special programs, and incidental supplies.

BCM's proposed contract terms are identical to the terms adopted for FY 2022/2023. BCM also maintains mobile recording equipment that enables them to provide remote broadcasts of off-site Board meetings at an additional cost. The cost proposed for this additional service is \$400 per off-site meeting. BCM also offers to produce a half-hour quarterly news program at BCM facilities at a rate of \$500 per program.

Staff recommends that the Board extend the current contract for these services totaling \$22,000. The BCM proposal for the 2023/2024 fiscal year is attached for your review.

**Financial Impact**

Based upon the proposed budget included elsewhere in your agenda package, there will be sufficient funds in the Fiscal Year 2023/2024 budget to cover this contract amount.

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

DéSeana Williams, Executive Director      (510) 981-7368

Attachment:

1. BCM FY 2023/2024 Contract proposal

**RESOLUTION 23-17**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH BERKELEY COMMUNITY MEDIA (BCM) BY EXTENDING THE CONTRACT THROUGH JUNE 30, 2024 AND INCREASING THE CONTRACT BY AN ADDITIONAL AMOUNT NOT TO EXCEED \$22,000 FOR FISCAL YEAR 2023/2024**

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the City of Berkeley Rent Stabilization Board that the Executive Director is hereby authorized to extend the contract through June 30, 2024, increasing the contract by an additional amount not to exceed \$22,000 to telecast live, gavel-to-gavel, every regularly-scheduled meeting and up to three special Rent Stabilization Board meetings, to assist in producing and telecasting Rent Board special programs, to rebroadcast all RSB meetings and special programs, and to assist the Board in producing public information materials as needed for the 2023/2024 fiscal year, with the total amount payable under this contract not to exceed \$167,500.

Dated: June 15, 2023

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

YES:  
NO:  
ABSTAIN:  
ABSENT:

---

Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director



**BERKELEY  
COMMUNITY MEDIA**  
www.bcmv.org - 2239 MLK Jr. Way, Berkeley, CA 94704 - 510-848-2288

Board of Directors:

June 9th, 2023

Winston Burton Board **Chair**

To: Aimee Mueller, Berkeley Rent  
Stabilization Board

Harold Adler Vice Chair Cristina Trujillo **Treasurer**

Katie Burge **Secretary**

From: David Flores, Berkeley Community  
Media (BCM)

David Lavine

Ken Osborn

Berkeley Community Media (BCM) looks  
forward to continuing our production and  
cablecast of the Rent Stabilization Board  
meetings on B-TV Channel 33.

Barbie Penn

Sam Speilman

The contract terms in the attached proposal  
will begin on July 1st, 2023 and run through  
June 30th 2024.

Leena Duwadi

Helen Walsh

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

Becky Jo Benson

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

David Flores  
Executive Director  
Berkeley Community Media

BERKELEY RENT STABILIZATION BOARD  
MEETING COVERAGE PROPOSAL – FISCAL YEAR 2023-2024

1. Berkeley Community Media (hereafter Contractor) agrees to capture and telecast on B-TV channel 33 all regularly-scheduled Rent Stabilization Board (hereafter RSB) meetings from the BUSD Board Room. In addition to the original live telecast of such meetings, Contractor will telecast each captured program at least two (2) and no more than four (4) times per week on B TV channel 33. The RSB will provide Contractor with a list of all regularly-scheduled meetings for the fiscal year.

2. Contractor will assist an outside closed captioner in producing videos of RSB workshops each quarter. Contractor will not be responsible for providing closed captioning services but will be required to record and deliver a final Quicktime movie of each session that complies with the City of Berkeley’s web video requirements.

Services Provided Quantity Amount

Live, gavel to gavel coverage of all regularly scheduled RSB meetings from the BUSD Board Room	Up to 15 per year	\$12,000
Telecast and webcast meetings and special programs via B-TV Channel 33	Up to 25 per year	\$10,000
DVD Media and Incidental supplies	various	Included
As needed post production re-captioning and editing using Adobe Premier	As needed	\$35 per hr
<b>TOTAL:</b>		<b>\$22,000</b>

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

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



Rent Stabilization Board

DATE: June 15, 2023

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Chair Leah Simon-Weisberg and Commissioner Ida Martinac

SUBJECT: Support Rooftop Solar and Battery Storage for Multifamily Tenants and Property Owners.

## **RECOMMENDATION**

Send the enclosed Resolution in support of a viable Virtual Net Energy Metering and transmit copies to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC). Recent proposals made by investor-owned utilities would deny multi-meter properties – including thousands of multi-family properties in Berkeley, which serve rents of thousands of tenants, the ability to buy less power from the utilities when they consume power directly from on-site solar, which would force multifamily tenants and property owners to buy all their power from the utility even when it is generated on their own rooftop or field.

## **BACKGROUND**

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

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

In December 2022, the CPUC issued a final decision updating the current NEM structure.<sup>1</sup> The new rulemaking is referred to as NEM 3.0 because this is the third iteration of the NEM program.

While, unlike a previous iteration of the proposal, the decision did not propose a tax on solar and solar-plus-storage consumers that intend to use NEM, the following aspects of were to adopted:

1. <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M500/K043/500043682.PDF>



## Support Rooftop Solar and Battery Storage for Multifamily Tenants and Property Owners

June 15, 2023

Page 2

- Most residential NEM solar consumers who apply for a NEM interconnection after April 14, 2023, experience an average 75% reduction in the credit they receive for sharing their extra energy with the grid – from an average of \$.30/kilowatt-hours (kWh) to about \$.08/kWh.
- Churches, nonprofits, or businesses who go solar after April 14, 2023, realize an even greater reduction in the solar credit.<sup>2</sup>

Despite this vastly reduced credit value for energy exported to the electric grid compared to the previous NEM tariff, the CPUC decision still allows customers to buy less energy from the utilities when they use their generated or stored energy on-site in real time. The Commission is now considering changes to net energy metering rules for multi-meter properties which have rooftop solar through a program known as Virtual Net Energy Metering (VNEM). This would impact multi-family tenants across the state.<sup>3</sup>

Recent proposals made by investor-owned utilities would deny tenants and property owners alike in multi-family buildings with solar the ability to buy less power from the utilities when they consume power directly from on-site solar. Doing so would force these tenants and property owners to buy all of their power from the utility even when it is generated on their own rooftop. This is a patently absurd and unfair proposal as it would allow solar customers with only one electric meter (such as most single-family homes) to distinguish between on-site usage and exports, while not allowing customers with multiple meters to do the same.

This and other proposals that seek to curtail rather than expand the ability for multifamily tenants to benefit from bill savings through locally generated renewable energy violate the following principles the support of which was expressed by the Berkeley Rent Board in 20214:

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

---

2. <https://solarrights.org/update-state-officials-release-new-rooftop-solar-proposal/>

3. <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M502/K977/502977211.PDF>

4. <https://rentboard.berkeleyca.gov/sites/default/files/2022->

[02/CONSENT\\_Item%209.a\\_Sept.%2023%2C%202021%20Regular%20Meeting%20Minutes\\_UNApproved.pdf](02/CONSENT_Item%209.a_Sept.%2023%2C%202021%20Regular%20Meeting%20Minutes_UNApproved.pdf)

- (iv) exclude provisions set forth in the IOU Proposal such as high monthly fixed fees and reducing or eliminating credits for sharing electricity with the power grid.

On the contrary, should the CPUC adopt a successor VNEM tariff that is robust and incentivizes the growth of the VNEM program, the benefits to the tenants in multifamily buildings would be immense and immediate – not just through their realization of up to \$50 in savings on their monthly utility bills<sup>5</sup>, but in building climate resilience. A recent storm-induced power outage by Pacific Gas and Electric left much of Berkeley without power for nearly an entire day,<sup>6</sup> and having solar with backup batteries would go a long way to ensure reliability. Moreover, with solar installed on the rooftops of multifamily buildings, property owners could then upgrade their buildings to efficient and clean heating, water heating, and cooking infrastructure run by electric power rather than natural gas, the price of which tends to be volatile as it depends on various global events over which we have no control in Berkeley.

### **FINANCIAL IMPLICATIONS**

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

### **CONTACT PERSON**

Chair Simon-Weisberg

RSBSimon-Weisberg@ctyofberkeley.info

Attachment:

1: Resolution

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5. <https://calsomah.org/tenant-benefits>

6. <https://www.berkeleyscanner.com/2023/03/22/disaster-preparedness/berkeley-storm-power-outage-downed-trees/>

## RESOLUTION 23-18

### IN SUPPORT OF NET ENERGY METERING FOR MULTI-FAMILY HOUSING AND SCHOOLS

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

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

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

**WHEREAS**, in 2020 the California Public Utilities Commission (CPUC) launched a formal proceeding to update the current NEM structure as NEM 3.0, and a number of parties have submitted their proposal for what they believe NEM 3.0 should look like; and

**WHEREAS**, in December 2022, the CPUC issued a final decision updating the current NEM structure; and

**WHEREAS**, while, unlike a previous iteration of the proposal, the decision did not propose a tax on solar and solar-plus-storage consumers that intend to use NEM, the following aspects of the PD, which were opposed by this City Council, were adopted:

- Most residential NEM solar consumers who apply for a NEM interconnection after April 14, 2023, experience an average 75% reduction in the credit they receive for sharing their extra energy with the grid – from an average of \$.30/kilowatt-hours (kWh) to about \$.08/kWh.
- Churches, nonprofits, or businesses who go solar after April 14, 2023, realize an even greater reduction in the solar credit.

**WHEREAS**, despite this vastly reduced credit value for energy exported to the electric grid compared to the previous NEM tariff, the CPUC decision still allows customers to buy less energy from the utilities when they use their generated or stored energy on-site in real time; and

**WHEREAS**, the Commission is now considering changes to net energy metering rules for multi-meter properties, which would impact multi-family tenants and cooperative residents as well as schools and farms; and

**WHEREAS**, recent proposals made by investor-owned utilities would deny multi-meter properties the ability to buy less power from the utilities when they consume power directly from on-site solar, which would force tenants, schools, and farms to buy all of their power from the utility even when it is generated on their own rooftop or field – a patently absurd and unfair proposal as it would allow customers with only one electric meter to distinguish between on-site usage and exports while not allowing customers with multiple meters to do the same; and

**WHEREAS**, this and other proposals that seek to curtail rather than expand the ability for multifamily tenants and cooperative residents, schools, and farmers to benefit from bill savings through locally generated renewable energy violate the following principles expressed by the City Council in 2021 and 2022, respectively; and

## RESOLUTION 23-18

### IN SUPPORT OF NET ENERGY METERING FOR MULTI-FAMILY HOUSING AND SCHOOLS (Page 2)

**WHEREAS**, this and other proposals that seek to curtail rather than expand the ability for multifamily tenants and cooperative residents, schools, and farmers to benefit from bill savings through locally generated renewable energy violate the following principles expressed by the City Council in 2021 and 2022, respectively; and

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

**WHEREAS**, should the CPUC adopt a successor VNEM tariff that is robust and incentivizes the growth of the VNEM program, the benefits to the tenants in multifamily buildings would be immense and immediate – not just through their realization of up to \$50 in savings on their monthly utility bills, but in building climate resilience; and

**WHEREAS**, with solar installed on the rooftops of multifamily buildings, property owners could then upgrade their buildings to efficient and clean heating, water heating, and cooking infrastructure run by electric power rather than natural gas, the price of which tends to be volatile as it depends on various global events over which we have no control in Berkeley.

**WHEREAS**, we are in a climate crisis and need to make the transition to clean energy more accessible, not less

**NOW THEREFORE, BE IT RESOLVED** by the Berkeley Rent Stabilization Board that it urges the California Public Utilities Commission and Governor to reject any proposals that seek to frustrate or dismantle the ability of multifamily tenants to avail themselves of the benefits of local, renewable, and affordable energy through rooftop solar and battery storage;

**BE IT FURTHER RESOLVED** that the Berkeley Rent Stabilization Board calls on the California Public Utilities Commission to instead approve a net energy metering tariff for multifamily housing that includes full credits and savings for multifamily tenants from customer-generated energy (full “property netting”) as well as a gradual rather than immediate transition toward lower export rates to ensure a reasonable glidepath for the multifamily solar market.

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

**RESOLUTION 23-18**

**IN SUPPORT OF NET ENERGY METERING FOR MULTI-FAMILY HOUSING AND  
SCHOOLS (Page 3)**

Dated: June 15, 2023

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

RECUSED:

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Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director

**RESOLUTION 23-19**

**APPROVING ADJUSTMENT TO COMPENSATION PACKAGE FOR RENT  
STABILIZATION BOARD EXECUTIVE DIRECTOR DESEANA WILLIAMS**

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

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

**WHEREAS**, the Executive Director shall serve as the chief administrator for the Board and is charged with the responsibility of protecting the interests of the Board and its employees as provided for under California law and Article XVII of the Charter of the City of Berkeley; and

**WHEREAS**, on October 21, 2021, the Board adopted Resolution 21-26 to sign a contract with DeSeana Williams to serve as the Board’s Executive Director; and

**WHEREAS**, Ms. Williams’ contract provides for cost-of-living adjustments awarded to the Department Director classification (unrepresented employees in Unit Z1); and

**WHEREAS**, Berkeley Department Directors will receive a 1% salary increase in July of 2023 in line with other City of Berkeley employees; and

**WHEREAS**, the Board would like to adjust Ms. Williams’ base salary according to the terms articulated in Section 3 (Compensation and Benefits) of her contract.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Berkeley Rent Stabilization Board hereby authorizes the Board Chair to execute appropriate salary adjustments to the existing employment agreement of DeSeana Williams that will increase her base salary from \$122.745 per hour to \$123.972 per hour (annual base salary adjusted from \$255,309.60 to \$257,861.76) which represents a 1% increase; and

**BE IT FURTHER RESOLVED** that this adjustment will maintain Ms. Williams’ base salary in line with the requirements articulated in Section 3 (Compensation and Benefits) of the Employment Agreement between Board and Ms. Williams; and

**RESOLUTION 23-19**

**APPROVING ADJUSTMENT TO COMPENSATION PACKAGE FOR RENT  
STABILIZATION BOARD EXECUTIVE DIRECTOR DESEANA WILLIAMS (Page 2)**

**BE IT FURTHER RESOLVED** that the salary adjustment to Ms. Williams' contract will take effect during the pay cycle beginning in July 2023 when the cost-of-living salary increase for Unit Z1 employees (Department Directors) is implemented; and

**BE IT FURTHER RESOLVED** that all other terms of Ms. Williams' contract will remain the same.

Dated: June 15, 2023

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

YES:

NO:

ABSTAIN:

ABSENT:

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Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
Matt Brown, General Counsel

**RESOLUTION 23-20**

**APPROVING ADJUSTMENT TO COMPENSATION PACKAGE FOR RENT  
STABILIZATION BOARD GENERAL COUNSEL MATT BROWN**

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

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

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

**WHEREAS**, on September 23, 2021, the Board adopted Resolution 21-20 and signed a contract with Matt Brown to serve as the Board’s General Counsel; and

**WHEREAS**, Mr. Brown’s contract provides for cost-of-living adjustments awarded to all unrepresented employees in Unit Z9; and

**WHEREAS**, unrepresented employees of Unit Z9 will receive a 1% salary increase in July of 2023 in line with other City of Berkeley employees; and

**WHEREAS**, the Board would like to adjust Mr. Brown’s base salary according to the terms articulated in Section 3 (Compensation and Benefits) of his contract.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Berkeley Rent Stabilization Board hereby authorizes its Executive Director and Board Chair to execute appropriate salary adjustments to the existing employment agreement of Matt Brown that will increase his base salary from \$113.032 per hour to \$114.162 per hour (annual base salary adjusted from \$235,106.56 to \$237,456.96) which represents a 1% increase; and

**BE IT FURTHER RESOLVED** that this adjustment will maintain Mr. Brown’s base salary in line with the requirements articulated in Section 3 (Compensation and Benefits) of the



**RESOLUTION 23-20**

**APPROVING ADJUSTMENT TO COMPENSATION PACKAGE FOR RENT  
STABILIZATION BOARD GENERAL COUNSEL MATT BROWN (Page 2)**

existing Employment Agreement between Board and Mr. Brown; and

**BE IT FURTHER RESOLVED** that the salary adjustment to Mr. Brown's contract will take effect during the pay cycle beginning in July 2023 when the cost-of-living salary increase for all unrepresented employees in Unit Z9 is implemented; and

**BE IT FURTHER RESOLVED** that all other terms of Mr. Brown's contract will remain the same.

Dated: June 15, 2023

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

YES:

NO:

ABSTAIN:

ABSENT:

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Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director

**RESOLUTION 23-21**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AND EXECUTE A TEN-YEAR LEASE WITH 2000 CENTER STREET, LLC FOR OFFICE SPACE AT 2000 CENTER STREET IN BERKELEY**

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

WHEREAS, the current lease for Rent Stabilization Program office space at 2001 Center Street expires on February 28, 2024; and

WHEREAS, the Board has expressed the desire for staff to have more office space given that there are now more employees than there were when the lease was signed for the current office space; and

WHEREAS, Board staff have expressed a strong desire to move to office space where all employees are able to occupy the same floor; and

WHEREAS, the Board has the opportunity to rent a single floor of office space at 2000 Center Street with a significant increase in square footage directly across the street from the current office; and

WHEREAS, the landlord at 2000 Center Street has agreed to make substantial improvements to the space so it is more suitable to Board staff's needs; and

WHEREAS, the rent per square foot of office space is significantly cheaper than the price the Board is currently paying; and

WHEREAS, the Board wishes staff to relocate to the available office space at 2000 Center Street.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to enter into a ten-year lease agreement with 2000 Center Street, LLC to rent 12,609 square feet of office space at 2000 Center Street with the following terms:

**RESOLUTION 23-21**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AND EXECUTE A TEN-YEAR LEASE WITH 2000 CENTER STREET, LLC FOR OFFICE SPACE AT 2000 CENTER STREET IN BERKELEY (Page 2)**

Move-in Date: March 1, 2024  
Rent: \$3.10 a square foot per month  
Rent Abatement: The first seven months of rent shall be abated.  
Annual Adjustments: The rent shall increase every March by 3% per annum

Dated: June 15, 2023

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

YES:  
NO:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Leah Simon-Weisberg, Chair

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director



Rent Stabilization Board

DATE: June 15, 2023  
TO: Honorable Members of the Berkeley Rent Stabilization Board  
FROM: Commissioner Andy Kelley  
SUBJECT: Request for stipend deduction reimbursement for missed committee meeting(s)

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I was absent from the Outreach, LIRA, and Environmental Sustainability Committee meetings on May 2, May 3, May 8, 2023, respectively, due to being out of town for a death in the family. I am requesting that the Board authorize staff to restore the 20% stipend deduction for these absences in the next pay period.

Thank you.



Rent Stabilization Board

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

**Thursday, June 1, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.**

For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

**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/83676329316?pwd=Qk0rN1UwaDJ6VVpmMDVlQ3pFbXZndz09>. 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 and enter Webinar ID: 836 7632 9316 and Passcode: 008599. 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 for the Committee's consideration and inclusion in the public record, email [amueller@cityofberkeley.info](mailto: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 apply for both in-person attendees and those participating 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.



**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at (510) 981-6418 (voice) or (510) 981-6347 (TDD) at least three (3) business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



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

**Thursday, June 1, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

**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 May 4, 2023, meeting minutes (attached to agenda)
6. Update on Status of Current Agency Request for Proposals (verbal report only)
7. Discussion, and Possible Action regarding Recommendation to full Board on the Adoption of a Fiscal Year (FY) 2023/24 Line-Item Budget, Staffing Model & Expenditure Level (See Attached Staff Report).
8. Office Relocation Process Update (verbal report only)
9. Future agenda items
  - ➔ Report on Reserve Budget Policy of similarly sized jurisdictions and institutions
  - ➔ Review of Commissioner Stipends for Meeting Absences
  - ➔ Changes to Collections Process
10. Discussion and possible action to set the next meeting
11. Adjournment

**STAFF CONTACT: DéSeana Williams, Executive Director (510) 981-7368**  
COMMITTEE: Soli Alpert, Nathan Mizell, Leah Simon-Weisberg, Dominique Walker (Chair)



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

**Monday, June 12, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.**

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

Please be mindful that this will be a public meeting and all rules of procedure and decorum apply for both in-person attendees and those participating 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.



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

**Monday, June 12, 2023 – 5:30 p.m.**

**Rent Stabilization Board Law Library – 2001 Center Street, 2<sup>nd</sup> floor, Berkeley**

**AGENDA**

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 the Agenda (2 min)
4. Approval of the Minutes of the May 8, 2023 Meeting (5 min)
5. Public Comment (5 min)
6. Outreach Efforts Related to Transition and End of Eviction Moratorium (5 min)
7. Review of RSB 2022 Tenant Survey Data and Report (40 min)
8. Next Meeting Scheduled for July 10, 2023 (2 min)
9. Future Agenda Items: (5 min)
  - Eviction Moratorium Outreach Efforts
  - Review of Draft Report of Tenant Survey – July Meeting
  - 2022 Counseling Data (calls, emails, appts. counseling cases) – July Meeting
  - Rent Board Outreach Activities and Metrics Tracking – July Meeting
  - Exploring Costs of Ads (Bart, Bus)
  - Exploring Costs of Digital Ads and Robo Calls for landlines.
10. Announcements (5 min)
11. Adjournment (2 min)

**STAFF CONTACT: Nathan Dahl, Public Information Unit Manager (510) 981-4935**  
**COMMITTEE:** Soli Alpert (Chair), Stefan Elgstrand, Andy Kelley, Vanessa Marrero