



RENT STABILIZATION BOARD
Regular Meeting
Thursday, April 18, 2024 – 6:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley
Teleconference location: 1418-A 67th Street, 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/86351823870?pwd=6u9aivTslet7SqNRO_IBL3QRcsH57w.WN9X-NdkqPRvYdDc. 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 1-669-444-9171 and enter Webinar ID: 863 5182 3870 and Passcode: 662299. 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@berkeleyca.gov 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 4:00 p.m. on the day of the meeting in order to be included.**

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COMMUNICATION ACCESS INFORMATION:

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Regular Meeting

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AGENDA

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

1. **Roll call** – 1 min.*
2. **CLOSED SESSION** – Pursuant to California Government Code Section 54957(b)(1), the Board will convene in closed session for a Public Employee Evaluation of Performance:

Title: Executive Director
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.*
6. **SPECIAL PRESENTATION**: *Rent Registry (3Di) Enhancements* by Amanda Eberhart, Senior Management Analyst – 10 min.*
7. **CONSENT ITEMS** – 1 min.*
 - a. Approval of the March 21st 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

2417 MCGEE
1175 CAMELIA
287 THE UPLANDS
2444 SPAULDING
1994 SAN ANTONIO AVE
838 BANCROFT WAY
968 ADDISON ST
1019 CHANNING WAY
1124 OXFORD ST
1165-1167 ARCH ST
1361 NORTHSIDE AVE
1409 SPRUCE ST #B
1422 ADDISON ST
1432 KAINS AVE
1434 6TH ST.
1437 MLK JR. WAY
1439 67TH ST
1533 BONITA AVE
1536 TYLER ST

Discretionary Waivers

Waiver No. Property Address

W5117 2113 WOOLSEY

8. APPEAL – 8:00 p.m.**

***This appeal will not be heard before 8:00 p.m. but may be heard any time thereafter.*

Case No. RWN-1663 (1337 Josephine Street, In-Law Unit)

Appellant Landlord appeals the hearing decision granting Petitioner Respondent Tenant’s claim for withholding rent due to Appellant Landlord’s failure to register 1337 Josephine Street Berkeley CA, 94703 (the “property”) with the Berkeley Rent Stabilization Board (the “Rent Board”).

Appellant Landlord appeals the decision based on: (1) the continued claim that the property is exempt under B.M.C. § 13.76.050 F (the “Golden Duplex Exemption”), and (2) allegations of misconduct by the hearing examiner during the hearing and the drafting

of the decision. However, a review of the record fails to indicate any misconduct by the hearing examiner, and strongly suggests that the property is an owner-occupied triplex rather than an owner-occupied duplex under the Rent Ordinance. The appeal incorrectly analyzes, in its favor, the application of Rent Board policy and Board Resolution 17-12 relating to B.M.C. § 13.76.050 F. As such, the decision of the hearing examiner should be affirmed.

9. **ACTION ITEMS**

from Board Members, Committees, Executive Director or Staff

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

- a. Chair Update (Chair Simon-Weisberg)
 - (1) Discussion and possible action for the elected Board to take a position on CouncilMembers' Kesarwani, Humbert, and Taplin's Supplemental Item to amend the Demolition Ordinance submitted at the March 26, 2024 City Council meeting – 10 min.*
- b. **SPECIAL PRESENTATION**: *Spring Legislative Update* by Brian Augusta, Rent Board Legislative Advocate – 15 min.*
 - (1) Discussion and possible action for the Board to take a position on state legislative bills discussed in meeting – 15 min.*
- c. Recommendation to adopt proposed amendments to Regulation 1013 [Vacancy Rent Adjustment] to allow the Board to enforce AB 1620 – *First Reading* (LIRA Committee) – 15 min.*
- d. Recommendation to adopt Resolution 24-11 authorizing the pass-through of a portion of the Fiscal Year 2024-2025 registration fee for fully-controlled rental units to certain tenants (Budget & Personnel Committee and Executive Director) – 15 min.*

10. **INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA**

from Board Members, Committees, Executive Director or Staff

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

- a. Update on the Rent Board office move to 2000 Center Street – *Verbal* (Executive Director/Board Secretary) – 5 min.*
- b. Update on the Rent Board File Scanning Project – *Verbal* (Project Manager Basil Lecky) – 5 min.*

- c. December 2023 U.S. Department of Education West Regional Advisory Committee report: *Identifying and Addressing Priority Education Needs* (Commissioner Marrero) – 1 min.*
- d. Update on approved Executive Assistant position (Executive Director) – 5 min.*
- e. Deadline to submit agenda items/topics for May’s regular Rent Board meeting: **Friday, May 3rd by 5:00 p.m.** (Board Secretary)

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – 5 min.*
Next regularly-scheduled meeting: To Be Announced (TBA)

April 11th agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – 5 min.*
Next regularly-scheduled meeting date: Wednesday, May 1st at 6:00 p.m.

April 3rd agenda

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – 5 min.*
Next regularly-scheduled meeting: Tuesday, April 23rd at 6:00 p.m.
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: Tuesday, May 7th at 5:30 p.m.

April 9th agenda

- e. Outreach Committee (Vice-Chair Alpert, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA
- f. 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: TBA
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero, Co-Chair) – 5 min.*
Next meeting date: TBA

- h. Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election (Commissioner Johnson, Chair) – 5 min.*

Next meeting date: TBA

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

12. ADJOURNMENT

COMMUNICATIONS DISCLAIMER:

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

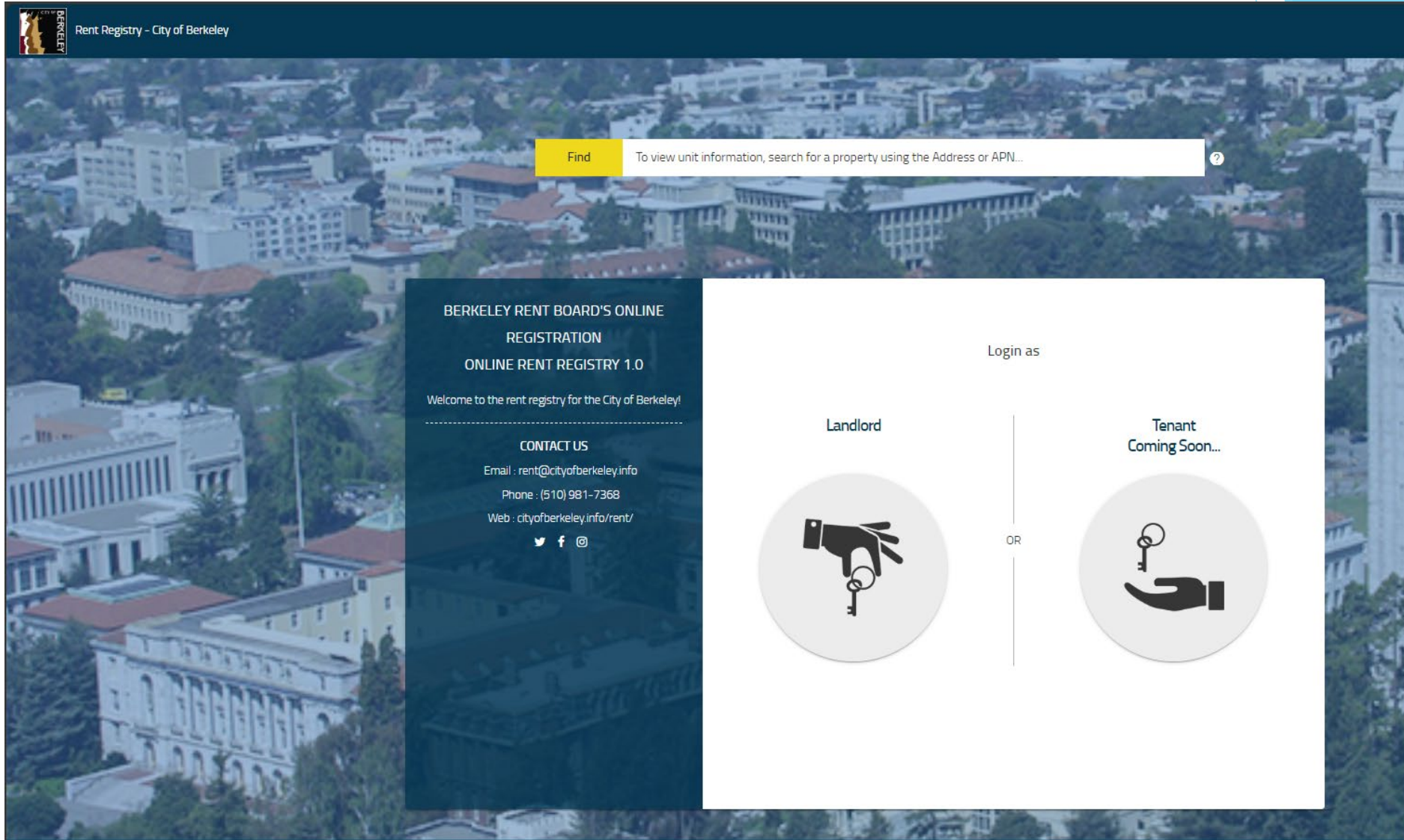
Upcoming Rent Registry Enhancements

The screenshot displays the Berkeley Rent Board's Online Registration portal. At the top left, the Berkeley logo and the text "Rent Registry - City of Berkeley" are visible. A search bar with a yellow "Find" button is positioned at the top, containing the text "To view unit information, search for a property using the Address or APN...". Below the search bar, the page is divided into two main sections. On the left, a dark blue sidebar contains the text "BERKELEY RENT BOARD'S ONLINE REGISTRATION ONLINE RENT REGISTRY 1.0", a welcome message, and contact information including email, phone, and website, along with social media icons. On the right, a white box titled "Login as" offers two options: "Landlord" with a key icon and "Tenant Coming Soon..." with a hand holding a key icon, separated by a vertical line and the word "OR".

Introduction

- ▶ Welcome Rent Board Commissioners
- ▶ Purpose of the Rent Registry Enhancements
 - To create more accessibility and informative content for the public
 - To create a Platform that is user-friendly and intuitive
- ▶ Commitment to Transparency and Efficiency

Current Rent Registry Home Page



The screenshot shows the Berkeley Rent Registry Home Page. At the top left is the City of Berkeley logo and the text "Rent Registry - City of Berkeley". Below this is a search bar with a yellow "Find" button and the text "To view unit information, search for a property using the Address or APN...". The background is an aerial view of Berkeley. On the left side, there is a dark blue sidebar with white text: "BERKELEY RENT BOARD'S ONLINE REGISTRATION ONLINE RENT REGISTRY 1.0", "Welcome to the rent registry for the City of Berkeley!", "CONTACT US", "Email : rent@cityofberkeley.info", "Phone : (510) 981-7368", "Web : cityofberkeley.info/rent/", and social media icons for Twitter, Facebook, and Instagram. On the right side, there is a white box with the text "Login as" at the top. Below this are two options: "Landlord" with a circular icon of a hand holding a key, and "Tenant Coming Soon..." with a circular icon of a hand holding a key. A vertical line with "OR" in the middle separates the two options.

BERKELEY RENT BOARD'S ONLINE REGISTRATION ONLINE RENT REGISTRY 1.0

Welcome to the rent registry for the City of Berkeley!

CONTACT US

Email : rent@cityofberkeley.info
Phone : (510) 981-7368
Web : cityofberkeley.info/rent/

[T](#) [F](#) [I](#)

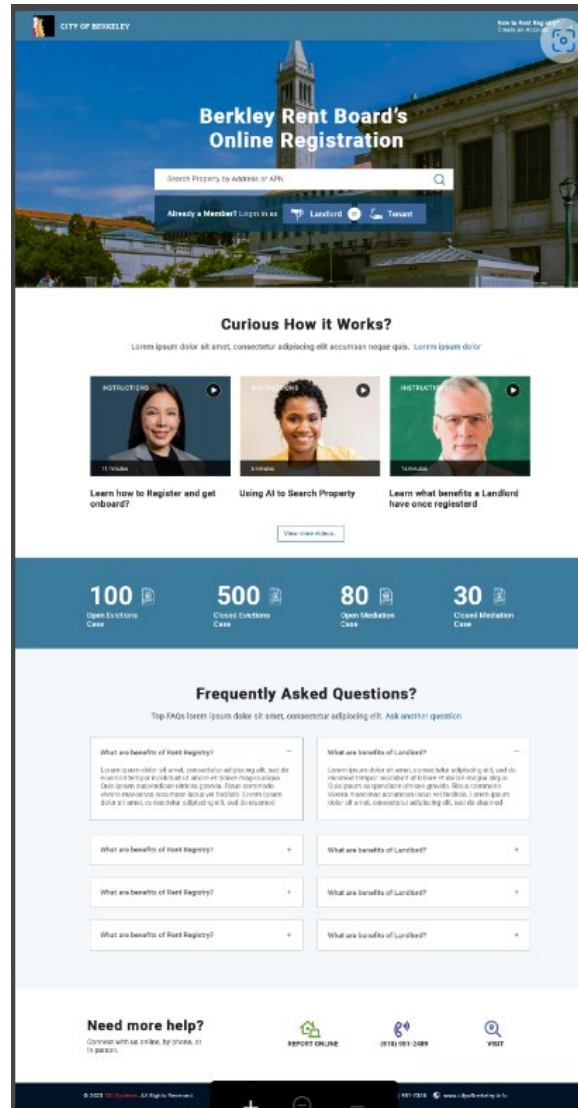
Login as

Landlord

Tenant Coming Soon...

OR

New Rent Registry Home Page



New Rent Registry Home Page

The screenshot shows the Berkeley Rent Board's Online Registration home page. At the top left is the City of Berkeley logo. At the top right is a link for 'New to Rent Registry? Create an Account'. The main header features the title 'Berkeley Rent Board's Online Registration' over a background image of the city hall. Below the title is a search bar for 'Search Property by Address or APN'. A navigation bar offers options for 'Already a Member? Login in as' Landlord or Tenant. The central section is titled 'Curious How it Works?' and includes a placeholder for a paragraph of text. Below this are three video thumbnails with titles and durations: 'Learn how to Register and get onboard?' (11 minutes), 'Using AI to Search Property' (5 minutes), and 'Learn what benefits a Landlord have once registered' (15 minutes). A 'View more videos...' button is located below the videos. The footer displays four statistics: 100 Open Evictions, 500 Closed Evictions, 80 Open Mediation, and 30 Closed Mediation.

CITY OF BERKELEY

New to Rent Registry? Create an Account →

Berkeley Rent Board's Online Registration

Search Property by Address or APN

Already a Member? Login in as Landlord Tenant

Curious How it Works?

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INSTRUCTIONS **11 minutes**

Learn how to Register and get onboard?

INSTRUCTIONS **5 minutes**

Using AI to Search Property

INSTRUCTIONS **15 minutes**

Learn what benefits a Landlord have once registered

[View more videos...](#)


100 Open Evictions


500 Closed Evictions


80 Open Mediation


30 Closed Mediation

New Rent Registry Home Page

100 
Open Evictions
Case

500 
Closed Evictions
Case

80 
Open Mediation
Case

30 
Closed Mediation
Case

Frequently Asked Questions?

Top FAQs lorem ipsum dolor sit amet, consectetur adipiscing elit. [Ask another question](#)

What are benefits of Rent Registry? –

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What are benefits of Landlord? –

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What are benefits of Rent Registry? +

What are benefits of Landlord? +


What are benefits of Rent Registry? +


What are benefits of Landlord? +


What are benefits of Rent Registry? +

What are benefits of Landlord? +

Need more help?
Connect with us online, by phone, or in person.

 **REPORT ONLINE**

 **(510) 981-2489**

 **VISIT**

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How-To Guides and Videos

- ▶ The Rent Board has created How-To guides for property owners based on the Registration Unit's feedback.
- The Guides cater to diverse user needs and technological proficiencies.
- Empower users to self-serve confidently, reducing administrative burdens on staff.
- Enhance the user experience.
- Foster a deeper understanding of the Rent Registry's functionalities and services.

Written How-To Guide Example

Internal

Submitting the Property for Registration

(For a property with no exemptions)

Introduction

The primary purpose of the Rent Registry Portal is for property owners to Register their APNs and Units with the Rent Board and to keep the Rent Board informed throughout the year of the changes in Unit Rent, Occupancy, and APN Contact Information.

****BEFORE SUBMITTING THE PROPERTY FOR REGISTRATION, PLEASE HAVE THE INFORMATION LISTED BELOW****

- **Owner Contact Details** (if any changes occur to the contact info for an Owner, you can edit this throughout the year; if you sell the property, you can report a New Property Ownership Amendment)
- **Property Manager Contact Details** (if any changes occur to the contact info for a Property Manager, you can edit this throughout the year)
- **Unit Details** (Number of Bedrooms must be provided in the first year along with Occupant Type. As the Occupant Details and Rent Amounts change, those can be reported through Amendment Cases)
- **Unit Exemptions** (These can only be reported/applied for **BEFORE** you submit your APN for Registration)

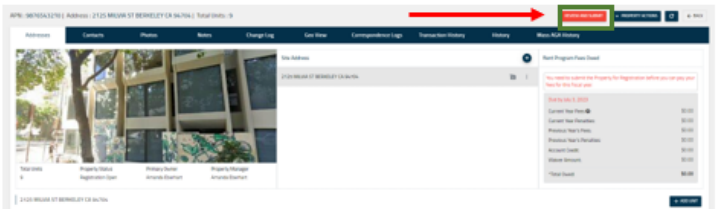
****Information reported to the Rent Board will remain on your Property. Property owners are responsible for reporting changes in owner and manager contact details, occupancy changes for their units, exemption statuses for your units, and any changes in property status within 60 days as instructed by the ordinance. ****

Please note that the Payable Total will be updated once the property status moves to “Registration Completed.” The green Pay Now button will allow you to submit a payment online.

Submitting the Property for Registration

1. Navigate to the address tab for the APN that needs to be registered. If there is no missing information on the property, you will see a red button at the top of the page that reads “Review and Submit.” This button can also be found at the bottom of the Address page. Click “Review and Submit”

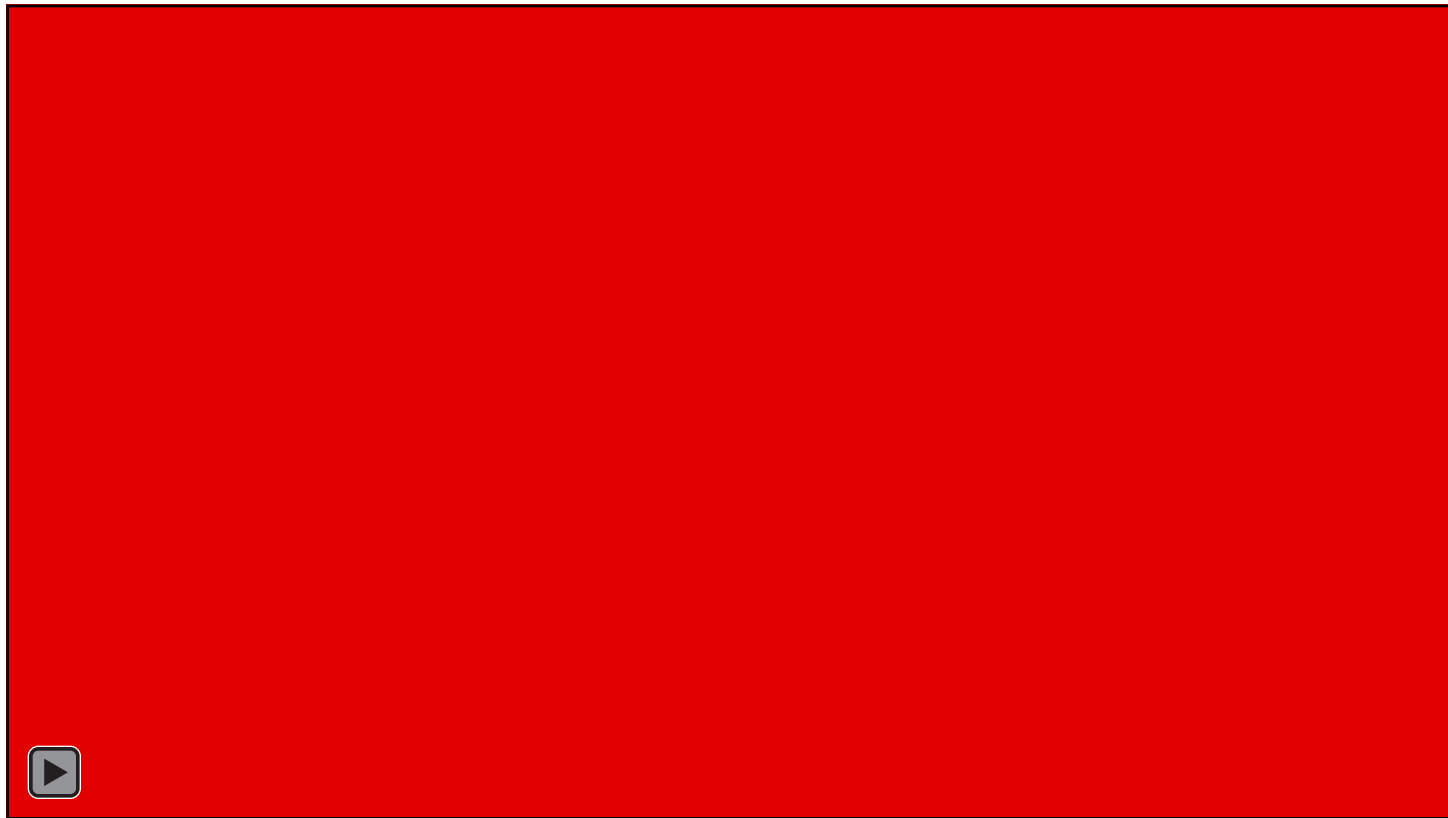
(Picture of the top of the Rent Registry Portal)



Item	Amount
Owner Fee	\$100.00
Property Manager Fee	\$100.00
Property Tax	\$100.00
Water Fee	\$100.00
Gas Fee	\$100.00
Electricity	\$100.00
Other Fees	\$100.00
Total	\$600.00

How-To Video Guide Example

“Submitting Registration with no Exemptions”



Enroll in Paperless Billing

**** Pictured example for discussion only, not a real page mock-up****

Submit Registration

Would you like to opt in to paperless billing?*

Yes No

This Field is Required.

Submitted Exemption Requests

By checking this box, I understand that all unit exemption(s) and property exemption requests must be submitted prior to completing registration.

5 Unit Exemption(s) 0 Property Exemption(s)

[Click here](#) to return to the home screen to submit an exemption request. For information on how to apply for an exemption, please review the [user guide](#).

Unit Data

Implementation Timeline

- ▶ New Rent Registry Home page and How-To guides
 - Available at the opening of the 24/25 registration Cycle
 - 24/25 registration cycle opening April 29, 2024
- New Rent Registry How-To videos
 - Available to the public by April 29th, 2024
- ▶ Paperless Billing
 - Enrollment April 29th, 2024, through July 1, 2024
 - Paperless bills for property owners in the 25/26 registration cycle

Expected Outcome of Paperless Billing

- ▶ Cost Saving in Postage
- ▶ January Penalty Mailing
- ▶ Letters Sent: 243
- ▶ Postage Cost \$395
- ▶ Total cost of Mailing \$ 819.46 (Includes Labor, Taxes and Fees)

- ▶ Staff Time
- ▶ Initial 22/23 registration mailing took over 120 hours of staff time to print, sort, and send the statements to the vendor. (This time does not include a review period for accuracy)
- ▶ By utilizing mail merges to send subsequent statements has significantly reduced this timeline.
 - January Penalty bills: 4.5 hours of staff time. Which includes review.
 - March Collection Notices utilizing mail merge, printing, and mail in-house: 6 hours total staff time. Including review.

Expected Outcome of Paperless Billing

- ▶ January 2024 Email Out Reach Pilot Results
 - ▶ Properties with open registration as of 1/23/24: 3,150
 - ▶ Active property owner emails on file:260
 - ▶ By 1/26/24, the Registration unit closed 108 registrations
 - ▶ 41.5% response rate
- ▶ Properties with studio units and Open Registrations (Data Clean Up)
 - ▶ 1,970 records found
 - ▶ 721 active emails
 - ▶ 32.7% response rate
 - ▶ Results: Confirmed Studio status, property ownership updates, Room and Tenancy Updates

Closing and Q&A

- ▶ Questions and Concerns
- ▶ Thank you



RENT STABILIZATION BOARD

Regular Meeting and Public Hearing on Proposed Increase to Annual Registration Fees for Fiscal Year 2024-2025

Thursday, March 21, 2024 – 7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

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RENT STABILIZATION BOARD
Regular Meeting and Public Hearing on Proposed Increase to Annual Registration Fees
for Fiscal Year 2024-2025
Thursday, March 21, 2024
7:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley

Minutes – *Unapproved*

Prior to roll, call the General Counsel announced that Commissioner Walker requested to participate remotely under the Brown Act's Just Cause provision due to an infectious illness exposure. Commissioner Kelley requested to participate remotely under the Brown Act's Emergency Circumstances provision due to a knee injury that prevented in-person attendance. The Emergency Circumstances provision requires an authorizing vote.

M/S/C (Simon-Weisberg/Marrero) AUTHORIZE UNANTICIPATED REMOTE PARTICIPATION FOR COMMISSIONER KELLEY UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(f)(2)(A)(ii). Roll call vote. YES: Alpert, Elgstrand, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.*

*As the commissioner seeking approval for unanticipated remote participation, Commissioner Kelley was not included in the vote.

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:06 p.m.
Commissioners present: Alpert, Elgstrand, Kelley (via Zoom), Johnson, Marrero, Martinac, Mizell, Walker (via Zoom) Simon-Weisberg.
Commissioners absent: None.
Staff present: Brown, Bursell, Cole, Ehlinger, Kim, Mueller, Williams.

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

The Land Acknowledgement Statement was played aloud.

3. Approval of Agenda

M/S/C (Alpert/Elgstrand) APPROVE THE AGENDA WITH THE FOLLOWING AMENDMENT: MOVE ACTION ITEM 9.g. 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 – There were no speakers.

5. SPECIAL PRESENTATION: *Berkeley Unified Board Room Facility Report* by Max Eissler, Director of Technology, Berkeley Unified School District (BUSD), and David Flores, Executive Director, Berkeley Community Media (BCM) – After their video presentation was played, Mr. Eissler and Mr. Flores took questions from the Board.

6. CONSENT ITEMS

Action item 9.g. was moved to consent by a prior vote of the Board.

- a. Approval of the February 15th regular meeting minutes
- b. Request for stipend deduction reimbursement for Commissioner Marrero’s absence from the January 8th Outreach Committee meeting

M/S/C (Alpert/Martinac) MOVE ALL CONSENT ITEMS AS WRITTEN, INCLUDING ITEM 9.g. 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. APPEAL – Case No. **IRD-176** (1719 Carleton St., Unit C)

Appearances:

Claudia Cruz, Appellant

Kamran Golriz, Respondent

M/S/C (Alpert/Johnson) UPHOLD THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Martinac, Mizell, Walker, Simon-Weisberg; NO: Marrero; ABSTAIN: None; ABSENT: None. Carried: 7-1-0-0.

8. PUBLIC HEARING ON PROPOSED INCREASE TO THE ANNUAL REGISTRATION FEES FOR FISCAL YEAR (FY) 2024-2025

- a. Staff presentation on the proposed increase to FY 2024-2025 Annual Registration Fees (Finance Director Shamika Cole and Senior Planner Lief Bursell): Ms. Cole presented and took questions from the Board.
- b. Public Comment: There was one written comment from “Tom and Hildy,” which was read aloud.
- c. Comments from the Board: Commissioners offered comments on the presentation and fee proposals.

9. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Action item 9.g. was moved to consent by a prior vote of the Board.

Public comment: There were no speakers.

- a. Chair Update (Chair Simon-Weisberg)
 - (1) Demolition Ordinance Update – Status of City of Berkeley Demolition projects (Senior Planner Lief Bursell) – Mr. Bursell presented and took questions from the Board. No action was taken.
 - (2) Joint report: “The Failure of For-Profit Affordable Housing and How Tenants are Organizing for Change” (East Bay Community Law Center and Urban Habitat) – Chair Simon-Weisberg introduced the report and Michael Trujillo from the East Bay Community Law Center provided additional information. No action was taken.
 - (3) Recommendation to send a letter to Assemblymember Bonta opposing Assembly Bill (AB) 846 unless amended

M/S/C (Simon-Weisberg/Marrero) AUTHORIZE THE CHAIR TO SEND A LETTER TO ASSEMBLYMEMBER BONTA AND THE DEPUTY EXECUTIVE DIRECTOR OF THE CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE CONVEYING THE BOARD’S POSITION OPPOSING AB 846 UNLESS AMENDED. 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.

- b. Recommendation to adopt Resolution 24-05 setting the FY 2024-2025 annual registration fee for fully-covered units (due July 1, 2024) at \$342 per unit (Budget & Personnel Committee and Executive Director)

M/S/C (Alpert/Mizell) ADOPT RESOLUTION 24-05 AS AMENDED TO

REFLECT THE CHANGE TO A FEE OF \$344 PER UNIT. 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.

- c. Recommendation to adopt Resolution 24-06 setting the FY 2024-2025 annual registration fee for partially-covered Measure MM units (due July 1, 2024) at \$212 per unit (Budget & Personnel Committee and Executive Director)

M/S/C (Kelley/Martinac) ADOPT RESOLUTION 24-06 AS AMENDED TO REFLECT A CHANGE TO A FEE OF \$212 PER UNIT; ADOPT RESOLUTION 24-07 REFLECTING A FEE OF \$53 PER UNIT; AND ADOPT RESOLUTION 24-08 REFLECTING A FEE OF \$96 PER UNIT. 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.

- d. Recommendation to adopt Resolution 24-07 setting the FY 2024-2025 annual registration fee for partially-covered Measure MM units in affordable housing projects (due July 1, 2024) at \$53 per unit (Budget & Personnel Committee and Executive Director) – THIS ITEM WAS INCLUDED IN THE VOTE ON ITEM 9.c.
- e. Recommendation to adopt Resolution 24-08 setting the Summer Rental Period registration fee for fraternities and sororities for FY 2024-2025 (due July 1, 2024) at \$96 per unit (Budget & Personnel Committee and Executive Director) – THIS ITEM WAS INCLUDED IN THE VOTE ON ITEM 9.c.
- f. Recommendation to adopt Resolution 24-09 authorizing the Executive Director to modify the scope of the contract with Kinnectics, LLC, and increase the contract by an amount not to exceed \$45,000 for the current fiscal year (Executive Director)

M/S/C (Alpert/Marrero) ADOPT RESOLUTION 24-09 AS WRITTEN. 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.

- g. Discussion and possible action to adopt Resolution 24-10 to express support for the proposed Demolition Ordinance amendments that Council will consider on March 26, 2024, and direct Chair to send a letter of support to Council (Chair Leah Simon-Weisberg) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

10. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

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

- a. Updated 2024 Committee Assignments List (Board Secretary)
- b. Update on the Rent Board office move to 2000 Center Street – *Verbal* (Executive Director/Board Secretary)
- c. Update on the Rent Board File Scanning Project – *Verbal* (Project Manager Basil Lecky)
- d. Deadline to submit agenda items/topics for April’s regular Rent Board meeting:
Friday, April 5th by 5:00 p.m. (Board Secretary)

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair)
Next regularly-scheduled meeting: Thursday, April 4th at 5:30 p.m.

March 7th agenda

February 23rd agenda
- b. Environmental Sustainability Committee (Commissioner Martinac, Chair)
Next regularly-scheduled meeting date: Wednesday, April 3rd at 6:00 p.m.
- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)
Next regularly-scheduled meeting: Tuesday, April 23rd at 6:00 p.m.
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair)
Next regularly-scheduled meeting: To Be Announced (TBA)
- e. Outreach Committee (Vice-Chair Alpert, Chair)
Next regularly-scheduled meeting: Monday, April 8th at 6:00 p.m.
- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: TBA
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Commissioner Marrero, Co-Chair) – Committee Chair Marrero reported that the committee discussed the potential for deeper partnerships with BUSD’s family engagement team and equity office, and particular focus groups.
Next meeting date: TBA

March 11th agenda

- h. Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election (Commissioner Johnson, Chair)
Next meeting date: TBA
- i. Updates and Announcements – Commissioner Mizell reported that he did not receive any response to his letter to UC Berkeley regarding the People’s Park police occupation (February 15, 2024 Regular Meeting, agenda item 10.a.)
- j. Discussion of items for possible placement on future agenda

12. ADJOURNMENT

M/S/C (Alpert/Kelley) ADJOURN THE MEETING. 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 10:42 p.m.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: April 18, 2024

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

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).

Waiver Recommendations

April 18, 2024

Page 2

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
	2417 MCGEE	ROBIN D. STAVISKY	290.00	290.00	-
	1175 CAMELIA	MICHELE LAUREL	178.00	142.40	35.60
	287 THE UPLANDS	DAN BATTLE	178.00	142.40	35.60
	2444 SPAULDING	PAUL ENDRES	150.00	90.00	60.00
	1994 SAN ANTONIO AVE	KAREN FISHER & MARTIN MILLER	580.00	504.00	76.00
	838 BANCROFT WAY	R. CELLUCCI & E. LITTLE	420.00		420.00
	968 ADDISON ST	ROMAX 2 LLC	1,160.00	1,160.00	-
	1019 CHANNING WAY	JUSTIN MULLER	1,300.00	975.00	325.00
	1124 OXFORD ST	ROBERT POWELL	178.00	133.50	44.50
	1165-1167 ARCH ST	BREENA COATES & SHARAD SINGH	580.00	580.00	-
	1361 NORTHSIDE AVE	AMANDA AYMAR	1,160.00	1,044.00	116.00
	1409 SPRUCE ST #B	NANCY ALPERT	356.00	356.00	-
	1422 ADDISON ST	KIM MARIENTHAL	432.00	432.00	-
	1432 KAINS AVE	DAVID JOHNSON	1,000.00	1,000.00	-
	1434 6TH ST.	GREG HUTCHINGS	1,160.00	1,044.00	116.00
	1437 MLK JR. WAY	THUPTIN LAMA	580.00	435.00	145.00
	1439 67TH ST	ANTOINE GRONDIN	1,740.00	1,740.00	-
	1533 BONITA AVE	KATHLEEN O. SLOBIN & DAN I. SLOBIN	356.00	356.00	-
	1536 TYLER ST	KATHLEEN VAUGHN	1,500.00	1,500.00	-
TOTAL			13,298.00	11,924.30	1,373.70

Financial Impact: Ministerial Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$11,924.30**.

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
W5117	2113 WOOLSEY	SAPPHIRE LEGENDARY CAPITAL LLC	478.00	478.00	
TOTAL			478.00	478.00	0

Financial Impact: Discretionary Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$478.00**.

Name and Telephone Number of Contact Person:

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

April Ministerial Waivers

Address	Details
1994 San Antonio Ave	This property consists of two fully covered units with both units rented. The current owner has owned the property since 10/8/2020. According to the owner, the property is a single-family home and was occupied by Betty Howell until she passed away. The property was then trusted to Betty's son, Brian Howell, who lived in the property prior to him moving out. The property owner was under the impression they were exempt from registration fees due to the property being a single-home. It appears the property was in fact a duplex and subject to the registration requirements of the Rent Ordinance. The units on the property have been rented since 12/27/2022; therefore, a bill was sent to the owner with prior fees and penalties. The owner does not have a history of late payments. Recommendation: Staff recommends waiving 90% of the penalties because this is the second late payment within the prior six years. (Reg 883 H.2.)
838 Bancroft Way	This property consists of three fully covered units with all three units being rented. The current owner has owned the property since 05/21/2020. The property owner submitted a Vacancy Registration Form with a tenancy start date of 9/30/2022. Due to not notifying the rent board within 60 days of the tenancy status change, the account was charged prior fees and penalties. The owner claims they did not know about the penalty and they did not get a timely notice of the penalty because of the post office delay in delivering it. Recommendation: Staff recommend denying the waiver. The owner has owned this property since 2020 and should be fully aware of the registration requirements of the Rent Ordinance. (Reg 881)
968 Addison St	This property consists of four fully covered units with all four units being rented. The current owner has owned the property since 1/22/2020. The property owner claims there may be an issue with mail getting to and from their offices in a timely manner. The owner does not have a history of late payments. Recommendation: Staff recommends waiving 100% of the penalties because this is the first late payment within the prior six years. (Reg 883 H.1.)
1019 Channing Way	This property consists of six fully covered units with five units rented and one unit exempt as Section 8. The current owner has owned the property since 5/19/2023. The property owner claims they have been working with the rent board to correct a section 8 units that was registered incorrectly. The property owner paid the current and previous registration fee 2/22/2024. The property owner took possession of the property at the start of the 23/24 registration year. This is their only late payment. Recommendation: Staff recommends waiving 75% because the property owner is a new owner and the property contains 6 to 10 rental units. (Reg 883 I.3)
1124 Oxford St	This property is a single-family home that is covered by Measure MM. The property has been rented through the 22/23 & 23/24 registration year. The owner has owned this property since 11/1/2002. The owner claims they tried to make a payment online but was unsuccessful. The owner states he forgot to call and notify the rent board that he tried to pay online. However, when he received a penalty bill, he called the rent board and spoke to a staffer. The property manager has a history of late payments and this is his third late payment. Recommendation: Staff recommends waiving 75% of the penalties because this is the owners' third late payment within the prior six years. (Reg 883 H.3)

Public

<p>1165-1167 Arch St</p>	<p>This property consists of 2 fully covered units with both units being rented. The property owner has owned this property since 10/1/1998. The owner claims they did not receive the initial bill for the 23/24 registration year. The owner states they received the penalty bill 3/11/24. The owner paid the registration fee 10/27/23. The owner does not have a history of late payments. Recommendation: Staff recommends waiving 100% of the penalties because this is the owners' first late payment within the prior six years. (Reg 883 H.1)</p>
<p>1361 Northside Ave</p>	<p>This property consists of 2 fully covered units with both units being rented. The property owner has owned this property since 2/25/2015. The owner states they did not realize their account was charged 100% penalty every 6 months and cannot afford the accrued penalties. This is the second time the owner has been late paying their registration fees. Recommendation: Staff recommends waiving 90% of the penalties because this is the owners' second late payment within the prior six years. (Reg 883 H.2)</p>
<p>1409 Spruce St #B</p>	<p>This property is a single-family home that is covered by Measure MM. The property has been rented through the 23/24 registration year. The owner has owned this property since 12/31/2020. The owner claims the number of units on her property was incorrect and they reached out to the RSB on 7/5/23 & 7/6/23 to try to correct it but did not get a response. The owner states they later received a call from a rent board staffer, who confirmed there is one unit on the property. The owner does not have a history of late payments. Recommendation: Staff recommends waiving 100% of the penalties because this is the owners' first late payment within the prior six years. (Reg 883 H.1)</p>
<p>1422 Addison St</p>	<p>This property consists of five fully covered units with four units rented and one unit exempt as Section 8. The current owner has owned the property since 8/10/2006. The owner states they thought they registered one of the units in the property and was waiting to hear back from the Rent Board regarding the fees due. The owner noticed the unit was not updated and did so online. Our records show the owner paid the 23/24 registration fee on 2/8/24. The penalties owed on the account apply to all units and not just the one unit the owner forgot to update. The owner does not have a history of late payments. Recommendation: Staff recommends waiving 100% of the penalties because this is the owners' first late payment within the prior six years. (Reg 883 H.1)</p>
<p>1432 Kains Ave</p>	<p>This property consists of 2 fully covered units with one unit rented and the other unit owner occupied. The current owner has owned the property since 5/19/2023. David Johnson, the person that filed the waiver, sold the property 7/10/23. David claims he received a call from the rent board and the caller told him if he paid the initial fee, the penalty would be waived. Although David is no longer the owner of the property, he paid the 23/24 registration fee & penalty on 7/7/23. Recommendation: Staff recommends waiving 100% of the penalties because the new owner was unaware of the property registration requirements of the Rent Ordinance and registered the property within 12 months of acquiring the property. Also, the property contains two units with only one of the units being rented. (Reg 883 I.1)</p>
<p>1434 6th St.</p>	<p>This property consists of four fully covered units with all units rented. The current owner has owned the property since 7/2/2001. The property owner states they live in France and their mail is often delayed. The owner states they intended to pay on time and processed the 23/24 registration payment through their credit union website the weekend of July 1, 2023. Our records show the owner's payment was processed 7/10/23. This is the owners second late payment in a six-year period. Recommendation: Staff recommends waiving 90% of the penalties because this is the owners' second late payment within the prior six years. (Reg 883 H.2)</p>

Public

1437 MLK Jr. Way	This property consists of two fully covered units with both units rented. The current owner has owned the property since 4/19/1996. The owner claims the process assistant that handles payments for their property only paid the RHSP fee and not the Rent Board fee because the assistant thought there was only one agency that required payment. Our records show the owner paid the 21/22, 22/23 & 23/24 registration fees on 12/21/23. The property was previously a golden duplex until 3/13/2021. Recommendation: Staff recommends waiving 75% of the penalties because this is the owners' third late payment within the prior six years. (Reg 883 H.3)
1439 67th St	This property consists of three fully covered units with all three units rented. The current owner has owned the property since 10/15/2021. The property manager claims they could not locate the Berkeley registration for the property online. The manager states they contacted the owner to see if they received a 23/24 registration fee billing statement, which the owner responded they did not receive the bill. The manager states they contacted the rent board on 1/6/24 to request access to the property and according to the manager, the rent board responded 1/8/24 and told them to complete an ARS form before they can be granted access. The manager states they were given access to the property on 1/22/24. Our records show the 23/24 registration fee was paid 3/1/2024. The account does not have a history of late payments. Recommendation: Staff recommends waiving 100% of the penalties because this is the owners' first late payment within the prior six years. (Reg 883 H.1)
1533 Bonita Ave	This property is a single-family home that is covered by Measure MM. The property has been rented through the 23/24 registration year. The owner claims they 23/24 registration billing statement went to their former address. The owner has since updated their mailing address and this is the first time the owner has been late paying registration fees. Recommendation: Staff recommends waiving 100% of the penalties because this is the owners' first late payment within the prior six years. (Reg 883 H.1)
1536 Tyler St	This property consists of four partially covered units (Measure MM) with three units rented and one unit owner occupied. The owner has owned this property since 3/17/2003. The owner claims they did not know they had to register their partially covered unit because they were constructed in 2001 and previously exempt. The owner states they've had little to no contact with the rent board because they have long term tenants. The owner also states they were hospitalized and had surgery, which added to why they were unable to pay their registration fee on time. Our records show the 23/24 registration fee was paid 7/10/23. The owner does not have a history of late payments. Recommendation: Staff recommends waiving 100% of the penalties because this is the owners' first late payment within the prior six years. (Reg 883 H.1)
2417 McGee	The fully covered Single family home located at 2417 McGee has been owned by the current owners since 2018. In the last five fiscal years, the property has made no late payments. The owner states in their waiver, "They did not receive the initial mailing statement." Per regulation 884 C, this property qualifies to have 100% of the penalty waived for one late payment in the last five years. Staff recommends waiving 100% of the penalty.

1175 CAMELIA	The partially covered single-family home located at 1175 Camelia has been owned by the current owner since 2020. This property is a Measure MM property, so there are not five years of payment history to review. Rent Board records will show the property owner paid the 21/22 and the 23/24 registration fees late. The property owner stated in their waiver, "They were unable to update their property information and called numerous times, and no one ever got back to her." A search of Rent Board phone records will show the first time the property owner contacted the Rent Board via email was on 7/22/24. Staff notes the 23/24 registration due date was July 3rd. The Registration Manager also checked the phone logs between May 1, 2023, and July 31, 2023, and found no record of the property owner calling or leaving a message for the Rent Board. Staff notes the property owner has provided two different phone numbers. There is a phone number in the Rent Registry Portal, whose middle numbers consist of 910, and a second number supplied in the 7/22/23 email where the middle numbers are 920. Unfortunately, the Registration Manager could not find any corresponding phone calls from the property owner to the Rent Board on either of those numbers. Per regulation 884 C, this property qualifies to have 80% of the penalty waived for two late payment in the last five years. Staff recommends waiving 80% of the penalty.
287 The Uplands	The partially covered single-family home located at 287 The Uplands has been owned by the current owner since 2002. This property is a Measure MM property, so there are not five years of payment history to review. Rent Board records will show the property owner paid the 22/23 and the 23/24 registration fees late. The property owner stated in their waiver, "They misplaced the original statement and were unaware the fee was due until a second notice was recieved." Per regulation 884 C, this property qualifies to have 80% of the penalty waived for two late payments in the last five years. Staff recommends waiving 80% of the penalty.
2444 Spaulding	The partially covered single-family home located at 2444 Spaulding has been owned by the current owner since 1990. This property is a Measure MM property, so there are not five years of payment history to review. Rent Board records will show the property owner paid the 21/22, 22/23, and 23/24 registration fees late but within the automatic waiver period for two of the three years. The property owner stated in their waiver, "He had mobility issues from a vehicle accident and was also not receiving mail at the time." Staff notes that the property owner did not provide additional evidence or documentation for the Board to review. Per regulation 884 C, this property qualifies to have 60% of the penalty waived for three late payments in the last five years. Staff recommends waiving 60% of the penalty.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5117	Property address: 2113 WOOLSEY ST	Transferred: 02/09/2012
Exempt units (as of February 2021): None		
Owner(s): SAPHIRE LEGENDARY CAPITAL	Waiver filed by: OWNER	# of Units: 1
Other Berkeley rental property owned: None		

Late payment/penalty history: This property is a Measure MM property, so there are not five years of payment history to review. A search of Rent Board records will show the property did not pay for the 22/23 registration cycle and paid the 23/24 registration fees late.

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

Penalties Currently Under Consideration

Reason for Penalties: Illness

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 2023-24	1	\$178.00	11/16/2023	\$478.00	-	\$478.00
Totals				\$478.00	\$0.00	\$478.00

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

Good cause claimed by owner: The property owner was out of the country for cancer treatment.

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


Staff Analysis: The partially covered single-family home located at 2113 Woolsey has been owned by the current owner since 2012. This property is a Measure MM property, so there are not five years of payment history to review. A search of Rent Board records will show the property did not pay for the 22/23 registration cycle and paid the 23/24 registration fees late. The property owner stated in their waiver, "They were out of the country for Cancer treatment." Per Regulation 884 B (1), this waiver qualifies as discretionary because the good cause asserted in the waiver request is a death or illness in the landlord's family, and the landlord provides sufficient documentation to support their request. This property qualifies to have 100% of the penalty on the property forgiven.

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 the important disclosures below. Areas marked with an asterisk (*) MUST BE FILLED OUT. Incomplete applications will be returned to the sender.


- 1) **Before submitting a waiver request, you must pay all outstanding registration fees and file all registration forms.**

 *Initial Here

- 2) 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*).

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
- 3) 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.

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- 4) **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 or credited, 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.

 *Initial Here

- 5) For questions about waivers please call Amanda Eberhart at (510) 981-4904 or email at AEberhart@cityofberkeley.info.

- 6) **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 or email RentRegistry@cityofberkeley.info to make that request.

 *Initial Here

- 7) The referenced regulations can be found at: Chapter 8: Rent Registration

Please complete the Request for Waiver Form on the Back of this page

*Property Address: 2113 Woolsey St., Berkeley 94705

*Owner: YAH SING YUAN

Date of acquisition, if new owner: _____

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


If, after reading the information on Page 1, 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. All Board decisions are final.

Please print or type clearly. Attach an additional sheet of paper if needed.

My wife and I went out-of-the-country since
May 2023 due to a diagnosis of lymphas cancer (DLBCL)
I just came back to the US and tried to pay
off all the balance.
We are requesting a penalty waiver now.

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

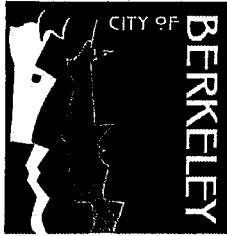
*Date: 11/16/2023 *Signature: 

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: yyuan828@gmail.com

Mailing Address: 1603 S. Springer Road, Mountain View, CA 94040

Phone Number: 408-582-3388 Fax Number: _____



SAPPHIRE LEGENDARY CAPITAL LLC
1603 S SPRINGER RD
MOUNTAIN VIEW, CA 94040

2113 WOOLSEY ST
BERKELEY, CA 94705

Received On	Description	Check Number	Receipt Amount	Receipt No
11/16/2023	Reg Fees FY '23-'24 +PREV FEES CHECK #1476 \$328	1476	\$328.00	00013622

If not cash payment, attach check below

2125 Milvia Street, Berkeley, California 94704
TEL: (510) 981-7368 (981-RENT), TDD: (510) 981-6903, FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info, INTERNET: www.cityofberkeley.info/rent/

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/03/2023 - 06/30/2024

BILLING CODE

CAPSAP

DUE DATE

07/03/2023

SAPPHIRE LEGENDARY CAPITAL LLC
1603 S SPRINGER RD
MOUNTAIN VIEW, CA 94040

ASSESSOR PARCEL NUMBER : 052155501100 PIN : 275888
PROPERTY ADDRESS : 2113 WOOLSEY ST BERKELEY CA 94705

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$24/Month Prorated Fee)	\$ 290.00	0	\$ 0.00
Partially Covered (Measure MM) Units - (\$15/Month Prorated Fee)	\$ 178.00	1	\$ 178.00
Exempt Units	\$ 0.00	0	\$ 0.00
City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties. This bill is past due. If payment is not made by the due date, a penalty will be assessed.	Current Fees		\$178.00
	Previous Fees		\$150.00
	Penalties		\$478.00
	Total Due		\$806.00

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>



Registration Year: 07/03/2023 - 06/30/2024 Due Date: PAST DUE

Mail To:
Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 2113 WOOLSEY ST BERKELEY CA 94705
APN : 052155501100
BILLING CONTACT: SAPPHIRE LEGENDARY CAPITAL LLC
CURRENT FEES : \$178.00
PREVIOUS FEES: \$150.00
PENALTIES : \$478.00
TOTAL DUE : \$806.00

Units Paid For:

Amount Enclosed (Checks Only):



國立臺灣大學醫學院附設醫院

NATIONAL TAIWAN UNIVERSITY HOSPITAL
No. 7, Chung San South Road, Taipei City 100, Taiwan (R.O.C.)

CERTIFICATE

Phone: +886-2-23123456

Fax: +886-2-

No. [REDACTED]

Date : Oct. 26, 2023

Name: HSIANG-CHIUN HEIDI CHEN

Sex [REDACTED]

Passport/I.D. No. : [REDACTED]

Date of Birth : [REDACTED]

Chart No : [REDACTED]

Nationality : Taiwan

Diagnosis :

Primary [REDACTED]

Comments and Advice :

The patient was admitted to the general internal medicine ward of our hospital on October 24th, 2023 due to the above-mentioned illness. The patient received target therapy(Rituximab) through subcutaneous infusion, followed by chemotherapy(Methotrexate) through intravenous infusion on October 24th, 2023. The patient was currently in the chemotherapy treatment course and hospitalization was needed.--END--



15033597427551

Certified by :

(Ming Yao)

Attending Physician



國立臺灣大學醫學院附設醫院

NATIONAL TAIWAN UNIVERSITY HOSPITAL
No. 7, Chung San South Road, Taipei City 100, Taiwan (R.O.C.)

CERTIFICATE

Phone: +886-2-23123456

Fax: +886-2-

No. [REDACTED] Date : Sep. 28, 2023
Name: HSIANG-CHIUN HEIDI CHEN
Sex : [REDACTED] Passport/I.D. No. : [REDACTED]
Date of Birth : [REDACTED]
Chart No : [REDACTED]
Nationality : Taiwan
Diagnosis :
[REDACTED]

Comments and Advice :

The patient was admitted to the general surgery ward of our hospital on September 1, 2023 due to the above-mentioned illness. On September 6, 2023, the patient underwent Suboccipital craniotomy transvermian approach for tumor biopsy. Subsequently, the patient was transferred to the surgical intensive care unit for observation on the same day. On September 8, 2023, the patient was transferred to the general ward for further treatment. On September 14, 2023, the patient underwent Port-A catheter implantation. On September 18, 2023, the patient was transferred to the hematology ward. On September 20, 2023, the patient received target therapy(Rituximab) through intravenous infusion, followed by chemotherapy(Methotrexate) through intravenous infusion on September 21, 2023. The patient was discharged on September 29, 2023, and should continue with outpatient follow-up after discharge.--END--



15033039272716

Certified by : [Signature]
(Ming Yao)
Attending Physician



Public Interest Advocates

1107 9th Street, Suite 601
Sacramento, CA 95814

To: Commissioners, Berkeley Rent Stabilization Board
DéSeana Williams, Executive Director
Matthew Brown, General Counsel

From: Brian Augusta, Legislative Advocate

Date: April 5, 2024

Re: **State Legislative Report for the April 2024 Board Meeting**

The second half of the 2023-2024 legislative session is in full swing. All of the deadlines have passed for members of the Senate and Assembly to put bills into print, including amending so called “spot bills” to replace the place holder language with substantive changes to the law. In both houses, policy committees are filling out their hearing agendas, culling through the thousands of bills that have been introduced since January.

Unlike last year, the newly introduced bills do not include any measures amending Costa Hawkins or the Ellis Act, but there are a number of bills expanding tenant protections, as described below. These include bills that will protect tenants from unlawful evictions, provide protections against tenant blacklisting and further regulate security deposits, application fees and screening fees. In addition, there are a number of bills relating to corporate ownership of rental housing and fostering more housing in social or community ownership.

In addition to new policy bills, the Legislature is also focused between now and June on the state budget and the increasingly bleak revenue projections. While the Governor’s January budget has proposed cuts to affordable housing funding, the Legislature has so far not signaled support for any reductions. Meanwhile, the Assembly has proposed a \$10M housing bond for the November ballot, one of three bonds likely to be before voters later this year.

Below are key bills we we are tracking this year of interest to the board and a summary of their current status.

Landlord-Tenant

[AB 2059 \(Flora\) - Notice of Habitability Issues](#)

Specifies that a landlord is not responsible for habitability issues unless the tenant has given written or oral notice of the issues and the landlord acts to repair the issues within 30 days.

Status: Hearing in Asm. Judiciary not scheduled yet

[AB 2187 \(Bryan\) - Office of Tenants' Rights](#)

Creates the Office of Tenants' Rights within the Civil Rights Department for the purposes of maintaining an up-to-date list of statewide tenant protections in an understandable format.

Status: Hearing set in Asm. Judiciary: Tuesday, April 16, 9 a.m., Room 437

[AB 2216 \(Haney\) - Pets in Rental Housing](#)

Prohibits landlords from preventing tenants from owning common household pets.

Status: Hearing set in Asm. Judiciary: Tuesday, April 9, 9 a.m., Room 437

[AB 2278 \(Wendy Carrillo\) - Allowable Rent Increases](#)

Requires the Attorney General to publish allowable rent increases under the Tenant Protection Act for each metropolitan area online by August 1 of each year.

Status: Hearing set in Asm. Appropriations: Wednesday, April 10, 9:30 a.m., 1021 O Street, Room 1100

[AB 2304 \(Lee\) - Eviction Masking](#)

Extends the existing eviction masking law to mobilehome cases and unlimited civil cases.

Status: Hearing set in Asm. Judiciary: Tuesday, April 9, 9 a.m., Room 437

[AB 2347 \(Kalra\) - Proof of Service](#)

Requires landlords to file proof of service in an eviction case with the clerk and prohibits a landlord from requesting a default judgement until the proof has been on file for at least three days.

Status: Hearing in Asm. Judiciary not scheduled yet

[AB 2493 \(Pellerin\) - Application Fees](#)

Prohibits a landlord from charging a prospective tenant a screening fee if they do not have a unit available to rent and prohibits a landlord from collecting more than one screening fee from a prospective tenant in a 30-day period if the prospective tenant is applying for multiple units owned by the landlord.

Status: Assembly Floor - 3rd Reading - eligible for a vote, Item 34 for Monday, April 8

[AB 2785 \(Wilson\) - Security Deposits and Screening Fees](#)

Requires landlords to place security deposits in an interest-bearing account, limits tenant screening fees to no more than \$50, and requires a screening fee to be returned to a

prospective tenant if they are not selected for the unit.

Status: Assembly Floor - 3rd Reading - eligible for a vote, Item 45 for Monday, April 8

[AB 2801 \(Friedman\) - Security Deposits](#)

Makes a number of changes to the law governing the return of security deposits, including requiring the landlord to provide photographic evidence of the necessary repairs and proof that they were completed.

Status: Hearing in Asm. Judiciary not scheduled yet

[AB 846 \(Bonta\) - LIHTC Rent Cap](#)

Places an annual cap on rent increases in Low-Income Housing Tax Credit properties.

Status: Pending in the Senate.

Board Position: Oppose Unless Amended

[SB 924 \(Bradford\) - Rent Reporting in Affordable Housing](#)

Removes the sunset on the existing law requiring affordable housing providers to give tenants the option of having their rent payments reported in order to build credit.

Status: Hearing in Sen. Appropriations not scheduled yet

[SB 1051 \(Eggman\) - Lock Changes](#)

Requires a landlord to pay to change the locks when a person is alleged to have committed violence or abuse against a tenant or a tenants' household member and that person is not a tenant of the same dwelling unit.

Status: Hearing set in Sen. Judiciary: Tuesday, April 23, 9:30 a.m., Room 112

[SB 1465 \(Archuleta\) - Substandard Buildings](#)

Makes a number of changes to the law governing substandard buildings, including prohibiting an enforcement agency from compelling repairs if the only reason the building has been deemed substandard is because it is inhabited and the inhabitant is not a legal occupant.

Status: Senate Floor - 2nd Reading - not eligible for a vote, Item 16 for Monday, April 8

Affordable Housing Preservation

[AB 2926 \(Kalra\) - Preservation Notice Law Changes](#)

Makes a number of changes to the Preservation Notice Law, including eliminating the ability of an owner to convert an affordable housing property to market rate if the owner receives a purchase offer from a qualified buyer who will preserve the project as affordable housing.

Status: Hearing in Asm. Housing and Community Development not scheduled yet

Other

[SB 1201 \(Durazo\) - Corporate Transparency](#)

Requires disclosure of the beneficial owners of an LLC or corporation, including LLCs or corporations that own rental housing.

Status: Hearing set in Sen. Banking and Financial Institutions: Wednesday, April 17, 1:30 p.m., 1021 O Street, Room 2100

[SB 1212 \(Skinner\) - Ban on REITs Owning Single-Family Homes](#)

Prohibits investment entities from owning single-family homes.

Status: Hearing set in Sen. Judiciary: Tuesday, April 30, 1:30 p.m., 1021 O Street, Room 2100

[AB 2584 \(Lee\) - Single-family residential real property: corporate entity: ownership.](#)

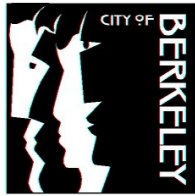
Prohibits corporate entities that own more than 1,000 single-family homes from acquiring and offering for rent additional single-family homes.

Status: Hearing set in Asm. Judiciary: Tuesday, April 9, 9 a.m., Room 437

[AB 2881 \(Lee\) - California Housing Authority](#)

Creates the California Housing Authority for the purposes of developing social housing throughout the state.

Status: Hearing in Asm. Housing and Community Development not scheduled yet



Rent Stabilization Board
Legal Unit

DATE: April 18, 2024
 TO: Honorable Members of the Berkeley Rent Stabilization Board
 FROM: Honorable Members of the LIRA Committee
 By: Matt Brown, General Counsel
 SUBJECT: Proposed Amendments to Regulation 1013 [Vacancy Rent Adjustment] – First Reading

Recommendation

That the full Board adopt the following proposal to amend Regulation 1013 to allow the Board to require a landlord to maintain a tenant’s rent ceiling after certain accommodation-based moves. The LIRA Committee reviewed staff’s proposed amendments at their April 9, 2024 committee meeting and unanimously recommended adoption of this proposal.

Background

The Costa-Hawkins Rental Housing Act (“Costa Hawkins”) establishes “vacancy decontrol.” In most circumstances, a local jurisdiction with a rent stabilization ordinance, such as Berkeley, is not permitted to control the rent that a landlord of a residential rental unit charges when a new tenant moves into a unit. Effective January 1, 2024 AB 1620 amends Costa-Hawkins and allows local jurisdictions the discretion to require that landlords allow tenants move to an available accessible unit while continuing to maintain the same rental rate and other lease terms and conditions under certain conditions.

State and federal fair housing laws¹ require landlords to make reasonable changes to their practices and policies in order to make housing accessible to individuals with a disability. Such changes are known as “reasonable accommodations.” A tenant’s request to move from their current unit to an accessible unit due to a condition which limits the tenant’s mobility is a common example of a reasonable accommodation.

AB 1620 amends Civil Code section 1954.53 to make explicit that a rent-controlled tenant’s move to a similar, accessible unit does not allow the landlord to set a new rental amount (or change any other existing terms of tenancy) when the following conditions exist:

- 1) The move is determined to be necessary to accommodate the tenant's physical disability related to mobility;
- 2) There is no operational elevator that serves the floor of the tenant's current dwelling or unit;
- 3) The new dwelling or unit is in the same building or on the same parcel with at least

¹ Government Code § 12955 and Cal. Code Regs. Tit. 2, § 12176; 42 U.S.C. § 3604(f)(3)(B).

four other units and shares the same owner;

4) The new dwelling or unit does not require renovation to comply with applicable requirements of the Health and Safety Code;

5) The applicable rent control board or authority determines that the owner will continue to receive a fair rate of return or offers an administrative procedure ensuring a fair rate of return for the new unit;

6) The tenant is not subject to eviction for nonpayment;

7) The tenant has a permanent physical disability as defined in subdivision (m) of Section 12926 of the Government Code and that is related to mobility; and

8) The tenant provides the owner a written request to move into an available comparable or smaller unit located on an accessible floor of the property prior to that unit becoming available.

AB 1620 does not require a local jurisdiction to adopt a policy prohibiting landlords from setting a new rent after a tenant makes an accessibility-based moved as defined above. Therefore, if it is the Board's intent to prohibit such increases, the Board must enact implementation regulations.

The Board has adopted regulations concerning permissible vacancy rent increases. Regulation 1013 sets out the parameters of what constitutes a vacancy that would allow a landlord to set a new initial rent as well as the circumstances under which a vacancy rent increase is not permitted. Legal Staff recommends the full Board approve the attached amendments to Regulation 1013 in order to permit the Board to enforce AB 1620.

Regulation 1264 sets forth the procedure by which a landlord may petition the Board to seeks a "fair return" on a rental property. This Regulation is sufficient as written to address the fifth requirement listed above.

Name and Telephone Number of Contact Person

Matt Brown, General Counsel: (510) 981-4930

Attachment – Proposed Amendments to Regulation 1013 [Vacancy Rent Adjustment]

1013. Vacancy Rent Adjustment - Page 1

(A) New Maximum Allowable Rent

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

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

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

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

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

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

(B) Vacancy Rent Levels

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

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

1013. Vacancy Rent Adjustment - Page 2

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

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

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

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

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

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

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

1013. Vacancy Rent Adjustment - Page 3

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

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

(h) Tenant's Request to Move to an Accessible Unit.

(i) A landlord must permit a tenant who is not subject to eviction for nonpayment and who has a permanent physical disability as defined in subdivision (m) of Section 12926 of the Government Code and that is related to mobility to move to an available comparable or smaller unit on an accessible floor of the property.

(ii) A landlord subject to subsection (i) shall comply with any requirement to engage in an interactive process with the tenant, including Sections 12177 to 12180, inclusive, of Title 2 of the California Code of Regulations and shall allow the tenant to retain their rental agreement at the same rental rate and terms of the existing agreement if all of the following apply:

- A) The move is determined to be necessary to accommodate the tenant's physical disability related to mobility.
- B) There is no operational elevator that serves the floor of the tenant's current dwelling or unit.
- C) The new dwelling or unit is in the same building or on the same parcel with at least four other units and shares the same owner.
- D) The new dwelling or unit does not require renovation to comply with applicable requirements of the Health and Safety Code.
- E) The tenant provides the owner a written request to move into an available comparable or smaller unit located on an accessible floor of the property prior to that unit becoming available.

(iii) For purposes of this section, "comparable or smaller unit" means a dwelling or unit that has the same or fewer bedrooms and bathrooms, square footage, and parking spaces as the unit being vacated.

(iv) This section shall not apply if the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents, intend to occupy the available comparable or smaller unit located on an accessible floor of the property.

1013. Vacancy Rent Adjustment - Page 4

(v) Any security deposit paid by the tenant in connection with their rental of the dwelling or unit being vacated shall be handled in accordance with California Civil Code Section 1950.5 upon the tenant's move pursuant to this paragraph.

(vi) This section shall not apply unless all of the tenants on the lease agree to move to the available comparable or smaller unit located on an accessible floor of the property pursuant to the request of the tenant with the physical disability.

(vii) This paragraph shall not be construed to prevent owners of residential real property from granting reasonable accommodations to change housing units and retain the existing lease at the same rental rate.

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

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

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

(c) The lawful rent ceiling.

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

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

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

(C) Single Family Residences

1013. Vacancy Rent Adjustment - Page 5

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

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

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

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

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

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

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

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

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

(D) Rent Defined

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

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

1013. Vacancy Rent Adjustment - Page 6

and the landlord as defined in Regulation 1012.

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

(E) Landlord Defined

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

(F) Prevailing Market Rents

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

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

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

(G) Voluntary Vacancies

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

(2) Non-Voluntary Vacancy

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

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

(i) Would cause a reasonable person to fear the loss of use and occupancy

1013. Vacancy Rent Adjustment - Page 7

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

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

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

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

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

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

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

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

(vi) Verbal or physical abuse or intimidation;

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

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

(H) Eviction for Nonpayment of Rent

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

Section 1161.

(I) Abandonment

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

(J) No Rent Increase for Existing Tenants

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

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

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

(K) Registration after January 1, 1996

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

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

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

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

1013. Vacancy Rent Adjustment - Page 9

(L) Amenities

Until January 1, 1999, the base amenities shall remain the same for any unit as those provided on May 31, 1980, or the first rental date thereafter, or as otherwise determined by final Board decision.

(M) Increase and Decrease Petitions

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

(N) Fraud or Intentional Misrepresentation

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

(O) Subletting

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

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

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

1013. Vacancy Rent Adjustment – Page 10

(4) A landlord may not unilaterally impose or require an existing tenant to agree to new material terms of tenancy or a new rental agreement, unless the provisions are substantially identical to the prior rental agreement.

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

[Effective January 1, 1996; amended May 27, 1997, August 22, 1997 and March 20, 1998; addition of (O)(5) effective October 23, 1998; addition of (G)2(f) effective December 27, 1998; addition of (1)(a)(ii) and deletion of (G)2(f) effective March 5, 1999; (B) and (O) amended August 20, 1999; (B)(1)(a)(ii), (B)(1)(b) through (f) amended February 11, 2000; addition of (C)(d) amended January 7, 2002; amended March 18, 2002 changed (B)(1)(g) and inserted a new (B)(1)(f); amended February 20, 2003 added last two sentences to (A)(2); removed definition of “original occupant” from Section (O)(1) and placed it in Regulation 409 – 9/19/19; amended April 15, 2021 added 1013(A)(3)]



Rent Stabilization Board

DATE: April 18, 2024

TO: Honorable Members of the Rent Stabilization Board

FROM: DéSeana Williams, Executive Director
Shamika Cole, Finance Director

SUBJECT: Recommendation to Authorize Pass-through of a Portion of the Fiscal Year 2024-2025 Registration Fee for Fully-controlled Units to Certain Tenants.

Recommendation

That the Board adopt Resolution 24-11 authorizing the pass-through of registration fees of up to \$14.00 per month to tenancies that began prior to January 1, 1999. The pass-through requires proper notice and may be taken for 12 consecutive months. It cannot begin prior to July 1, 2024, and must terminate no later than December 31, 2025, unless extended by future Board action. The increase shall not result in a pass-through of greater than \$14.00 per month to any tenant. The Resolution also directs staff to continue a program/mechanism that allows low-income tenants with a household income of 50% or less of the Area Median Income (AMI) as calculated by HUD for the Oakland-Fremont, CA HUD FMR Area or otherwise demonstrating proof of qualification as low-income, to be reimbursed for the pass-through.

Background and Need for Rent Stabilization Board Action

In 2003, the Berkeley Property Owners Association (BPOA) proposed changing the way the Annual General Adjustment (AGA) was calculated, shifting from a pass-through of actual cost increases to a flat formula based on a percentage of the CPI. The Board approved this formula, and in 2004, the voters approved of this change in how the AGA was calculated. Prior to the change in the AGA methodology, all increases in the registration fee between 1980 and 2005 were taken into consideration and incorporated in the Annual General Adjustment of rents.

Since the adoption of statewide vacancy decontrol in the late 1990s, rent levels have been set using two different standards. Under vacancy decontrol, owners are expected to consider past and anticipated future operating cost increases when setting the initial rent for a new tenancy. Therefore, increases to the registration fee presumably have been factored into the rent charged a new tenant. Over 90% of the units have experienced at least one decontrol event since 1999. The Board has been extremely careful to guarantee that owners of units that have never decontrolled continue to receive compensation for actual increased costs, such as adjustments to the registration fee. Since 2004, the Board has found that it would be fair and equitable, in view of the purposes of the Ordinance, to pass along to tenants a part or all of the increase in fees as a temporary adjustment of rent ceilings. The Rent Stabilization Ordinance states that registration

fees shall not be passed on to tenants in the form of rent increases except with express prior approval from the Board (see subsections 13.76.060.N and 13.76.080.I).

For several years, the Board approved a pass-through of up to \$4.00 per month to tenants where the tenancy began prior to January 1, 1999. In 2015, with the \$19-per-year increase in the registration fee, the amount of the pass-through was increased by \$2.00 per month for a new total pass-through of \$6.00 per month. In 2016, when the fee was raised by \$18, an additional \$2.00 per month was added, raising the monthly pass-through to \$8.00 per unit. In 2017, when the fee was increased by \$36, the pass-through was increased by an additional \$3.00 per unit, bringing the total monthly pass-through to \$11 per unit. The pass-through amount remained until 2023; the fee was increased to \$13 per month. Since the Board has set the FY 2024/25 fully-covered registration fee at \$344 per unit, therefore, staff recommends the Board increase the pass-through by \$1 to \$14 a month. The proposed pass-through may be taken for 12 consecutive months, cannot begin prior to July 1, 2024, and must terminate no later than December 31, 2025, unless extended by future Board action. The pass-through request shall not result in an amount greater than \$14.00 per month to any tenant. The pass-through request must be filed with the agency, and the tenant must provide documents to verify income status. It should be noted that once these funds are fully expended, the agency will no longer have funds earmarked for this Program unless by Board action.

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

As the pass-through fees have increased over time, the Board has been concerned about the impact that the pass-through of the fee could have on tenants on a fixed income. Consequently, the Board adopted a resolution directing staff to develop a mechanism that allows low-income tenants with a household income of 40% or less of the Area Median Income (AMI) to be reimbursed for the pass-through beginning in 2010. Funds for the reimbursement came from the settlement of the AEPHI case. Pursuant to Board Regulation 1271(B), in the event of overcharges from a case in which a tenant has not claimed reimbursement within a year, the Board may designate a program of the City of Berkeley that benefits low- and/or moderate-income tenants. Because the AEPHI settlement was entirely from overcharges to tenants and did not include any registration fee, the Board elected to use this as a source to fund the mitigation of the pass-through. Since 2010, over 800 low-income individuals have taken advantage of this program and utilized around \$180,000 of the original \$197,000 in the AEPHI settlement account.

If the Board wishes to continue this mitigation for FY 2024/25, it will need to authorize an additional allocation from the AEPHI settlement account, which currently contains approximately \$17,600. As the registration fees have increased over the years, we have noticed two trends: More owners are taking the pass-through, and more low-income tenants are requesting reimbursement. This trend continued unchanged until there was a reduction in FY 2023/24.

The following table lists the totals from each of the past several years:

FY 2024-2025 Registration Fee Pass-through Report

April 18, 2024

Page 3

Year	2017/2018	2018/2019	2019/2020	2020/21	2021/22	2022/23	2023/24
Registration Fee Charged (amount of pass-through)	\$270 (\$11 per month)	\$250 (\$10 per month)	\$250 (\$10 per month)	\$250 (\$10 per month)	\$250 (\$10 per month)	\$250 (\$10 per month)	\$290 (\$13 per month)
Number of Notices Property Owners Sent to Tenants	595	601	680	565	547	546	438 (YTD)
Number of Qualified Tenants Requesting Reimbursement	101	110	126	104	103	126	85 (YTD)

The Program has spent nearly \$18,000 on reimbursements so far in FY 2023/24, and staff anticipates this trend will continue in the next fiscal year due to both the increase in the passthrough associated with the fee increase and the higher-than-normal AGA increase for the 2024 calendar year. The Board authorized an \$18,000 funding allocation for the passthrough program last year and staff recommends the Board allocate the remaining \$17,600 left in the AEPHI settlement account in FY 2024/25. At this rate, there is only one year of funding left in the AEPHI settlement account.

In 2010, the Board also discussed the appropriate income level to qualify for the reimbursement program. Under federal guidelines, 50% of area median income (AMI) is considered “Very Low Income.” Previously, 30% of AMI was considered “Extremely Low Income,” but that definition has since been changed to be greater than 30/50ths (60 percent) of Section 8 very low-income limit. There is no unique designation for 40% of the AMI that staff is aware of. The household income by size of household for 30%, 40%, and 50% of the AMI for Alameda County is listed below.

According to HUD guidelines, the 2023 area median income for a household in Alameda County is \$147,900. The HUD guidelines were published on May 15, 2023. The table below lists income standards for 1-8 person households calculated at 30%, 40%, and 50% of the AMI, rounded per HUD’s practice. HUD income limits have not yet been updated for 2024.

Income Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
30% AMI	\$31,050	\$35,500	\$39,950	\$44,350	\$47,900	\$51,450	\$55,000	\$58,550
40% AMI	\$41,440	\$47,360	\$53,280	\$59,160	\$63,920	\$68,640	\$73,360	\$78,120
50% AMI	\$51,800	\$59,200	\$66,600	\$73,950	\$79,900	\$85,800	\$91,700	\$97,650

In previous years, the Board established a standard that allows low-income tenants with a household income of 40% or less of the AMI to be reimbursed for the pass-through; it was not until FY 2018/19 the Board set the qualifying income at the higher 50% AMI level. In FY 2019/20, Staff and the Budget and Personnel Committee recommended that the mitigation pass-through for low-income tenants be adopted to match the HUD's 50% AMI or "Very Low Income" limit, which included a "High Housing Cost Adjustment" and to continue to allow individuals to demonstrate proof of qualification for reimbursement if they already have been determined eligible for another similar state or federal program, including but not limited to CalWorks, CalFresh, Medi-Cal, WIC or another program approved by the Executive Director. Staff presented a passthrough program update to the Budget & Personnel Committee at its April 11 meeting. Staff are recommending the extenuation of pass-through reimbursement for low-income tenants with this same standard for FY 2024/25.

Staff and the Budget and Personnel Committee also recommend that reimbursement for the pass-through be limited to the current registration year.

Please note that the registration fee pass-through for low-income tenant reimbursement is only applicable to fully controlled rental units and do not apply to Measure MM units.

Name and Telephone Number of Contact Person

DéSeana Williams, Executive Director (510) 981-4949

RESOLUTION 24-11

AUTHORIZATION TO PASS THROUGH TO CERTAIN TENANTS A PORTION OF THE FISCAL YEAR (FY) 2024/25 REGISTRATION FEE AS A TEMPORARY GENERAL ADJUSTMENT OF RENT CEILINGS AND HAVE STAFF IMPLEMENT A MECHANISM THAT ALLOWS QUALIFYING LOW-INCOME TENANTS TO BE REIMBURSED FOR ANY PASS-THROUGH

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

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

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

WHEREAS, the Executive Director and Rent Stabilization Board believe that recurring annual revenue of \$7,300,000 in FY 2024/25 will be necessary to meet the Program's operating and capital needs and it will require an annual registration fee of \$344 per unit for fully covered units \$212 for partially covered Measure MM units; and

WHEREAS, Sections 6.N and 8.K of the Rent Stabilization Ordinance authorizes the Rent Board to approve passing a portion of annual registration fees along to tenants as a rent adjustment; and

WHEREAS, prior to the voters changing the way in which the Annual General Adjustment (AGA) was calculated effective in 2005, the Board passed along to tenants all increases in the registration fees as one of the components of the AGA; and

WHEREAS, with the voter-approved change in how the AGA is calculated, the Board is no longer allowed to include new increases to the registration fee as part of the AGA, but only as a pass-through adopted and extended each year; and

WHEREAS, the Rent Stabilization Board consistently found that it would be fair and equitable in view of the purposes of the Rent Ordinance to pass along to tenants part or all of the increase in the registration fee as a temporary adjustment of rent ceilings; and

WHEREAS, under vacancy decontrol, owners are expected to consider past and anticipated future operating cost increases when setting the initial rent for a new tenancy, and therefore, increases to the registration fee presumably have been factored into the rent charged; and

WHEREAS, under 10% of the rental units in the City have a tenancy that began prior to January 1, 1999, when vacancy decontrol was fully implemented; and

RESOLUTION 24-11

AUTHORIZATION TO PASS THROUGH TO CERTAIN TENANTS A PORTION OF THE FISCAL YEAR (FY) 2024/25 REGISTRATION FEE AS A TEMPORARY GENERAL ADJUSTMENT OF RENT CEILINGS AND HAVE STAFF IMPLEMENT A MECHANISM THAT ALLOWS QUALIFYING LOW-INCOME TENANTS TO BE REIMBURSED FOR ANY PASS-THROUGH (Page 2)

WHEREAS, the Board has attempted to guarantee that owners of these non-decontrolled rental units continue to receive a pass-through for increased costs to the registration fee; and

WHEREAS, the Rent Stabilization Board finds that it would be fair and equitable in view of the purposes of the Rent Stabilization Ordinance to continue to pass along to certain tenants a portion of the 2025 registration fee as a temporary adjustment of rent ceilings; and

WHEREAS, the Board also understands and wishes to mitigate the financial hardships experienced by tenants at 50% or less of Area Median Income (AMI) as calculated by the Department of Housing and Urban Development (HUD) for the Oakland-Fremont, CA HUD FMR Area, or otherwise receiving certain forms of income-qualifying assistance, who have to pay the pass-through; and

WHEREAS, the Board has unclaimed overcharge money available in the AEPHI Lawsuit Settlement Fund designated under Regulation 1271(B) for programs that benefit low- and/or moderate-income tenants but the AEPHI Lawsuit Settlement Fund; and

NOW THEREFORE, BE IT RESOLVED that for each rental unit in which the tenancy began prior to January 1, 1999, for which a full registration fee is paid for Fiscal Year 2024/25, the landlord may, by serving legal notice pursuant to California Civil Code section 827, increase the rent by up to \$14.00 a month for twelve consecutive months, provided, however, that this partial registration fee pass-through shall not be considered part of the permanent rent ceiling for purposes of calculating the 2025 Annual General Adjustment; and

BE IT FURTHER RESOLVED that this twelve-month temporary general adjustment of up to \$14.00 may not be imposed prior to July 1, 2024, and, regardless of when first collected, shall terminate no later than December 31, 2025; and

BE IT FURTHER RESOLVED that there is approximately \$17,600 left in the AEPHI Lawsuit Settlement Fund, which covers reimbursement for a portion of FY 2024/25 unless further Board action is taken; and

BE IT FURTHER RESOLVED that the maximum increase shall not result in a pass-through greater than \$14.00 per month, and notice to tenants of any pass-through shall be on a form provided by the Board or use language approved by the Executive Director; and

BE IT FURTHER RESOLVED that the landlord shall be required to submit a copy of the above-referenced form to the Rent Board before collecting the pass-through; and

RESOLUTION 24-11

AUTHORIZATION TO PASS THROUGH TO CERTAIN TENANTS A PORTION OF THE FISCAL YEAR (FY) 2024/25 REGISTRATION FEE AS A TEMPORARY GENERAL ADJUSTMENT OF RENT CEILINGS AND HAVE STAFF IMPLEMENT A MECHANISM THAT ALLOWS QUALIFYING LOW-INCOME TENANTS TO BE REIMBURSED FOR ANY PASS-THROUGH (Page 3)

BE IT FURTHER RESOLVED that the Board instructs the Director to implement a program that reimburses low-income tenants with a household income at 50% or less of the AMI as calculated by HUD for the Oakland-Fremont, CA HUD FMR Area, or otherwise demonstrating proof of qualification in another state or federal program (including, but not limited to, CalWORKS, CalFresh, Medi-Cal, WIC) approved by the Director, for any pass-through of registration fees they incur as provided by Regulation 1271(B), which allows for distribution of unclaimed funds to benefit low-income tenants, in the order in which such tenant households apply and for so long as there remains money in the AEPHI Lawsuit Settlement Fund.

Dated: April 18, 2024

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



U.S. Department of Education

Identifying and Addressing Priority Education Needs

West

Regional Advisory Committee

December 2023

Acknowledgments

This report was prepared by the Manhattan Strategy Group, LLC (MSG) under Contract #91990023F0317 with the U.S. Department of Education (Department). The report represents a collaborative effort with many individuals making important contributions, and we would like to acknowledge their assistance officially. First, the West Regional Advisory Committee (RAC) would like to thank the education stakeholders who contributed public comments to the RAC and individuals who participated in surveys and interviews to provide their input on the educational needs of the West region. The West RAC would like to thank Dr. Katherine Hayes, Committee Chairperson, for her leadership, and Dr. H. Meg Cota, Dr. Alexa Cunningham, Ms. Michele Darchuck, Dr. Tonia Holmes-Sutton, Ms. Vanessa Marrero, Dr. Kelly McQuaid, Ms. Brandy Olson, Dr. Gerry Peterson-Incorvia, and Dr. Kathy Prater for their contributions to writing this report. A full list of West committee members is in Appendix B. We appreciate each member for their commitment to serving on the West RAC and dedicating their time and education expertise to identifying regional education needs and recommending technical assistance activities to the Secretary. Each member contributed to the data collection, needs sensing activities, identification of regional priorities, and the final report.

The RAC would also like to acknowledge Muhammad Kara, Designated Federal Official (DFO) from the U.S. Department of Education (Department), and Robert Bartolotta, Ph.D., RAC Liaison from MSG, for their assistance and support. Without their dedication, the data collection activities and production of the final report would not have been possible. The West RAC also would like to thank the Manhattan Strategy Group contract staff who assisted in collecting and organizing needs sensing documents, preparing the Regional Profile, providing logistical support for the committee's virtual public meetings, and producing the final West RAC report.

Finally, we recognize the sustained help and guidance of staff from the Department's Office of Elementary and Secondary Education, including Danielle Smith, Director, Program and Grantee Support Service (PGSS), Dr. Michelle Daley, Group Leader, Comprehensive Center Program, PGSS, Dr. Esley Newton, Contract Lead and Program Officer, PGSS, Muhammad Kara, Presidential Management Fellow, PGSS, and Keely Weber, Contracting Officer's Representative.

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Executive Summary

This report summarizes the activities and results of the West Regional Advisory Committee (RAC), authorized under the Educational Technical Assistance Act of 2002 (ETAA) (Pub. L. 107-279; 20 U.S.C. § 9605). The 10 RACs were established to provide advice and recommendations to the Secretary of Education (Secretary) regarding the educational needs of one of the ten regions served by the Regional Educational Laboratories (RELs) for input regarding technical assistance activities described in Section 203 of the ETAA and how those needs would be most effectively addressed. The Secretary sought recommendations for nominations to serve on the RAC from the Chief Executive Officers of States, Chief State School Officers, and education stakeholders within each region and appointed members to the RAC in August 2023. The activities discussed in this report took place from August to November 2023.

The Regional Advisory Committee (RAC) representing the West region was comprised of 14 representative members selected from Arizona, California, Nevada, and Utah. These members included a chairperson, business representative, principal, two practicing educators, three individuals representing other school administrators, three representatives from institutions of higher education, a district (LEA) representative, a parent representative, and a state agency representative.

Members reviewed a regional profile comprised of educational statistics and other relevant data to inform their individual assessments of the challenges and educational needs in the region. The RAC additionally sought input from Chief Executive Officers of States; Chief State School Officers; REL Governing Boards, and other education stakeholders through processes including online surveys, focus groups, and public comment solicitations. The goal of these processes was to solicit the views and needs of schools (including public charter schools), educators, parents, teachers, administrators, local education agencies (LEAs), librarians, businesses, state education agencies (SEAs), and other customers within the region regarding the need for the activities described in 20 U.S.C. sections 9564 and 9602 and how those needs would be most effectively addressed.

The West RAC held three virtual meetings to discuss and conduct its needs assessment. During the first meeting, held on September 8, 2023, the RAC reviewed educational data and public comments, deliberated, and made recommendations to address the needs of the region. During the second meeting, held on October 11, 2023, the RAC reviewed additional data, deliberated on the educational needs of their region, and voted on the top five recommended priorities to be included in a final needs assessment report. A final meeting was held on November 14, 2023, to review the subcommittees' written recommendations and vote to approve the final needs assessment report for submission to the Secretary.

The four priorities identified by committee members and discussed in further detail in this report are, presented in alphabetical order:

- **Priority 1:** Chronic Absenteeism,
- **Priority 2:** Opportunity Gap,

- **Priority 3:** Social Emotional Learning, and
- **Priority 4:** Teacher Retention and Recruitment.

School choice was not selected as a priority due to insufficient data. Once the four priorities were determined, each subcommittee was then tasked with writing a brief report focused on their assigned priority. This report presents the data analysis and recommendations related to each of the four priority areas. The following sections of this report will provide a more detailed overview of the data collection processes, summary of findings, and its recommendations will be outlined. We will conclude the report by providing a summary of our findings and a synopsis of any recommendations. Appendices are also included.

Introduction

The Secretary of Education (Secretary) established ten Regional Advisory Committees (RACs), authorized by the Educational Technical Assistance Act of 2002 (ETAA) (20 U.S.C. sections 9601 et. seq.) and governed by the provisions of the Federal Advisory Committee Act (FACA) (Public Law 92-463). The purpose of the RACs is to collect information on the education needs of each region and how those needs may be addressed through technical assistance activities provided by the Comprehensive Centers Program described in section 203 of the ETAA and other Department technical assistance activities.

RAC members are appointed by the Secretary based on recommendations from Chief Executive Officers of States, Chief State School Officers, and education stakeholders within each region. West RAC membership is comprised of both Special Government Employees (SGEs) and representatives of organizations or recognizable groups of persons including state education agencies (SEAs), local education agencies (LEAs), including rural and urban LEAs, institutions of higher education, parents, practicing educators, including classroom teachers, principals, other school administrators, researchers, and individuals from the business community. For a complete list of West RAC members, please see Appendix B.

Each RAC sought input on regional educational needs from Chief Executive Officers of States, Chief State School Officers, Regional Educational Laboratory (REL) Governing Boards, and other education stakeholders in the region and the public. The West RAC conducted outreach activities such as public comment surveys to obtain input from various constituencies on regional needs and how to address those needs, used statistical data from the West Regional Profile (Appendix C), conducted seven focus groups, and deliberated during public meetings on September 8 and October 11. The RAC established four subcommittees to draft a report summarizing the results of the needs assessment and their recommendations. A final public meeting was held on November 14, 2023, to review the subcommittee's recommendations and vote to submit the final educational needs assessment report to the Secretary.

This report is based on the assessment of educational needs within the West region, which includes the following states: Arizona, California, Nevada, and Utah. The analysis and recommendations herein represent the findings of this assessment and the advice of the West RAC to the Secretary.

Data Collection

The West RAC met from early August through late October 2023 and prioritized the collection of data throughout the process. Quantitative and qualitative data were gathered through surveys, public comment, and focus groups. Stakeholders providing data included: schools, teachers, administrators, members' or regional labs' parents, adult education programs, businesses, librarians, LEAs, and SEAs.

Seven focus groups were held during September and October that included California Family Engagement Network (Statewide), Parent Organization Network (Los Angeles), Stockton Unified School District (San Joaquin), Berkeley Unified School District (San Francisco Bay Area), Parents for Public Schools (Statewide), San Bernadino County Superintendent of Schools (San Bernadino/Riverside), and California Association for Bilingual Education (Statewide). During September and October, the Governors and Chief State School Officers (CSSO) of the West region had the opportunity to provide feedback on priority areas. Governors and CSSOs identified student learning and achievement gaps as an area of concern. Comments included a desire for a focus on literacy, providing support for ELL and special education students, and a desire to ensure that teachers have all necessary resources needed to meet the needs of all learners. In October, REL West Governing Board members had an opportunity to provide comments on needs for their region.

Data was also reviewed from the 2022 Nation's Report Card - National Assessment of Educational Progress (NAEP) Assessment Comparisons (Institute of Education Sciences, 2022). The data highlighted gaps between male and female students, white students and students of color, and free-and-reduced lunch eligible students and free-and-reduced lunch non-eligible students.

Public Comments

Public comments were collected from a variety of stakeholders throughout the months of September and October. Those providing public comment were given the opportunity to share the needs they believed should be prioritized and then provide feedback on how to address the priorities.

Public comment requests were sent out by RAC members and included almost 92,000 educators in September 2023. As of September 7, 2023, 7 public comments were submitted for the West region. Respondents identified as educator (N=1), other education stakeholder (N=2), parent (N=2), and teacher (N=2). By October 2023, 624 public comments were received.

Public comments regarding priorities were sought and included questions such as: Why or why not this need should be a priority, rationale for why it is a priority, what is your evidence for this priority, and a request for ideas regarding how this priority may be addressed through technical assistance activities.

Summary of Findings

The West RAC synthesized information from various RAC members, their constituencies, and public comments (see Appendix D) to determine the highest-priority educational need areas within the West region and recommend strategies to address the needs.

The priority needs, voted on by committee members during a public meeting on October 11, 2023, are presented below:

- **Priority 1:** Chronic Absenteeism
- **Priority 2:** Opportunity Gap
- **Priority 3:** Social Emotional Learning
- **Priority 4:** Teacher Recruitment and Retention

For each need presented below, the committee summarized the needs, their analysis, and generated strategies to meet the needs through technical assistance.

Methods and Outreach

Stakeholders identified included schools (including public charter schools), businesses, teachers, librarians, administrators, members of the Regional Educational Laboratory (REL) Governing Boards, local educational agencies, parents, state educational agencies, adult education programs, and other customers. In September and October 2023, seven public focus groups were held that included the Statewide-CA Family Engagement Network, Los Angeles Parent Organization Network, San Joaquin Valley Stockton Unified School District, San Francisco Bay Berkeley Unified School District, Statewide Parents for Public Schools, the San Bernardino County Superintendent of Schools, and the California Association for Bilingual Education.

Recommendations

Chronic absenteeism is a common issue across the nation. There is evidence that absenteeism levels are higher now than before the COVID-19 pandemic. According to the U.S. Department of Education, eight million students were chronically absent pre-pandemic, and 10.1 million students were chronically absent during 2020-2021, the first full year of the pandemic. A comparison of the data available for the following school year of 2021-2022 shows chronic absenteeism is on the rise as compared to SY 2020-2021 in all West region states (U.S. DOE, n.d.).

As identified through public input and commentary, and a deeper exploration of data and literature, many youths in Arizona, California, Nevada, and Utah have experienced **opportunity gaps** which negatively influence their academic success and general academic experiences. These gaps can be attributed to a multitude of factors to include the quality of education provided and available (i.e., resources, instruction, equity, inclusion, etc.), as well as other social, economic, and cultural dynamics. To address these needs, the committee has recommended the implementation of comprehensive talent management plans that include targeted recruitment, retention, and development practices which are responsive to the needs of each school community and include all levels and types of positions.

Not all state decision makers agree as to the value of **social emotional learning (SEL)**, however there is a robust literature base extolling its positive impact on academic and behavioral health. SEL programs, when implemented correctly, can have consistent, positive impacts on a broad range of student outcomes including increased SEL skills, attitudes, prosocial behaviors, and academic achievement, and decreased behavioral problems and emotional distress. The Collaborative for Academic, Social, and Emotional Learning ([CASEL](#)) defines SEL as the fostering of social and emotional competencies through explicit instruction and through student-centered learning approaches that help students engage in the learning process and develop analytical, communication, and collaborative skills. SEL is not to be confused with mental health, although SEL can contribute to mental health. Recommendations include recognizing the difference between SEL and mental illness but collecting and maintaining student data from both perspectives; mandating SEL training for teachers who will be implementing the SEL curricula; and developing/providing culturally responsive SEL training.

Teacher recruitment and retention in the West region, specifically Arizona, California, Nevada, and Utah, are pressing issues that require immediate attention. By implementing a combination of competitive compensation, professional development, improved working conditions, targeted incentives, and diversity initiatives, the region can work toward sustainable solutions to address current and future teacher shortages, ultimately benefiting educators and students. Collaboration between state and local education agencies, school districts, and teacher preparation programs is essential in tackling these challenges effectively. The comprehensive centers' leadership in informing viable solutions to address these persisting, challenging issues would be invaluable to supporting education in the West region.

Priority 1: Chronic Absenteeism

Methods and Outreach

We initiated our analysis with a variety of data points encapsulating chronic absenteeism trends, which were delineated in the chronic absenteeism reports for the years 2017-2019. This data was meticulously gathered using a combination of attendance records, student demographic information, and school-level absenteeism rates, ensuring a comprehensive understanding of the patterns and factors contributing to student absenteeism in the region.

The committee utilized a comprehensive data collection strategy, including regional profiles, data from State School Officers and Governors, insights from the REL Governing Board, and public feedback. We reached out to an extensive network of over 500 educational stakeholders, with 350 responding to our online survey aimed at understanding chronic absenteeism trends. This effort provided pivotal insights, allowing us to tap into a wealth of community knowledge and direct experiences to inform our policies and initiatives.

Regional Education Leadership

During a three-month consultation period, the Regional Education Leadership received a significant volume of input, encompassing over 200 comments from Chief State School Officers, governors, and members of REL Governing Boards. The feedback consistently echoed themes of enhancing student engagement, addressing equity in educational access, and the imperative of integrating mental health support within schools to mitigate absenteeism and improve academic outcomes.

Public Comments

Over a four-week period, the public comment initiative yielded 150 remarks from educators, parents, and community leaders. The predominant themes revolved around the need for personalized learning approaches, better support for students with disabilities, the impact of socioeconomic factors on education, and calls for more robust family and community engagement in school activities.

Outcomes/Findings

- Poor school attendance has high costs in terms of young people's academic learning, connection to peers, teachers and schools, health, high school graduation, and future employment. Chronic absence—missing at least 10% of school—is an important benchmark of poor attendance.
- Several racial minority groups have higher chronic absenteeism issues than White and Asian students. (U.S. DOE, n.d.).
- Districts have challenges tracking absences, which may cause system-wide problems, especially where allocations are connected to attendance.
- Poverty may influence absenteeism, with fewer material resources contributing to students not wanting to attend school due to embarrassment. An Institution of Higher Education (IHE) RAC member described conditions leading to students losing enthusiasm for school, such as losing trust in the home environment or feeling embarrassed when clothes and shoes are not the same level of quality as their peers.

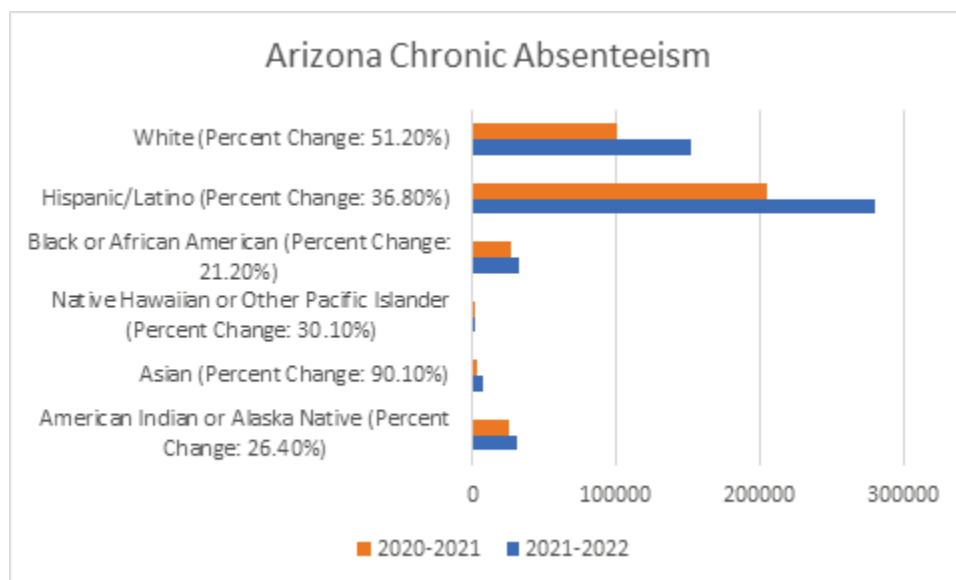
- Absenteeism often has both school and home components. Arizona was cited as having the lowest ratio of school counselors to students, yet in some remote districts, school leaders are more interested in hiring social workers who can also assist with issues in the home.
- Six focus groups in California led by a parent RAC member all reported that chronic absenteeism is a key issue. This RAC member added that California represents a diverse population, which may provide opportunities for clarity on the reasons for this in relation to ethnicity and disproportionality.

Priority Needs

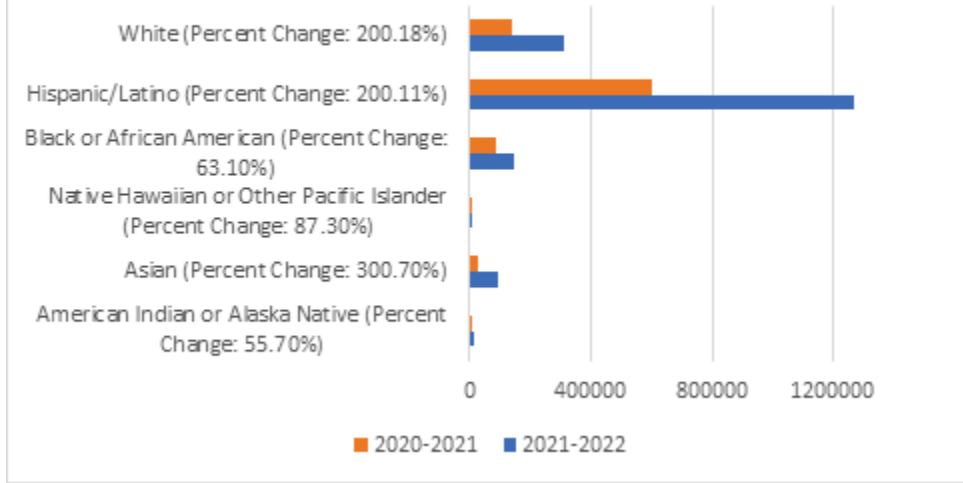
A Los Angeles United School District study (2023) showed that chronic absenteeism has physical health, mental health, and “disconnection” components. Pupil Services and Attendance (PSA) counselors surveyed for this study described students as feeling disaffected or disengaged from school. The RAC Chairperson added that although chronic absenteeism has historically been a struggle in this district, other districts across the nation are also seeing chronic absenteeism dramatically increase following the COVID-19 pandemic.

A dissertation reviewed showed African American youth felt disengaged and disconnected from adults in their school (Cue, 2020). It also found that skipping classes was a more significant issue than skipping the whole school day. Student perceptions about school came directly from high school students. Students said that they did not feel welcome at school, and that they did not have someone who identified with them at school or made them feel like it mattered if they came to school or not.

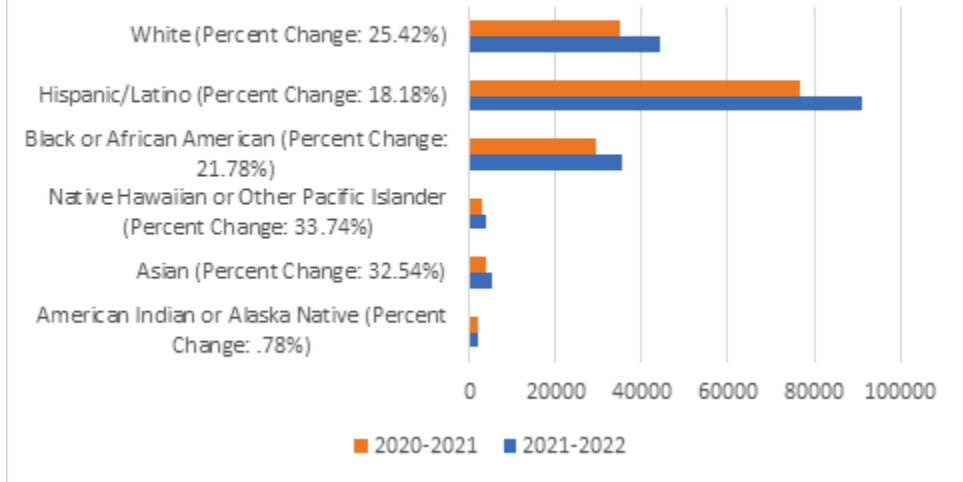
Data from the four West RAC region states showed that Native American, African American, and Latino students had much higher absenteeism than White or Asian students, indicating a persistent and, in some instances, a widening gap.

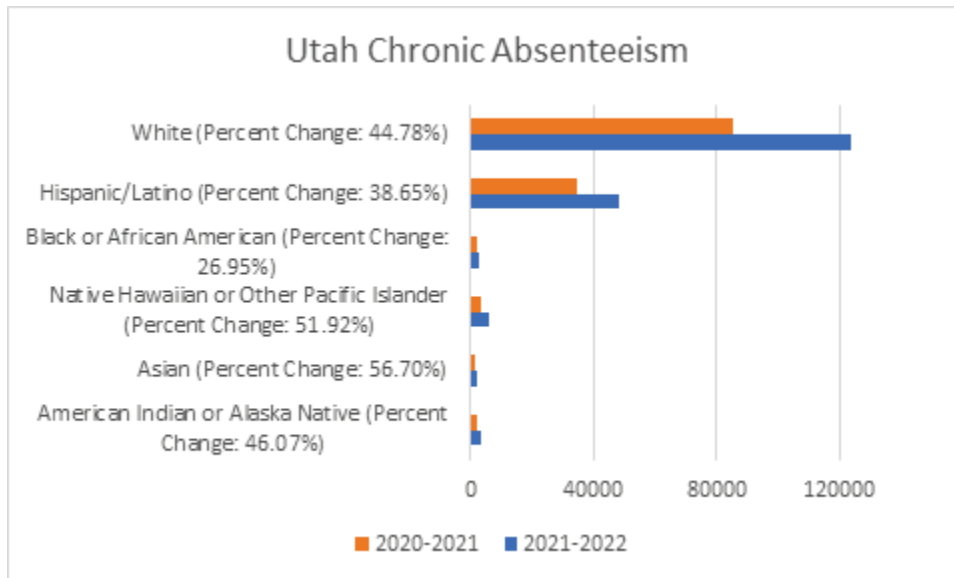


California Chronic Absenteeism



Nevada Chronic Absenteeism





Source: <https://eddataexpress.ed.gov/>¹

A discussion group in Arizona led by an IHE RAC member described low-quality teachers, particularly in reservation communities, as contributing factors to student disengagement and absenteeism. These school leaders described a lack of selection from a broader, well-qualified, and well-prepared pool of teachers. These hires were often made late in the year from a selection of candidates who had been unable to obtain jobs elsewhere, which resulted in teachers who were unprepared to meet the needs of the communities. Not only did the quality of teaching suffer, but student attendance dropped.

An IHE RAC member described feedback from some of the reservation communities, indicating that a social worker would create a better connection between the needs at home and the resources in the community. This feedback was consistent whether speaking to school leaders in Bureau of Indian Education schools or the public schools in the State and was found to be particularly relevant regarding the most remote school systems.

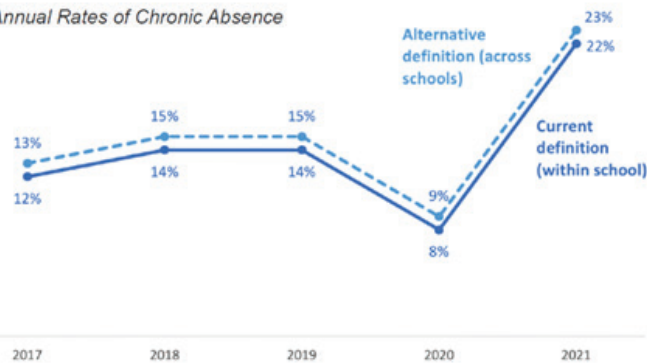
A study in Arizona showed that absenteeism was higher in 2021 than during the COVID-19 pandemic (Perrault, 2021). A 7th grade Native American student cohort in the study showed a nearly 50% absenteeism rate.

¹ The COVID-19 pandemic disrupted the collection and reporting of data on EDE, beginning in SY 2019-20. The Department urges abundant caution when using the data and recommends reviewing the relevant data notes prior to use or interpretation. This includes data on state assessments, graduation rates, and chronic absenteeism.

The 2021 AZ Chronic Absence Rate Exceeded Pre-Pandemic Levels



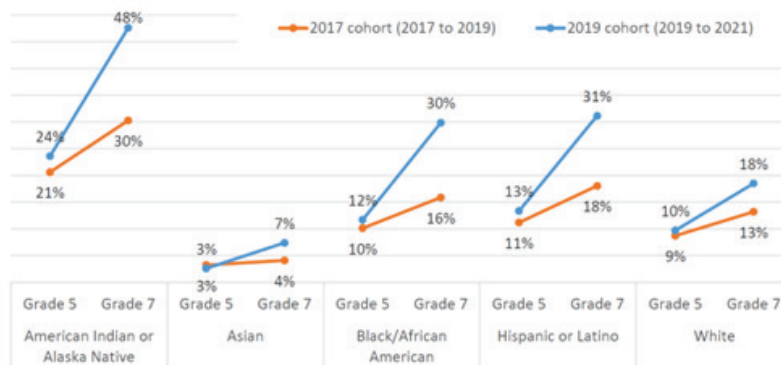
Statewide Annual Rates of Chronic Absence



The Rates of Chronic Absence for American Indian or Alaska Native Students Nearly Reached 50 Percent in Grade 7 in 2021



Percent of Students Chronically Absent in Grade 7 by Race/Ethnicity Status in Grade 5, 2017 and 2019 Grade 5 Cohorts



An LEA RAC member shared that a district in Utah is addressing absenteeism by having attendance specialists and parent specialists work with students and parents together on stressing attendance. These are classified (hourly) staff who work with both students and parents to understand the importance of school attendance.

Technical Assistance Recommendations

Schools in rural areas, on the reservations, and in impoverished inner-city areas often experience great difficulty attracting well-trained teachers who may share the cultures of the students they teach or who at least have experience working with those students. In order to proactively ensure teachers and administrators are well-prepared and appropriately prepared prior to assuming their positions, efforts should be made to ensure universities and colleges have training programs designed to meet these special needs. Instructional programs should meet the needs of students, which cannot happen unless and until educators know and understand the needs of each child. Support LEAs in recruiting well-trained teachers for poor students and in identifying evidence-based interventions, especially for

student groups who have experienced steep increases in chronic absenteeism, and study which interventions are working well and for which student groups (Perrault, 2021).

With respect to supporting specific student populations, we recognize that students cannot learn without attending school or attending all their classes. Chronically absent students may miss school for a variety of reasons, as discussed in the previous sections. Technical assistance should be provided to encourage schools to create healthy and safe learning environments, so all students feel a sense of belonging and connection and to help school staff find and provide relevant and engaging learning experiences so students want to come to school.

Many teachers, educational leaders, and school personnel work directly with students and families where chronic absenteeism is a pressing problem. When funds are available, LEAs may hire attendance and parent specialists who work with students and parents together on improving attendance. We recommend LEAs provide greater availability of classified (hourly) attendance and parent specialists to teach the importance of attendance to students and their families. However, these classified staff who work with both students and parents must be trained to address all causes of chronic absenteeism. If these staff over-emphasize the legal aspect of student attendance, they may be viewed as “the truancy police.” We also recommend that LEAs develop a multi-tiered system of supports (MTSS) influenced model to support school attendance interventions. Tier 1 might celebrate attendance and ensure students feel welcome; Tier 2 could investigate the causes for a student’s absenteeism and provide mentorship; and Tier 3 could include expanded Tier 2 intervention strategies and other options such as therapeutic approaches to improve family involvement.

Priority 2: Opportunity Gap

Definition of Opportunity Gap (LAUSD, 2023)

Many of our students experience opportunity gaps created or exacerbated by structural inequalities and institutional policies and practices. Opportunity gaps refer to the differential availability of, access to, and experiences with high-quality resources among members of groups defined by socially-constructed categories (e.g., race, ethnicity, class, and gender). Our evaluative work with opportunity gaps focuses on educational resources aimed at supporting students’ academic or social-emotional needs or at engaging family and community members.

Although we focus our work on these educational resources, we recognize the additional influence other resources have on student educational outcomes (e.g., availability of, access to, and experiences with health-related resources).

We conceptualize educational resources as either human or material resources. Human resources refer to any adult (staff, family, or community member) or student peer who might influence a student’s educational outcomes. Interventions involving human resources could either have a direct or an indirect impact on students. Hiring more qualified teachers leads to a direct impact.

On the other hand, training teachers in new skills has an indirect impact on students, because teacher training in and of itself may or may not impact students. Addressing opportunity gaps related to human resources would mean that students of all backgrounds have similarly high access to and positive experiences with qualified district staff (e.g., hold appropriate certifications) and who are fully

supported in their professional development. Here, addressing opportunity gaps would also mean district staff recognize, value, and leverage the rich array of community cultural wealth students bring with them to the school setting (Yosso, 2005).²

Opportunity Gap vs. Achievement Gap

Conversations around the opportunity gap intersect with the notion of the achievement gap so often that these concepts tend to be conflated with one another. It is important to highlight the difference between these two concepts. The opportunity gap differs from the achievement gap in that the opportunity gap refers to the inputs, such as policies and practices, which are process driven and influence students' relationships with educational resources. In contrast, the achievement gap refers to educational outcomes such as grades and test scores influenced by opportunity gaps (Milner, 2021).

Priority Needs

The specific themes echoed by the Regional Education Leadership, such as enhancing student engagement, equity in educational access, and integrating mental health support, are not distinctly outlined in the final report. While public comments are included, the final report does not specifically detail the themes gathered from these comments, such as the need for personalized learning, support for students with disabilities, socioeconomic impact, English learners and family/community engagement and partnership. Because opportunity gaps are created or exacerbated by structural inequalities and institutional policies and practices, we identify need across five key topics areas described below.

In the area of Supporting Strong Instruction and Academic Achievement, the West RAC found that due to the gap in achievement/opportunity, students who are not supported by the current school systems have less advantageous outcomes in career and life (Kostyo, et al., 2018).

In the area of Supporting Specific Student Populations, students who identify as coming from underserved populations (i.e., race, gender, ability) are performing at lower rates than their white, male, able peers. Building a system of cohesiveness would address opportunity gaps so that achievement is also strengthened.

In the area of Supporting Teachers, Leaders, and School Personnel, teachers are reporting lower job satisfaction due to low pay, large class sizes, and poor quality of mental health.

In the area of Supporting Student and Educator Well-being, members of the populations who identify as students, teachers, and parents are all reporting that their mental health is declining, especially after the COVID-19 pandemic.

In the area of Developing an Effective Technical Assistance Response, there are multi-faceted needs that should be prioritized to help decrease the opportunity gap that includes teacher-focused and student-focused services. Teacher-focused needs should relate to teacher mental health access, teacher development, teacher pay, hiring and retention of teachers of color, and class size. Student-focused needs should relate to chronic absenteeism, suspension rates, school climate, extended-year

² Opportunity Gap Expanded Definition – LAUSD Strategic Data and Evaluation Branch, LAUSD, Equity Analysis Project, 4.21.2023)

graduation, college- and career-ready curriculum, student mental health, and support of and for minority students.

Technical Assistance Recommendations

The Department of Education should support school sites with specific issues such as chronic absenteeism, suspension rates, school climate, extended-year graduation, and college- and career-ready curriculum. With these specific focus areas in mind, the Department of Education should implement “accountability and improvement systems [to]...identify appropriate interventions and support” that are aligned with each focus area (Kostyo, et al., 2018).

- Regarding chronic absenteeism, the Department should create clear Federal definitions of what qualifies as an absence.
- Regarding school suspension rates, the Department should establish federally supported restorative justice programs, prohibit use of corporal punishment in public schools, and eliminate referrals to law enforcement for nonviolent, noncriminal offenses.
- Regarding school climate, the Department should establish criteria for Title IV grants to include school climate surveys and promote collaboration with community-based organizations grounded in youth development, parent engagement, and/or mental and behavioral health, and provide grant funding grounded in a whole-child approach to education (e.g., mental health practitioners, access to social workers, after-school programming, etc.).
- Finally, focusing on college- and career-ready curriculum, the Department should create funding for professional development programs aligned with college- and career-ready programs, as well as funding for schools to prioritize hiring of staff who are highly qualified in college- and career-related fields (Kostyo, et al., 2018).

To address the disparity in student achievement due to identifying markers, the Department of Education should promote the hiring and retention of teachers of color. The West region also recommends the Department provide funding incentives to sites and districts who show clear and consistent progress in creating and maintaining systems that support the academic growth of students from marginalized backgrounds. Finally, to support specific student populations, implement accountability systems in the form of state or Federal oversight for schools or districts who consistently underserve their students from marginalized backgrounds, including mandated professional development and/or state or Federal oversight of school/district budgeting.

To address the identified needs of increasing teacher pay, providing access to high-quality mental health services for teachers, and lower class sizes, the West RAC recommends the Department implement a federal mandate of a minimum wage threshold for teacher pay and a federal mandate for districts and charters to provide access to staff development, either through partnerships with universities or other professional development opportunities that will provide pathways to staff pay increase. Guidance should be given for in-house teacher development programs to promote the advancement of part-time or hourly staff to full-time, salaried teacher positions with an emphasis on staff who reside within the school neighborhood, especially for schools receiving Title I funds. The Department of Education could provide grant funding for school staff mental health services, including access to highly qualified mental

health practitioners for each school site, specifically for on-campus adults. The Department could utilize incremental funding across the board, rather than providing funding on a per-child basis, to promote the reduction of class sizes for all Title programs and create federally mandated teacher-to-student ratios that promote the reduction of class sizes or the usage of a co-teacher model.

To address the need to prioritize creating systems that promote mental health well-being of students and educators, the Department could create a federally mandated mental health provider-to-student ratio that promotes smaller caseloads for mental health providers. The West RAC recommends that the Department of Education implement a federal mandate that establishes that educators should have access to mental health providers (e.g., on-site adult mental health providers, or access to mental health services included in teacher benefits packages). Federally mandated professional development could be implemented that promotes a whole-person approach to student learning and staff retention, including access to social services, mental health services, physical health prioritization, and financial health services. Finally, the Department could create federally mandated outdoor play criteria with minimum times for unstructured play for any district or charter network.

Technical assistance programs should be structured in a way that promotes equity and inclusivity across the board. The RAC also recommends that technical assistance programs are implemented with accountability measures in place to ensure programs are being implemented with fidelity, especially programs tied to grant funding. Finally, there should be a no opt-out policy for technical assistance programs.

Priority 3: Social Emotional Learning (SEL)

Outcomes/Findings

In the West region, there were common themes identified throughout our data collection activities. When the data sources were triangulated, the following findings emerged:

- There is a lack of certified counselors and a large counselor-to-student ratio. The results, based on a national sample, revealed that school counselors' racial identity (i.e., identifying as white), school-level variables (i.e., percentages of students with disabilities, students who are bi/multilingual, white students, and white faculty members) were significantly associated with school counselors' odds of meeting a 250:1 student-to-school counselor ratio. School counselors with a ratio of 250:1 or lower scored slightly lower in leadership practices (Savitz-Romer, Nicola, Rowan-Kenyon & Carroll, 2023).
- The ratio for student to school counselor is 716 to 1 in Arizona, 572 to 1 in California, 445 to 1 in Nevada, and 544 to 1 in Utah, far below the recommended ratio of 250 to 1 (American School Counselor Association, 2021).
- There is a need for staff and student mental health support.
- COVID-19 influenced staff, student, and family mental health.
- Overall school safety may be affected by a lack of mental health support.
- There is a need for implementation of student learning and staff professional development in SEL.

- Gimbert et al. (2023) recommends professional development opportunities for strengthening educators' understanding of their own SEL to improve daily pedagogical practice and ensure each school-wide initiative around SEL drives seamless strategies for attaining school improvement outcomes.

Priority Needs

Many education community members, state/national policy makers and the public increasingly agree that students' development of social-emotional skills is important for success in academic and life outcomes. Policy Analysis for California Education (PACE) researchers argue that schools can facilitate the development of these skills, both directly and through the implementation of policies and practices that improve a school's culture and climate and promote positive relationships (Hough, Kalogrides, & Loeb, 2017). In a more recent review of 12 meta-analyses involving an estimated one million students from early childhood education through high school, it was shown that SEL programs have consistent, positive impacts on a broad range of student outcomes including increased SEL skills, attitudes, pro-social behaviors, and academic achievement, and decreased behavioral problems and emotional distress (Durlak, Mahoney & Boyle, 2022). The Aspen Institute's recent National Commission on Social, Emotional, and Academic Development's report (2019) "From a Nation at Risk to a Nation at Hope," provides an overview/synthesis of what is known about learning and what is needed from future research, practice, and policy to ensure all children and youth learn and develop the types of knowledge, skills, and attitudes needed to succeed in school, careers, and life.

The research notwithstanding, there are wide differences in support for SEL among the state departments of education with some states favoring patriotic, civic, and character education programs (Utah) and others favoring SEL or T-SEL programs (California). California refers to SEL as T-SEL or transformative social emotional learning to support development of equity-focused learning environments (Professional Learning Innovations Office, 2023). The current Superintendent of Arizona does not favor SEL while Nevada skirts the issue by stating "State law requires districts to integrate social-emotional learning or character education into the school curriculum" (National Association of State Boards of Education (NASBE, 2023).

In addition, there is much confusion between definitions of social-emotional learning (SEL) and mental health. The terms are often interchanged but the concepts of SEL and mental health are quite different. [CASEL](#) defines SEL as the fostering of social and emotional competencies through explicit instruction and through student-centered learning approaches that help students engage in the learning process and develop analytical, communication, and collaborative skills (Balow, 2018).

Social-emotional learning strategies in education center on research that has linked the development of skills like building healthy peer relationships, responsible decision making, self-management, self-awareness, and social awareness to students' success both inside and outside the classroom.

However, it is important to make the distinction that SEL does *not* encompass mental health conditions such as post-traumatic stress disorder (PTSD), obsessive-compulsive disorder (OCD), or bipolar disorder, for example. But SEL programs can support students with diagnosed psychiatric conditions such as attention-deficit hyperactivity disorder (ADHD) and intermittent explosive disorder (IED) (Balow, 2018).

Technical Assistance Recommendations

Technical assistance recommendations should center around clarifying the difference for educators, parents, and students between SEL and mental health curricula and support. That can be done by mandating SEL training for teachers who will be implementing the SEL curricula and by developing/providing culturally responsive SEL training. In addition, districts must be highly systematic in collecting SEL and mental health data on students. Therefore, it is critical that districts have the capabilities to consider the whole child.

Regional offices can help districts build their capacity to house student SEL and mental health data securely, analyze longitudinal trends, and triangulate multiple measures to provide a wider understanding of student challenges and deploy early warning measures. The West RAC recommends supporting mental health training and staff and providing mental health-trained staff at the recommended staff-to-student ratios.

Technical assistance could help state and district leaders understand how school staffing (teacher retention) may lead to better professional development impact. In addition, applied research can help substantiate the role of SEL and its impact on student growth and development across a variety of students from diverse cultures and communities.

Finally, we should explore what a “sense of belonging” looks like for students and how school-based staff with overlapping responsibilities (e.g., teachers, social workers, counselors, nurses) may contribute to this.

Priority 4: Teacher Recruitment and Retention

Data Collection

The type of data collected included secondary publicly available data, using SharePoint (Word/Excel) as the technology/platform to share with all RAC members. An abstract summary, or regional profile, was the output involving quantitative and qualitative analysis. Examples of data obtained included: *The State of the Teacher Workforce: A State-by-State Analysis of the Factors Influencing Teacher Shortage Supply, Demand, and Equity*, Learning Policy Institute, July 2023; *Arizona Recruitment and Retention Report*, July 2023; *National Indian Education Study*, 2019; *OIE Annual Report*, 2021; and *Teacher Pay Penalty Still Looms Large: Trends in Teacher Wage and Compensation through 2022*, Economic Policy Institute, 2022.

Outcomes/Findings

Research data indicates that three-fourths of the United States are experiencing challenges with teacher shortages. The West region of the United States, comprising the states of Nevada, California, Arizona, and Utah, faces significant challenges in teacher recruitment and retention. Nevada (#48), California (#49), Arizona (#50), and Utah (#51) are ranked the lowest in the country for pupil to teacher ratio (McCann, 2023).

This summary provides an overview of the current state of teacher recruitment and retention in the region, highlighting key issues, trends, and potential solutions to address the growing demand for qualified educators.

The key challenges regarding teacher recruitment and retention include teacher shortages, compensation disparities, working conditions, high attrition rates, and diversity and inclusion.

Teacher Shortages: The West region is experiencing a severe shortage of qualified teachers, particularly in urban and rural areas. This shortage is driven by factors such as retirements, high turnover rates, and population growth. In Nevada, several schools could not provide classes due to staffing shortages. This staffing challenge also includes access to substitute teachers. In California, there were more than 10,000 teacher vacancies—including positions filled by people who do not hold credentials—during the 2021-22 school year, according to the State’s Department of Education (Branson-Hotts, 2023). It is estimated that there are 100,000-200,000 individuals credentialed as teachers who do not enter the classroom (Dee & Goldhaber, 2017).

Compensation Disparities: The teacher shortage extended beyond the historically referenced teacher pipeline issue to a seemingly adequate supply of certified teachers who have chosen to opt out of the teaching workforce due to low wages and high cost of housing as well as a lack of available housing and access to healthcare in remote areas. Teachers in this region often face lower salaries and higher living costs, leading to financial strain and contributing to recruitment and retention challenges. Competitive compensation packages are essential to attract and retain high-quality educators.

Working Conditions: While the historical educator pipeline issue has led to alternative pathways into the classroom, poorly trained teachers require more support from veteran teachers, increasing the stress experienced by those teachers. Low pay and low support from school administrations also impact teacher retention and recruitment. A lack of teachers leads to other school staff covering classrooms, impacting the services for which these staff are typically responsible. Challenging working conditions, including large class sizes, inadequate teacher preparation, professional learning, resources, and limited career pathways can deter teachers from staying in the profession. Addressing these issues is crucial for retention.

High Attrition Rates: Many teachers in the West region leave the profession within their first few years due to burnout, a lack of professional development opportunities, and insufficient support. Some individuals seek growth opportunities beyond what can be offered through a 30-year career in the classroom. It may be necessary to reconceptualize what this means for a career in education.

Diversity and Inclusion: Ensuring diversity among the teaching workforce is a challenge, with the need to recruit and retain teachers who reflect the region’s diverse student population.

Priority Needs

In September and October of 2023, the West RAC region’s Governors and Chief State School Officers compiled their priorities:

- Increased funding to allow districts to pay a competitive wage for both classroom teachers and all other education staff, especially social workers, school psychologists, counselors, and support staff.
- Access to effective educators, and access and guidance to enroll and be successful in rigorous coursework.

- Recruitment and retention of highly qualified teachers delivering standards with aligned instruction.
- Identifying and supporting evidence-based curriculum, interventions, high-quality instructional materials, and resources.
- Identifying career pathways for educators to grow within their profession, supporting mentoring and induction programs for new educators, and addressing gaps in healthcare coverage and affordability for educators and their families.

A 2023 national survey reported that three-quarters of states in the U.S. are experiencing teacher shortages (Jones, 2023). This percentage included all West region states, with California specifically citing challenges in hiring math and special education teachers, and Arizona citing challenges in hiring general education teachers and bus drivers—all of which further exacerbate vacancy rates in high-poverty, high-minority school districts.

A report issued by The Hamilton Project estimates there are 100,000-200,000 individuals credentialed as teachers who did not enter the classroom (Dee & Goldhaber, 2017). This suggests there are upward of one million people in the labor market who, at one point in the past decade, wanted to teach and had obtained a traditional teacher education degree but did not find a teaching position.

An SEA RAC member noted that economically disadvantaged students, Black students, and Hispanic students have a significantly higher share of their classes taught by teachers who are underqualified, alternatively certified, and teaching out-of-field. This appeared in at least two reports submitted to the RAC (Nguyen, Lam, & Bruno, 2022; Dee & Goldhaber, 2017). Of the 624 public comment entries, 15.5% were in support of assisting specific student populations.

REL West Governing Board members' responses to RAC's questions cited educators and support staff as the highest education priority, along with the need for increased funding to allow districts to pay a competitive wage for educators and support staff. Of the 624 public comment entries, 68.5% were in support of teachers, leaders, and school personnel.

According to the Education Commission of the States (2023), the West region's State of the State addresses given by governors in Arizona, Nevada, and Utah all emphasized teacher recruitment and retention. Only California did not specifically emphasize teacher recruitment and retention.

An SEA RAC member described the current teacher shortage as more of a retention challenge than a recruitment issue. This member reported a consistent pipeline in Arizona but added that nearly a quarter of new teachers (23.2%) leave within their first four years of teaching. This member also reflected on the frequency of needs survey responses that cited difficulties with student behaviors, and mentioned the supporting research submitted to the committee that the longer a teacher is in the classroom, the better that teacher can manage student behaviors.

RAC members described wages and local housing costs as also impacting the number of individuals who enter and stay in the profession. In remote areas the lack of teacher housing is a factor, as is access to health care and other community services, as described by an IHE RAC member. Without some of these services, good staff go elsewhere.

An IHE RAC member noted that the local economy often pays more than what is offered to classified (hourly) staff. This was in line with a 2022 Economic Policy Institute report that the wage gap between what teachers make and other similarly educated professionals has grown (wage penalty). Teachers on average have made 26.4% less than these other professionals (Allegretto, 2023); the West region teacher wage penalty was reported as follows:

- Arizona, -33.2%
- California, -19.2%
- Nevada, -19.5%
- Utah, -28.1%

Low support from school administration was a recurring theme across needs survey respondents and RAC members, with one SEA RAC member citing the strong correlation between principal support and teacher retention.

An IHE RAC member emphasized the lack of growth opportunities for teachers outside the promotion to an administration position. Younger or early career educators do not see options beyond a 30-year career in the classroom and may be seeking meaningful ways to contribute or other types of leadership opportunities.

Technical Assistance Recommendations

RAC members provided recommendations for how comprehensive centers can support this priority area. Below are a few examples of recommended support for teacher recruitment and retention.

- Increase teacher pay and offer incentives.
- Revise the practice of tying school funding to enrollment size and daily attendance. Teachers with larger classrooms, which are incentivized due to enrollment monies, report having a more difficult time in the classroom. This may also decrease class size, resulting in improved teacher mental health. Develop funding formulas that address differences in community environments.
- Support school administrators and provide support to make better hiring decisions that improve teaching conditions in their schools. For example, use student teaching placements in anticipation of hiring needs or digitally savvy recruitment strategies (Dee & Goldhaber, 2017).
- Examine ways to make the teaching labor market more flexible to address local shortages by creating a more flexible, less state-dependent teacher labor market (Dee & Goldhaber, 2017).
- Encourage shared decision-making between principals and teachers.
- Provide mentorship for early career teachers and provide opportunities and training for teacher-leaders to work with these teachers. This would provide support for new teachers and leadership opportunities for veteran teachers who desire to remain in classrooms rather than be promoted into instructional leadership positions.
- Develop diversity, equity, inclusion, and accessibility (DEIA) to ensure representation of a broad range of socio-economic backgrounds and “anti-blackness” training to reduce implicit bias and

improve pedagogy through learning sessions for institutional leaders, school administrators, and school practitioners.

- Encourage advocacy to improve teaching conditions and support not only for teachers but also for administrators. Regional Assistance Centers could do research to provide the support needed to get policy and legislation passed. Centers could also bring programs and practices that demonstrate results to the forefront so more schools and districts can adopt them and make a notable difference.

In addition, below are **key strategies and recommendations** that can be undertaken to address the critical issue of teacher recruitment and retention.

Competitive Compensation: Increasing teacher salaries to align with the high cost of living in some areas can make teaching a more attractive career choice. Offering financial incentives and bonuses for educators working in underserved areas is another viable strategy.

Professional Learning and Development: Providing ongoing professional development opportunities, mentoring programs, and career advancement pathways can help retain teachers and improve their effectiveness in the classroom.

Improved Working Conditions: Reducing class sizes, providing adequate classroom resources, and ensuring a safe and supportive working environment can enhance teacher satisfaction and retention.

Incentives for High-Need Areas: Implementing targeted recruitment and retention strategies for high-need areas, such as remote rural communities, can help address the most acute teaching shortages.

Diversity Initiatives: Actively cultivating diversity in the teaching workforce through strategic recruitment and retention efforts, scholarships, and mentorship programs can lead to a more representative and inclusive educator population.

Conclusion

In the sections above, the subcommittee of the West RAC provided a summary of findings and offered recommendations for how to support youths and gaps that may exist in their learning experiences. As identified through public input and commentary and a deeper exploration of data and literature, many youths in Arizona, California, Nevada, and Utah have gaps in their learning impacting their academic success and general academic experiences. These gaps can be attributed to a multitude of factors to include the quality of education provided and available (i.e., resources, instruction, equity, inclusion, etc.), as well as other social, economic, and cultural dynamics, to name a few. To address these needs, this committee has recommended the implementation of comprehensive talent management plans that include targeted recruitment, retention, and development practices, which are responsive to the needs of each school community and include all levels and types of positions. Additionally, partnering with institutions of higher education and ensuring there is better alignment of curriculum and instruction is recommended.

However, when considering these recommendations, it is important to examine all priorities identified by the West RAC as both a collective group of the region's needs and as distinctly separate identified needs. There are areas of overlap among Chronic Absenteeism, the Opportunity Gap, SEL, and Teacher Retention and Recruitment. When reading this report, the West RAC asks the reviewers to make note of the interconnectedness of all four priorities and consider how the different needs might be addressed through the supports recommended for the other priorities. There are areas of overlap where strategically planned supports and interventions could be implemented effectively and efficiently, maximizing resources and avoiding duplication of services. In conclusion, this RAC suggests that all priorities and recommendations for the West region be fully examined and any potential overlaps carefully considered when developing the action plans for each region and each Regional Educational Laboratory.

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Appendix A. Chart of Nominated, Recommended, and Serving RAC Members

Number of Individuals Nominated, Recommended, and Serving on the West RAC

Region	Nominated	Recommended by the U.S. Department of Education	Declined	Resigned	Accepted, Serving
West	64	14	0	2	12

Appendix B. List of RAC Members

West RAC members represented local and state education agencies; institutions of higher education; parents; practicing educators, including classroom teachers; and organizations serving youth, educators, or both. Members included:

Regional Chair

- Dr. Katherine Hayes, Director, Strategic Data and Evaluation Branch at Los Angeles Unified School District

RAC Members

- Dr. Alexa Cunningham, Executive Director, Utah School Superintendents Association
- Dr. H. Meg Cota, Ph.D., Assistant Professor of Practice; Director, EDLP M.Ed. & Administrator Certification Programs; Educational Leadership and Policy Programs (EDLP) Department of Educational Policy Studies and Practice (EPSP)
- Ms. Michele Darchuck, MEd, Program Supervisor, Catapult Learning
- Dr. Tonia Holmes-Sutton, NBCT, National Board for Professional Teaching Standards (NBPTS)
- Ms. Vanessa Danielle Marrero, MSW, Executive Director, Parents for Public Schools of San Francisco; President, Organizational Change and Leadership Student Collective, University of Southern California; Berkeley Rent Board Commissioner
- Dr. Joseph Martin, Associate Professor of Educational Leadership at Northern Arizona University's College of Education; Principal Investigator and Director of the American Indian School Leadership Program
- Dr. Kelly McQuaid, Deputy Associate Superintendent of Title II – Effective Teachers & Leaders, Arizona Department of Education
- Ms. Crystle Nehrmeyer, Superintendent, Oracle School District, Arizona
- Ms. Brandy M. Olson, Washoe County School District Lead Psychological Services Coordinator
- Dr. Gerry Peterson-Incorvia, Executive Director, Glendale Elementary School District
- Dr. Kathy L. Prather, Superintendent/CEO, Pima County Joint Technical Education District #11, Tucson, AZ
- Ms. Tiffany A. Stanley, Senior Advisor, Office of the President at Western Governors University

Appendix C. West Profile (Comprehensive)

The following profile shows recent data compiled by the U.S. Department of Education for the West region, which includes Arizona, California, Nevada, and Utah. Data for each state is included along with high-level data comparing information across the regions. The following topic areas are included:

- Information about Districts and Schools
- Student Enrollment Information
- Graduation Information
- Student Academic Information
- Student Non-Academic Information
- Teacher Information
- Teacher Qualifications
- Teacher Shortages
- Financial Resources
- Resources

Note that data includes the most recent tables available in July 2023. In some instances, data have not been disaggregated by jurisdiction so national data have been included as a reference point. Where appropriate, Reflection Questions have been provided for consideration.

Overall Reflection Questions

- What is your overall reaction to the data presented?
 - *Is it what you expected?*
 - *If it was not what you expected, what surprised you?*
- What other data do you need to help you better understand the needs in your jurisdiction or region?
- Are the data available at the state level or do you have access to this data through another vehicle?
- How can the needs assessment help you attain this data?
- What do you believe are the top priorities facing your jurisdiction/region?
- Why do you believe these are the top priorities facing your jurisdiction?
- What input would you like to hear from other stakeholders?
- How will you collect that input?

Information about West Districts and Schools

Totals by Jurisdiction

Jurisdiction	Total Number of Operating Districts (2020-21)	Total Number of Operating Public Schools (2020-21) ¹	Total Number of Charter Schools (2020-21) ²	Total Number of Private Schools (Fall 2019)
Arizona	691	2,357	554	400
California	2,121	10,328	1,296	3,220
Nevada	20	736	90	130
Utah	163	1,088	136	170

Note 1: Profiles were prepared using the most recent publicly available data. The most recent set of private school data provided was fall 2019, whereas the tables used for reporting the districts and public/charter school data were updated for the 2020-21 school year.

Note 2: Operating schools/districts include all those providing services at the start of the reported school year.

Student Enrollment Information

Jurisdiction	Total Public School Enrollment (Fall 2019)	Public PreK-8 Enrollment (Fall 2021)	Public Grades 9-12 Enrollment (Fall 2021)	Enrollment in Private Schools
Arizona	691	2,357	554	400
California	2,121	10,328	1,296	3,220
Nevada	20	736	90	130
Utah	163	1,088	136	170

Note: Public schools include traditional public and charter schools.

3–5-year-old Enrollment by Race/Ethnicity (% distribution by race/ethnicity) (2021)

Jurisdiction	Total	White	Black	Hispanic	Asian	Pacific Islander	American Indian/Alaska Native	Two or More Races
Arizona	45.7%	48.4%	48.3%	42.3%	47.6%	++	44.8%	55.1%
California	51.1%	55.8%	48.7%	47.5%	54.0%	41.8%	53.6%	58.8%
Nevada	42.8%	52.0%	46.2%	38.3%	33.7%	++	++	38.2%
Utah	53.0%	56.7%	++	45.2%	++	++	++	42.7%

++ Reporting standards not met. Either there are too few cases for a reliable estimate, or the coefficient of variation (CV) is 50 percent or greater.

**Public Elementary and Secondary School Enrollment by Race/Ethnicity (% distribution by total)
(Fall 2021)**

Jurisdiction	White	Black	Hispanic	Asian	Pacific Islander	American Indian/Alaskan Native	Two or More Races
Arizona	35.8%	5.7%	47.0%	3.0%	0.4%	4.2%	3.9%
California	21.0%	5.1%	55.9%	11.8%	0.4%	0.5%	5.3%
Nevada	64.1%	6.6%	20.5%	2.9%	0.2%	1.3%	4.4%
Utah	72.3%	1.3%	18.8%	1.7%	1.6%	1.0%	3.3%

Number of Students by School Locale (Fall 2019)

Jurisdiction	City	Suburban	Town	Rural
Arizona	614,956	289,730	116,529	125,733
California	2,581,773	2,802,044	356,989	406,450
Nevada	247,955	174,093	36,446	38,440
Utah	108,800	418,194	71,764	85,697

English Language Learners (Fall 2020)

Jurisdiction	Total	Percentage of Total Enrollment
United States	4,963,388	10.3%
Arizona	74,834	7.4%
California	1,148,024	17.7%
Nevada	70,217	13.7%
Utah	54,067	8.1%

Students Eligible for Free or Reduced-Price Lunch (2019–2020)^a

Jurisdiction	Total	Percentage of Total Enrollment
United States	26,000,645 ^a	52.1% ^a
Arizona	537,767	51.2%
California	3,648,170	59.4%
Nevada	319,258	64.6%
Utah	223,431	32.7%

^a For the United States data, total includes imputation for nonreporting states.

Special Education Enrollment Numbers by Race/Ethnicity and Age Group Served under Individuals with Disabilities Act (IDEA) – Arizona

Age Group	American Indian or Alaska Native	Asian	Black or African American	Hispanic/Latino	Native Hawaiian or Other Pacific Islander	White	Two or More Races
Ages Birth-2 (Served under IDEA, Part C)	232	121	253	1,880	11	2,726	183
Ages 3-5 (Early Childhood) (Served under IDEA Part B)	305	209	322	3,464	21	3,801	415
Ages 5 (School Age) through 21 (Served under IDEA Part B)	7,153	1,658	8,166	62,937	295	49,036	7,032

Special Education Enrollment Numbers by Race/Ethnicity and Age Group Served under Individuals with Disabilities Act (IDEA) – California

Age Group	American Indian or Alaska Native	Asian	Black or African American	Hispanic/Latino	Native Hawaiian or Other Pacific Islander	White	Two or More Races
Ages Birth-2 (Served under IDEA, Part C)	126	4,203	2,375	26,596	84	10,102	1,703
Ages 3-5 (Early Childhood) (Served under IDEA Part B)	288	5,987	2,774	36,030	181	12,042	4,810
Ages 5 (School Age) through 21 (Served under IDEA Part B)	4,754	44,186	54,485	418,427	2,441	153,740	33,038

Special Education Enrollment Numbers by Race/Ethnicity and Age Group Served under Individuals with Disabilities Act (IDEA) – Nevada

Age Group	American Indian or Alaska Native	Asian	Black or African American	Hispanic/Latino	Native Hawaiian or Other Pacific Islander	White	Two or More Races
Ages Birth-2 (Served under IDEA, Part C)	10	154	298	1,133	25	1,076	257
Ages 3-5 (Early Childhood) (Served under IDEA Part B)	21	159	460	1,605	39	1,237	309
Ages 5 (School Age) through 21 (Served under IDEA Part B)	763	1,537	8,734	24,455	607	18,101	3,973

Special Education Enrollment Numbers by Race/Ethnicity and Age Group Served under Individuals with Disabilities Act (IDEA) – Utah

Age Group	American Indian or Alaska Native	Asian	Black or African American	Hispanic/Latino	Native Hawaiian or Other Pacific Islander	White	Two or More Races
Ages Birth-2 (Served under IDEA, Part C)	25	49	57	915	49	3,072	131
Ages 3-5 (Early Childhood) (Served under IDEA Part B)	68	78	81	1,206	86	5,424	208
Ages 5 (School Age) through 21 (Served under IDEA Part B)	1,358	808	1,543	16,745	993	54,782	2,510

Student Enrollment Reflection Questions

- Based on the number of students by school locale, where are the majority of your students located?
- Looking at the enrollment distribution by race percentages, how diverse is your student population?
- How does the percentage of students qualifying as ELLs in your jurisdiction compare to the overall percentage of ELLs throughout the United States?
- How does the percentage of students qualifying for Free or Reduced Price Lunch (FRPL) in your jurisdiction compare to the overall percentage of students qualifying for FRPL throughout the United States?

Graduation Information^{b, c}

Demographic	United States	Arizona	California	Nevada	Utah
Total ACGR for all Students	87%	77%	84%	83%	88%
Percent Economically Disadvantaged (2019-2020) ^d	81%	74%	81%	79%	78%
Percent English Learners (2019-2020) ^e	71%	55%	69%	75%	73%
Percent Students with Disabilities (2019-2020) ^f	71%	66%	68%	66%	73%
Homeless Enrolled (2019-2020)	–	49%	70%	75%	–
Foster Care (2019-2020)	–	45%	58%	50%	–
Private High School Graduates (2018-2019)	340,610	4,150	38,850	1,420	1,390

– Not available.

ACGR by Race/Ethnicity % (2019-2020)^g

Jurisdiction	White	Black	Hispanic	Asian/ Pacific Islander	American Indian/ Alaska Native	Two or more races
Arizona	83%	72%	74%	91%	64%	73%
California	88%	77%	82%	92%	76%	79%
Nevada	92%	75%	78%	86%	72%	83%
Utah	91%	79%	80%	87%	73%	88%

^b Numbers are the public high school 4-year adjusted cohort graduation rate (ACGR), by selected student characteristics for 2019-2020.

^c The time when students are identified as having certain characteristics varies by state. Depending on the state, a student may be included in a category if the relevant characteristic is reported in 9th-grade data, if the characteristic is reported in 12th-grade data, or if it is reported at any point during the student’s high school years.

^d Students who met the state criteria for classification as economically disadvantaged.

^e Students who meet the definition of English Learners as outlined in the Department of Education *EDFacts* workbook. For more information, see [EDFacts Workbook](#).

^f Students identified as children with disabilities under the IDEA.

^g States either report data for a combined “Asian/Pacific Islander” group or report the “Asian” and “Pacific Islander” groups separately. Total represents either a single value reported by the state for “Asian/Pacific Islander” or an aggregation of separate values reported for “Asian” and “Pacific Islander.” “Asian/Pacific Islander” includes the “Filipino” group, which California reports separately. Number represents the Total reported Asian/Pacific Islander.

Graduation Rates Reflection Questions

- Do you collect data on 5-year graduation cohorts? If so, how does it compare to the 4-year cohort ACGR?
- Which, if any, graduation rate would you prioritize to increase over the next 5 years?

Student Academic Information

To compare students nationally, we have provided results from the fourth and eighth grade math and reading National Assessment of Educational Progress (NAEP) results. NAEP—a congressionally mandated large-scale assessment administered by the National Center for Education Statistics (NCES)—consists of print and digital assessments in various subject areas. Three of these subjects—mathematics, reading, and science—are assessed most frequently and reported at the state and select district level, usually for 4th and 8th grades. The Nation’s Report Card provides results on student performance based on gender, race/ethnicity, public or nonpublic school, teacher experience, and hundreds of other factors.

NAEP assessment results are reported as average scores on a 0-500 scale (reading, mathematics at 4th and 8th grades, U.S. history, and geography) or on a 0-300 scale (mathematics at grade 12, science, writing, technology and engineering literacy, and civics). These scale scores, derived from student responses to assessment questions, summarize the overall level of performance attained by that student. Scale scores for individual students are not reported, but summary statistics describing scale scores for groups of students (demographic, gender, race/ethnicity, etc.) are reported. More information about NAEP can be found at <https://nces.ed.gov/nationsreportcard/>.

Academic Achievement: NAEP (2022) National and State Averages

Jurisdiction	4th Grade Math	4th Grade Reading	8th Grade Math	8th Grade Reading
United States	235	216	273	259
Arizona	232	215	271	259
California	230	214	270	259
Nevada	229	212	269	259
Utah	240	221	282	265

Student Academic Factors Reflection Questions

- How did students in your jurisdiction compare to the national average of students on the NAEP results?
- Given the national average NAEP score, what goal(s) would you set for your students to achieve on the next NAEP administration? For example, would you like the results to stay stable or would you want to see a 3-point increase on 4th grade math? What do you need to achieve this goal?

Non-Academic Information

Non-academic factors for students include suspension and expulsion rates. Additionally, the most recently reported data regarding students who have carried firearms to schools and have experienced bullying (both on school property and electronically) have been included.

Percentage of Students Suspended or Expelled from Public Elementary and Secondary Schools by Gender and Ethnicity (2017–2018)ⁱ

Percent who Received Out-of-School Suspensions^j

Demographic	United States	Arizona	California	Nevada	Utah
Total	5.0%	5.3%	3.3%	5.6%	1.8%
Male	6.8%	7.6%	4.7%	7.5%	2.8%
Female	3.0%	2.9%	1.8%	3.6%	0.9%
White	3.4%	4.3%	2.8%	4.1%	1.5%
Black	12.3%	11.4%	9.6%	14.2%	5.4%
Hispanic	4.0%	5.2%	3.3%	4.8%	2.8%
Asian	1.0%	1.6%	1.0%	2.1%	1.0%
Pacific Islander	4.9%	3.9%	3.9%	6.6%	3.0%
American Indian/Alaska Native	6.9%	9.5%	8.2%	9.4%	4.2%
Two or More Races	5.5%	5.5%	3.3%	5.5%	1.9%

Percent Expelled^k

Demographic	United States	Arizona	California	Nevada	Utah
Total	0.2%	0.1%	0.1%	0.4%	0.2%
Male	0.3%	0.1%	0.2%	0.6%	0.2%
Female	0.1%	0.0%	0.1%	0.3%	0.1%
White	0.2%	0.1%	0.1%	0.2%	0.1%
Black	0.5%	0.1%	0.3%	1.4%	0.6%
Hispanic	0.2%	0.1%	0.1%	0.3%	0.2%
Asian	0.0%	0.0%	0.0%	0.1%	0.1%
Pacific Islander	0.1%	0.0%	0.1%	0.4%	0.2%
American Indian/Alaska Native	0.3%	0.2%	0.3%	0.4%	0.4%
Two or More Races	0.2%	0.1%	0.1%	0.4%	0.1%

ⁱ Data by race/ethnicity excludes students with disabilities served only under Section 504 of the Rehabilitation Act of 1973 (i.e., those not receiving services under IDEA).

^j An out-of-school suspension is an instance in which a student is temporarily removed from his or her regular school (either in person or virtual) for disciplinary purposes for at least half a day (but less than the remainder of the school year) to another setting (e.g., home or behavior center). Out-of-school suspensions include removals with or without the continuation of educational services.

^kExpulsions are actions taken by a local education agency to remove a student from his or her regular school (either in person or virtual) for disciplinary purposes, with or without the continuation of education services, for the remainder of the school year or longer, in accordance with local education agency policy. Expulsions also include removals resulting from violations of the Gun Free Schools Act that are modified to less than 365 days.

Firearms (2019-2020)

Jurisdiction	Total Number of Students Who Brought Firearms to or Possessed Firearms at School	Number of Students Who did this per 100,000 Students, Enrolled
United States	2,431	4.8
Arizona	69	13.9
California	261	4.2
Nevada	31	6.2
Utah	66	9.6

Bullying (2017)

Jurisdiction	Percentage of Public School Students Bullied on School Property ^l	Percentage of Public School Students Electronically Bullied ^m
United States	19.0%	14.9%
Arizona	19.2%	15.2%
California	17.9%	13.6%
Nevada	16.1%	13.0%
Utah	19.4%	18.0%

^lBullying was defined for respondents as “when one or more students tease, threaten, spread rumors about, hit, shove, or hurt another student over and over again.” “On school property” was not defined for survey respondents.

^mIncludes “being bullied through e-mail, chat rooms, instant messaging, websites, or texting” for 2011 through 2015, and “being bullied through texting, Instagram, Facebook, or other social media” for 2017.

Student Non-Academic Factors Reflection Questions

- What policies are in place to address recent issues of school violence?
- How does your state compare to the national average? Is this a number you would like to change? What other information do you need to make an informed decision about this issue?

Teacher Information

Jurisdiction	Total Number of Public School Teachers (Fall 2019)	Pupil/Teacher Ratio (Fall 2020)	Teachers in Private Schools
Arizona	48,912	23.6	5,630
California	271,805	23.0	51,340
Nevada	25,509	19.5	1,780
Utah	30,256	22.6	1,790

Teacher Qualifications

The following table includes the highest degree earned and years of full-time teaching experience by state and United States. Data from 2011-2012 was the latest data reported at the national level.

Jurisdiction	Degree Levels, Percentage — Less than Bachelor's (2011-2012)	Degree Levels, Percentage — Bachelor's (2011-2012)	Degree Levels, Percentage — Master's (2011-2012)	Degree Levels, Percentage — Education Specialist or Doctor's (2011-2012)	Years Fulltime Experience — Less than 3 (2011-2012)	Years Fulltime Experience — 3 to 9 (2011-2012)	Years Fulltime Experience — 10 to 20 (2011-2012)	Years Fulltime Experience — Over 20 (2011-2012)
United States	3.8%	39.9%	47.7%	8.7%	9.0%	33.3%	36.4%	21.3%
Arizona	4.6%	44.4%	44.1%	6.9%	16.4%	38.0%	28.5%	17.2%
California	4.8%	43.4%	39.2%	12.7%	9.4%	29.1%	42.3%	19.1%
Nevada	4.5%!	25.1%	49.8%	20.6%	6.5%!	39.0%	36.2%	18.2%
Utah	4.2%	56.8%	27.3%	11.7%!	15.0%	39.9%	25.6%	19.5%

! Interpret data with caution. The coefficient of variation (CV) for this estimate is between 30 and 50 percent.

Number and Percentage Distribution of Teachers Enrolled in Traditional and Alternative Programs

Jurisdiction	Number Enrolled in a Teacher Preparation Program (2019-2020)	Percentage Distribution of Enrollment by Traditional Program (2019-2020)	Percentage Distribution of Enrollment by Alternative Program (Institute of Higher Education [IHE]) (2019-2020)	Percentage Distribution of Enrollment by Enrolled in an Alternative Program (Not IHE based) (2019-2020)
United States	590,046	69.9%	8.3%	21.9%
Arizona	38,262	93.4%	4.2%	2.4%
California	36,083	77.0%	18.3%	4.8%
Nevada	5,243	59.8%	14.8%	25.4%
Utah	7,311	86.6%	0.4%	13.0%

Number and Percentage Distribution of Teachers Who Completed Traditional and Alternative Programs

Jurisdiction	Number Completed a Teacher Preparation Program (2019-2020)	Percentage Distribution of Completers in Traditional Program (2019-2020)	Percentage Distribution of Completers in an Alternative Program- (IHE based) (2019-2020)	Percentage Distribution of Completers in an Alternative Program- (Not IHE based) (2019-2020)
United States	151,138	76.8%	11.4%	11.8%
Arizona	5,908	91.2%	7.9%	0.8%
California	14,300	69.8%	26.0%	4.2%
Nevada	1,226	59.4%	22.8%	17.9%
Utah	2,403	92.7%	0.0%	7.3%

Teacher Information Reflection Questions

- Given national issues of teacher shortages, where are the priority areas in your state?
- What teacher preparation institutions or alternative programs does your state offer? Are these programs going to fulfill your educator needs in the next 5 years?

Financial Resources by State

Description	Arizona	California	Nevada	Utah
Revenue sources for public elementary and secondary education – Federal (In thousands) (FY 2021)	\$2,191,507	\$15,163,382	\$680,010	\$712,100
Revenue sources for public elementary and secondary education – State (In thousands) (FY 2021)	\$6,193,001	\$60,071,357	\$1,921,522	\$4,042,774
Revenue sources for public elementary and secondary education – Local (In thousands) (FY 2021)	\$4,555,169	\$36,576,689	\$3,220,375	\$2,600,268
Amounts and percentage changes of inflation-adjusted state, local, and federal revenues per pupil (FY2021)	\$11,785	\$18,628	\$12,070	\$10,806
Percentage change from FY20-21	7.0%	12.1%	2.6%	5.7%
Current expenditures for public elementary and secondary education by function, and subfunction – Total (In thousands) (FY 2021)	\$10,508,680	\$88,216,783	\$485,509	\$6,135,506
Current expenditures for public elementary and secondary education by function, and subfunction – Instruction (In thousands) (FY2021)	\$5,838,559	\$51,831,423	\$293,098	\$3,890,534
Current expenditures for public elementary and secondary education by function, and subfunction -Support Services (In thousands) (FY2021)	\$4,259,119	\$33,476,661	\$1,788,745	\$2,000,615
Current expenditures per pupil – Total (In thousands) (FY2021)	\$9,571	\$14,697	\$10,073	\$9,014
Title I expenditures per pupil – (In thousands) (FY2021)	\$238	\$323	\$291	\$123
Salaries and wages, and employee benefits for public elementary and secondary education, by function and state or jurisdiction – Total (In thousands) (FY 2021)	\$5,465,366	\$88,216,783	\$4,858,509	\$6,135,506
Salaries and wages, and employee benefits for public elementary and secondary education, by function and state or jurisdiction – Instruction and Instruction-related total (In thousands) (FY 2021)	\$3,518,335	\$57,394,853	\$2,802,946	\$3,555,649
Salaries and wages, and employee benefits for public elementary and secondary education, by function and state or jurisdiction – Support Services Total (In thousands) (FY 2021)	\$1,685,387	\$27,913,231	\$1,192,564	\$1,541,862

Financial Resources Reflection Questions

- Looking at the subfunction allocations, are expenditures allocated proportionately in the correct places?
- How do educator salaries in your state compare to other professional careers?

Appendix D. Summary of Stakeholder Input

Data Source	# of Responses	Time Period	Topics by Category
Public Comments	624	August 18, 2023 – October 15, 2023	<p>Counts from the coding of the public comments. Some comments received multiple codes.</p> <ul style="list-style-type: none"> • Determining High-Priority Needs-1 • Supporting Strong Instruction and Academic Achievement-182 • Supporting Specific Student Populations-97 • Supporting Teachers, Leaders, and School Personnel-428 • Supporting Student and Educator Wellbeing-119 • Developing an Effective Technical Assistance Response-9 • Other-215
REL Governing Board	1	September 15, 2023 – October 10, 2023	<ul style="list-style-type: none"> • Educators and Support Staff • Safe/healthy buildings and transportation • African American and Native American student populations are still showing the lowest proficiency and growth • Increased funding to allow districts to pay a competitive wage for both classroom teachers and all other education staff
CSSO	4	September 15, 2023 – October 10, 2023	<ul style="list-style-type: none"> • Early Literacy-4 • Chronic Absenteeism-1 • High-quality preschool and early learning-3 • Teacher retention and professional development to ensure effectiveness-3 • Student mental health-3 • Student outcomes and personalized learning-3 • College and career readiness-1 • Safe and healthy schools-1 • Parent engagement-1 • Increased student outcomes for students with disabilities and multi-lingual learners-1



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

Thursday, April 11, 2024 – 11:00 a.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd 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/84630645725?pwd=ZFqNgNX28UnAH5yogha9bGRd4VGHLn.1>. 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: 846 3064 5725 and Passcode: 47412. 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 email comment for the Committee's consideration and inclusion in the public record, email DeWilliams@berkeleyca.gov 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 9:30 a.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 at the posted location(s). 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.

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RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Thursday, April 11, 2024 – 11:00 a.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd 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 March 7, 2024, meeting minutes (Attached to agenda)
6. Discussion and possible action to recommend formally closing the Low-Income Tenant Pass-through Reimbursement Program (See report and attached Presentation)
7. 3Di Enhancements- Paperless Billing and Update to the 3Di Homepage (Staff presentation)
8. Update on Administrative Staff Assistant position and PIU Model Change (Verbal report only)
9. Office Relocation process (Verbal report only)
10. Future agenda items
11. Discussion and possible action to set the next meeting
12. **CLOSED SESSION:** Public Employee Evaluation of Performance pursuant to California Government Code Section 54957(b)(1):

Title: Executive Director

13. Adjournment

STAFF CONTACT: DéSeana Williams, Executive Director (510) 981-7368

COMMITTEE: Soli Alpert, Nathan Mizell, Leah Simon-Weisberg, Dominique Walker (Chair)



RENT STABILIZATION BOARD
ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Wednesday, April 3, 2024 – 6:00 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd 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 join by phone: Dial 1-669-900-6833 and enter Webinar ID: 884 6876 6232 and Passcode: 882857. 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 email comment for the Committee's consideration and inclusion in the public record, email ndahl@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR ENVIRONMENTAL SUSTAINABILITY COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum 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 at the posted location(s). 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:



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RENT STABILIZATION BOARD
ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Wednesday, April 3, 2024 – 6:00 p.m.
Rent Stabilization Board Law Library – 2001 Center Street, 2nd 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. Election of Committee Chair (5 min.)
4. Approval of the Agenda (2 min.)
5. Public Comment (5 min.)
6. Approval of January 10, 2024 Meeting Minutes (2 min.)
7. Update on Data Set of Housing Services Paid for by Landlords (Gas, Heat Electric) (5 min.)
8. Update on Council Item - Disclosures on Leases for Energy Efficiency and Costs (5 min.)
9. Update on CoB Sustainability Programs and Services (5 min.)
10. Report from Chair Martinac on latest developments from CPUC and state legislature affecting multi-family solar in Berkeley Rental Housing (15 min.)
11. Announcements (5 min.)
12. Next Meeting (2 min.)
13. Future Agenda Items (5 min.)
14. Adjournment (2 min.)

STAFF CONTACT: Nathan Dahl, Public Information Unit Manager (510) 981-4935
COMMITTEE: Ida Martinac (Chair), Stefan Elgstrand, Xavier Johnson



RENT STABILIZATION BOARD
LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Tuesday, April 9, 2024 – 5:30 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley

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To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 863 7743 0839 and Passcode: 312291. 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 email comment for the Committee's consideration and inclusion in the public record, email mbrown@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR LIRA COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:30 p.m. on the day of the Committee meeting in order to be included.**

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Rent Stabilization Board

RENT STABILIZATION BOARD

LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Tuesday April 9, 2024 – 5:30 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd 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 the agenda
4. Public Comment
5. Election of Committee Chair
6. Discussion and possible action to recommend that full Board approve amendments to Regulation 1013 to allow the Board to Enforce AB 1620 (see attached Staff Report)
7. Discussion and possible action to modify Board rules to allow Commissioners a leave of absence
8. Discussion and possible action regarding future agenda items
 - ➔ Potential Rules and/or Regulations for digital or keyless entry (Commissioner Kelley)
 - ➔ Potential Regulation regarding Occupancy Subleases (Commissioner Alpert)
9. Confirm next meeting date
10. Adjournment

STAFF CONTACT: Matt Brown, General Counsel (510) 981-4930
COMMITTEE: Soli Alpert, Andy Kelley(Chair), Ida Martinac, Nathan Mizell