



RENT STABILIZATION BOARD
Regular Meeting
Thursday, February 15, 2024 – 7:00 p.m.
School District Board Room – 1231 Addison 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.**

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, at (510) 981-7368 (981-RENT). The Rent Board may take action related to any subject listed on the Agenda.



COMMUNICATION ACCESS INFORMATION:

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

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

RENT STABILIZATION BOARD

Regular Meeting

Thursday, February 15, 2024

7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

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**: *Tenant Power Tool Kit* by Rene Moya, Debt Collective – 30 min.*
7. **SPECIAL PRESENTATION**: *Empty Homes Tax Ordinance* by Lief Bursell, Rent Board Senior Planner – 10 min.*
8. **CONSENT ITEMS** – 1 min.*

- a. Approval of the December 21, 2023 regular meeting minutes
- b. Approval of the January 18, 2024 regular meeting minutes
- c. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

40 HILL RD
1632 STUART
2205, 2207, AND 2209 CURTIS
1600 KAINS
2301 8TH ST
2706 TELEGRAPH
2709 MCGEE
1708 MLK #5
1105 KEITH
2447 DERBY
2012 GRANT
2919 HARPER
2304 DERBY
3216 BOISE

Discretionary Waivers

Waiver No. Property Address

W5110	2326 10TH ST
W5111	1636 MILVIA
W5114	2224 GRANT
W5116	2647 STUART

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) Recommendation to adopt 2024 Committee Assignments – 10 min.*

- (2) Presentation on the Status of the City of Berkeley Demolition Ordinance (Lief Bursell, Senior Planner) – 20 min.*
- b. Recommendation to adopt Resolution 24-03 amending the Rent Board Staffing Model (Executive Director) – 15 min.* TO BE DELIVERED
- c. Recommendation to adopt Resolution 24-04 amending the Rent Board’s Records Retention Schedule (Executive Director) – 5 min.* TO BE DELIVERED

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. Copy of January 19, 2024 letter to U.C. Berkeley Chancellor Christ and U.C. Berkeley Police Department Chief Pittman regarding People’s Park police occupation (Commissioner Mizell) – 5 min.*
- b. Eviction Moratorium update – *Verbal* (Public Information Unit Manager) – 5 min.*
- c. Update on the Rent Board File Scanning Project – *Verbal* (Project Manager Basil Lecky) – 5 min.*
- d. Update on the Rent Board office move to 2000 Center Street – *Verbal* (Executive Director/Board Secretary) – 5 min.*
- e. Deadline to submit agenda items/topics for March’s regular Rent Board meeting: **Monday, March 11th 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: Friday, February 23rd at 11:00 a.m.

February 8th agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – 5 min.*
Next regularly-scheduled meeting date: Wednesday, April 3rd at 6:00 p.m.

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – 5 min.*
Next regularly-scheduled meeting: Tuesday, February 13th at 6:00 p.m.

February 13th agenda

- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: To Be Announced (TBA)
- e. Outreach Committee (Vice-Chair Alpert, Chair) – 5 min.*
Next regularly-scheduled meeting: Tuesday, February 20th at 6:00 p.m.
- 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) – 5 min.*
Next meeting date: Monday, March 11th at 5:30 p.m.
- 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.

City of Berkeley Empty Homes Tax (BMC 7.54)

Rent Stabilization Board
February 15, 2024





Empty Homes Tax

- Effective January 1st, 2024
- Applies to residential units vacant for 182+ days in a calendar year
- Vacant defined by Ordinance as: unoccupied, uninhabited or unused, for more than 182 days, whether consecutive or nonconsecutive, in calendar year.



Exemptions

- Properties owned by an organization exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- Properties that contain 4 or fewer residential units (inclusive of any accessory dwelling units) and is owned by a natural person or trust that own no other residential units in the City of Berkeley.

Vacancy Exclusion Periods

Building Permit Application Period

Rehabilitation Period

Disaster Period

Owner Death Period

Owner In Care Period

Homeowners' Exemption Period

Lease Period

Rent Board Vacancy Data



Rent Stabilization Ordinance: applies to units “rented or available for rent”



Vacant units that are “not available for rent” (NAR), are exempt from registration requirements



Vacant “NAR units” typically longer-term vacancy



1,312 Units in NAR status on February 5, 2012

Rent Board Vacant Unit Data

(February 5, 2024) Units in NAR Status

Property Type (By Unit #)	# Total Properties	# Vacant Units*	# Total Units	% Vacant
SFR or Condo	7,740	96	7,740	1.2%
Duplex	2,314	250	4,628	5.4%
3-4 Units	1,723	328	5,973	5.5%
5-10 Units	1,028	263	6,966	3.8%
11-20 Units	332	135	4,896	2.8%
21+ Units	259	240	10,614	2.3%
Total	13,396	1,312	40,817	3.2%

*Vacant unit data includes all units in the “Not available for rent” or NAR status



Outreach Efforts

1. Informational Letter sent to Owners of Vacant Units (Mailed January 9, 2024)
2. Created Empty Homes Email (Emptyhomes@berkeleyca.gov)
3. Empty Homes Voicemail System In Place (option #5)
4. 80+ Owner Contacts as of February 2024
5. Website, Guidelines, Exemption Forms To Launch in March 2024



Next Steps

- Finalize Internal Processes with Finance
- Publish Website, Process Guidelines and Forms
- Monitor and Review Vacant Units
- Draft any needed Admin Regs



Rent Stabilization Board

DATE: February 15, 2024

TO: Honorable Members of the Rent Stabilization Board

FROM: Lief Bursell, Senior Planner

SUBJECT: Empty Homes Tax Administration Update Presentation

Staff's presentation on the implementation and administration of the Empty Homes Tax will focus on how the Empty Homes Tax Ordinance requirements intersect with Rent Board rental unit registration data and its impact on residential property owners in Berkeley. Staff will provide information on recent Rent Board vacancy data (see attached), the Rent Board's role in identifying potentially vacant units, and the processing of both claims of exemption and vacancy exclusion periods.

In January 2024, the Rent Board sent letters to all owners of units claimed "not available for rent" in the Rent Board's database, which is a long-term vacancy status that qualifies as exempt from the Rent Stabilization Ordinance. Staff has since received contacts from over eighty property owners and managers requesting additional information and inquiring about how to update their registration status.

This letter, dated January 5th, and a copy of the Empty Homes Tax Ordinance (BMC chapter 7.54) are attached to this report to provide additional background information prior to the staff's presentation.

Attachments:

- 1) February 2024 Rent Board Vacant Unit Data
- 2) January 5, 2024, Empty Homes Tax mailing sent to affected Berkeley property owners
- 3) Empty Homes Tax Ordinance (BMC Chapter 7.54)

Name and Telephone Number of Contact Person:

Lief Bursell, Senior Planner (510) 981-7368

Rent Board Vacant Unit Data

February 15, 2024

February 2024 Rent Board Vacant Unit Data

Currently, 3.2% of all 40,817 units in the Rent Board’s database are listed as vacant and not available for rent (NAR). The highest rates of vacancy are in 3-4 unit and duplex properties. The NAR status does not include short-term vacancies in units that are temporarily vacant between tenancies but are still available for rent.

Rent Board Vacant Unit Data (February 5, 2024)

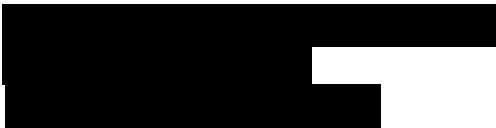
Property Type (By Unit #)	# Total Units	# Vacant Units*	# Total Units	% Vacant
SFR or Condo	7,740	96	7,740	1.2%
Duplex	2,314	250	4,628	5.4%
3-4 Units	1,723	328	5,973	5.5%
5-10 Units	1,028	263	6,966	3.8%
11-20 Units	332	135	4,896	2.8%
21+ Units	259	240	10,614	2.3%
Total	13,396	1,312	40,817	3.2%

*Vacant unit data includes all units in the “Not available for rent” or NAR status



Rent Stabilization Board

January 5, 2024



Empty Homes Tax, Effective January 1, 2024 (Berkeley Municipal Code 7.54)

Dear Berkeley Rental Property Owner,

This communication is to inform you that one or more residential units you own were listed in the Berkeley Rent Board's rent registry during the calendar year 2023 as vacant but not rented. Starting January 1, 2024, the City of Berkeley will implement the Empty Homes Tax Program, which will impose a tax on residential units that remain vacant for more than 182 days consecutively or nonconsecutively in a calendar year.

The initial 182-day period for this tax will begin on January 1, 2024, and end on July 2, 2024. Owners of vacant residential units during this period will be taxed unless they qualify for an exemption or can demonstrate that the vacancy falls within one of the seven vacancy exclusion periods described in the Empty Homes Tax Ordinance. Please find more details below.

Exemptions

The following properties are exempt from taxation under the Empty Homes Tax Ordinance:

- Owner-occupied properties that contain four or fewer residential units (including any accessory dwelling units) and are owned by a natural person or trust that owns no other residential units in the City of Berkeley.
- Properties owned by an organization exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986.

Vacancy Exclusion Periods

There are seven Vacancy Exclusion Periods that do not count towards the Empty Homes Tax 182-day vacancy threshold:

1. Building Permit Application Period
2. Rehabilitation Period
3. Disaster Period

4. Owner Death Period
5. Owner In Care Period
6. Homeowners' Exemption Period
7. Lease Period

A description of each Vacancy Exclusion Period is enclosed with this letter.

2024 Empty Homes Tax Amount

For residential units in single-family dwellings, condominiums, duplexes, or townhouses:

- \$3,000 per unit for the first calendar year
- \$6,000 per unit for the second and subsequent calendar years

For all other residential units

- \$6,000 for the first calendar year
- \$12,000 per unit for the second and subsequent calendar years

These rates will be adjusted annually in accordance with the increase in the Consumer Price Index for the San Francisco/Oakland/San Jose area.

Empty Homes Tax Process

The Rent Board will notify the City of Berkeley Finance Department of any properties with vacant units that qualify for the tax and do not have a pending or approved claim of exemption in the 3rd quarter of 2024. The Finance Department will then issue a tax bill for each qualifying unit. More information on the process for claiming an exemption or a vacancy exclusion period will be published in early 2024.

Updating Rent Board Records

Please ensure that you inform the Rent Board of any changes in occupancy status for all the residential units you own. You can update the unit status using the online rent registry portal, which can be accessed through the following URL: <https://rentregistry.cityofberkeley.info/>. If you believe you have received this letter in error, please contact the Rent Board.

More Information

For more information, please contact us by phone at (510) 981-7368 Ext. 5 or by email at emptyhomes@berkeleyca.gov.

Sincerely,



Lief Bursell
Senior Planner

VACANCY EXCLUSION PERIODS

The Empty Homes Tax defines seven periods during which a residential unit would not be considered vacant for purposes of the tax.

1. BUILDING PERMIT APPLICATION PERIOD

The period following the date that a building permit application for repair, rehabilitation, or construction of a residential unit is filed with the City through the date the Planning Department or its successor agency grants or denies that application, not to exceed one year. If more than one building permit application is filed for the same residential unit, the Building Permit Application Period includes only the period following the date the first application is filed with the City.

If an owner also qualifies for the Disaster Period, the Building Permit Application Period may be extended beyond one year if the owner makes a good faith effort, as determined by the building official, to obtain a building permit.

2. REHABILITATION PERIOD

The two-year period following the date that the City issues a building permit for repair, or rehabilitation, of a residential unit. If the City issues multiple building permits for the same residential unit, the Rehabilitation Period includes only the two-year period after the first building permit is issued.

3. DISASTER PERIOD

The two-year period following the date that a residential unit was made uninhabitable or unusable due to fire, natural disaster, or other catastrophic event, except where a negligent, reckless or willful act or omission by the owner or agent of the owner contributed to or caused the residential unit to become uninhabitable or unusable.

4. OWNER DEATH PERIOD

The period during which a residential unit is unoccupied, uninhabited, or unused because of the death of any owner who was the sole occupant of the unit immediately prior to that owner's death. This period shall not exceed the longer of two years or the period during which the unit is under the authority of a probate court.

5. HOMEOWNERS' EXEMPTION PERIOD

The period during which a residential unit is the principal place of residence of any owner, and for which that owner has made a valid claim for either the homeowners' tax exemption or the disabled veterans' exemption (California Revenue and Taxation Code Sections 218 and 205.5, respectively).

City of Berkeley Empty Homes Tax: Vacancy Exclusion Periods

6. OWNER IN CARE PERIOD

The period during which a residential unit is unoccupied, uninhabited, or unused because the occupant who used that residential unit as their principal residence is residing in a hospital, long-term or supportive care facility, medical care or treatment facility, or other similar facility.

7. LEASE PERIOD

The period during which a residential unit is leased to one or more tenants under a bona fide lease intended for occupancy, but not including any lease or rental of the unit anyone affiliated or related to a current or former owner or co-owner, or to travelers, vacationers, or other transient occupants.

More information on the process for claiming an exemption or a vacancy exclusion period will be published by the Berkeley Rent Stabilization Board early in calendar year 2024.

Chapter 7.54

EMPTY HOMES TAX

Sections:

- 7.54.010** **Short Title.**
- 7.54.020** **Findings and purpose.**
- 7.54.030** **Definitions.**
- 7.54.040** **Imposition of Tax.**
- 7.54.050** **Returns--Presumption of Vacancy.**
- 7.54.060** **Exemptions.**
- 7.54.070** **Administration--Penalties.**
- 7.54.080** **Use of Funds for General Municipal Purposes.**
- 7.54.090** **Annual Reports.**
- 7.54.100** **Authorization and Limitation on Issuance of Bonds.**
- 7.54.110** **Severability.**
- 7.54.120** **Savings Clause.**
- 7.54.130** **Liberal Construction.**

Sections:

7.54.010 Short Title.

This Chapter shall be known as the "Empty Homes Tax Ordinance," and the tax it imposes shall be known as the "Empty Homes Tax." (Ord. 7849-NS § 1, 2022)

7.54.020 Findings and purpose.

The People of the City of Berkeley find and declare as follows:

- A. Residential vacancies are an ongoing concern in Berkeley.
- B. Of total vacancies, the Berkeley Rent Stabilization Board data from 2022 indicates that 1,128 fully or partially regulated units in buildings with more than two units have been classified by their owners as not available to rent. Returning these and other vacant units to the housing market is a key strategy for ensuring long-term affordability.

- C. Prolonged vacancy restricts the supply of available housing units, is often the result of housing speculation and runs counter to the City's housing objectives. Prolonged vacancies can also decrease economic activity in neighborhoods and lead to blight.
- D. The housing affordability crisis has created an urgent need to pay for additional services and programs including, but not limited to, construction of new affordable housing for households with a household income of 80% or less of Area Median Income, including by providing pre-development funding to non-profit affordable housing developers, and the acquisition and rehabilitation of multi-unit buildings for affordable housing, and the operation of such buildings acquired and/or rehabilitated.
- E. The City is also working to ensure all public funds available to build affordable housing are being maximized, from the City, Alameda County, State and Federal governments.
- F. Even with the addition of City, County, State, and Federal resources, the City is unable to house all of its residents.
- G. The increased costs of meeting the challenges of the housing crisis have impacted the City's General Fund.
- H. The City needs new funds to pay for municipal services. The Empty Homes Tax is intended to disincentivize prolonged vacancies and housing speculation, thereby increasing the number of housing units available for occupancy, while also raising funds for municipal services, including but not limited to constructing, acquiring, and rehabilitating affordable housing. (Ord. 7849-NS § 1, 2022)

7.54.030 Definitions.

Unless otherwise defined in this Chapter, the terms used in this Chapter shall have the meanings given to them in Chapters [2.44](#) and [9.04](#) of the Municipal Code, as amended from time to time. For purposes of this Chapter, the following definitions shall apply:

- A. "Affiliate" means an entity under common majority ownership or common control, whether that ownership or control is direct or indirect, with any other person or entity, including but not limited to a person or entity that majority owns or controls, or is majority owned or controlled by, any other person or entity.
- B. "Building Permit Application Period" means the period following the date that an application for a building permit for repair, rehabilitation, or construction with respect to a Residential Unit is filed with the City through the date the Planning Department or its successor agency grants or denies that application, not to exceed one year. Notwithstanding the preceding sentence, if more than one building permit application is filed by or on behalf of one or more persons in the Owner's Group for the same Residential Unit, the Building Permit Application Period shall mean only the applicable period following the date the first application is filed with the City by or on behalf of anyone in the Owner's Group. In the case of an owner qualifying for the Disaster Period in subsection [D](#), the Building Permit Application Period may be extended beyond one year if the owner makes a good faith effort, as determined by the building official, to obtain a building permit.

- C. "Disaster Period" means the two-year period following the date that a Residential Unit was made uninhabitable or unusable due to fire, natural disaster, or other catastrophic event, except where a negligent, reckless or willful act or omission by the owner or agent of the owner contributed to or caused the Residential Unit to become uninhabitable or unusable due to fire, natural disaster or other catastrophic event.
- D. "Homeowners' Exemption Period" means the period during which a Residential Unit is the principal place of residence of any owner of that Residential Unit and for which such owner validly has claimed either the homeowners' property tax exemption under Section [218](#) of the California Revenue and Taxation Code or the disabled veterans' exemption under Section [205.5](#) of that Code, as those sections may be amended from time to time.
- E. "Hotel" means any property registered under Section [7.36.060](#) of the Municipal Code and excludes any properties regulated under Chapter [23.314](#) of the Municipal Code.
- F. "Lease Period" means the period during which any owner of a Residential Unit or any person in the Owner's Group of that owner leases that Residential Unit to one or more tenants under a bona fide lease intended for occupancy, but not including any lease or rental of that Residential Unit to anyone in the Owner's Group or to travelers, vacationers, or other transient occupants.
- G. "Owner Death Period" means, with respect to a co-owner or decedent's estate, heirs, or beneficiaries, the period during which a Residential Unit is unoccupied, uninhabited, or unused because of the death of any owner of a Residential Unit who was the sole occupant of that Residential Unit immediately prior to such owner's death, provided that such period shall not exceed the longer of two years or the period during which the Residential Unit is subject to the authority of a probate court.
- H. "Owner In Care Period" means the period during which a Residential Unit is unoccupied, uninhabited, or unused because the occupant of the Residential Unit who used that Residential Unit as their principal residence is residing in a hospital, long term or supportive care facility, medical care or treatment facility, or other similar facility.
- I. "Owner's Group" means for each owner of a Residential Unit, with respect to each Residential Unit, the owner, any current or former co-owner, and any Related Person or Affiliate of the owner or any current or former co-owner.
- J. "Rehabilitation Period" means the two-year period following the date that the City issues a building permit for repair, or rehabilitation, with respect to a Residential Unit, provided that if the City issues multiple building permits to or for the benefit of one or more persons in the Owner's Group for the same Residential Unit, the Rehabilitation Period shall mean only the two-year period following the issuance of the first building permit to or for the benefit of anyone in the Owner's Group.
- K. "Related Person" means a spouse, domestic partner, child, parent, or sibling.
- L. "Residential Unit" means a house, an apartment, a group of rooms, or a single room that is designed as separate living quarters Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have a kitchen and direct access from the outside of the building or

through a common hall. For purposes of this Chapter, a Residential Unit shall not include a unit in a Hotel, a currently operational nursing home, residential care facility, or other similar facility, or any unit that is fully exempt from property tax under the welfare exemption under Section [214\(g\)](#) of the California Revenue and Taxation Code, as may be amended from time to time.

M. "Vacancy Exclusion Period" means the Building Permit Application Period, Rehabilitation Period, Disaster Period, Homeowners' Exemption Period, Lease Period, Owner Death Period, or Owner In Care Period.

N. "Vacant" means unoccupied, uninhabited, or unused, for more than 182 days, whether consecutive or nonconsecutive, in a calendar year. (Ord. 7849-NS § 1, 2022)

7.54.040 Imposition of Tax.

A. Except as otherwise provided in this Chapter, the City imposes an annual Empty Homes Tax on each person that owns a Residential Unit for keeping that Residential Unit Vacant for more than 182 days, whether consecutive or nonconsecutive, in a calendar year except for those periods defined as a Vacancy Exclusion Period.

B. The Empty Homes Tax on an owner keeping a Residential Unit Vacant shall be as follows:

1. For the first calendar year that the Residential Unit is Vacant, the tax shall be \$3,000 per Residential Unit in a vacant condominium, duplex, single family dwelling, or townhouse unit under separate residential unit ownership and \$6,000 per any other vacant Residential Unit.

2. For the second consecutive calendar year and each subsequent calendar year thereafter that the Residential Unit is Vacant, the tax shall be \$6,000 per Residential Unit in a vacant condominium, duplex, single family dwelling, or townhouse unit under separate residential unit ownership and \$12,000 per any other vacant Residential Unit.

C. The rates set forth in subsection [B.](#) of this Section shall be adjusted annually in accordance with the increase in the Consumer Price Index: All Urban Consumers for the San Francisco/Oakland/San Jose Area for All Items as reported by the United States Bureau of Labor Statistics, or any successor to that index, as of December 31st of the preceding year, beginning with the 2025 calendar year.

D. The Empty Homes Tax shall be payable by the owner or owners of the Residential Unit kept Vacant. Not more than one tax per Residential Unit shall be imposed under this Section for a calendar year by reason of multiple liable owners. If there are multiple liable owners, each owner shall be jointly and severally liable for the tax, which shall be the highest amount of tax payable by any owner for that Residential Unit for that calendar year.

E. In determining whether an owner has kept a Residential Unit Vacant during a calendar year, days within any Vacancy Exclusion Period shall be disregarded if that Vacancy Exclusion Period applies to that owner for that Residential Unit, as shall days in which the Residential Unit was not owned by the owner, but the owner shall be deemed to have kept the Residential Unit unoccupied, uninhabited, or unused on all other days that such Residential Unit is unoccupied, uninhabited, or unused during the calendar year.

- F. The Empty Homes Tax shall take effect on January 1, 2024. The Empty Homes Tax shall expire on December 31, 2034, unless reauthorized by the voters prior to such date.
- G. The Empty Homes Tax shall be suspended for as long as the Berkeley COVID-19 Residential Eviction Moratorium is in effect pursuant to BMC [13.110](#) and the tax shall resume upon expiration.
- H. Upon declaring a citywide emergency, the Council may suspend the tax in whole or part by a supermajority vote of two-thirds of the entire City Council upon a finding that a declared emergency has undermined the ability of owners to fill vacancies in their Residential Units. Such a suspension shall last for no more than 60 days from its enactment by the Council, but may be extended on or before its expiration by a two-thirds supermajority vote of the Council so long as the emergency continues and the required findings can be made. The Empty Homes Tax shall resume upon the expiration of the emergency.
- I. The Council may, by majority vote of the entire City Council, amend this Chapter in furtherance of its purposes or to correct ambiguities or errors in language, provided that such amendments do not alter the dollar amounts of the tax as provided in Section [7.54.040 B](#), or expand the applicability of the exemptions in Section [7.54.060](#), or amend subsection [H](#). or this subsection I. of Section 7.54.040. (Ord. 7849-NS § 1, 2022)

7.54.050 Returns--Presumption of Vacancy.

- A. Each person that is required to pay the Empty Homes Tax shall file a return in the form and manner prescribed by the City Manager or their designee.
- B. Each person that owns a Residential Unit at any time during a calendar year and that is not exempt from the Empty Homes Tax with respect to that Residential Unit under any one of subsections [A](#). through [D](#). of Section [7.54.060](#) shall file a return for that calendar year in the form and manner prescribed by the City Manager or their designee. A person that fails to file the return required by this subsection B. for a Residential Unit shall be presumed to have kept that Residential Unit Vacant for the calendar year for which such return is required. The person who fails to file the required return may rebut the presumption by producing satisfactory evidence that such person did not keep the Residential Unit Vacant during the calendar year for which the return is required. (Ord. 7849-NS § 1, 2022)

7.54.060 Exemptions.

- A. For only so long as and to the extent that the City is prohibited by the Constitution or laws of the State of California or the Constitution or laws of the United States from imposing the Empty Homes Tax on any person that person shall be exempt from the Empty Homes Tax.
- B. Any organization that is exempt from income taxation under Section [501\(c\)\(3\)](#) of the Internal Revenue Code of 1986, as amended, shall be exempt from the Empty Homes Tax.

- C. The City, the State of California, and any county, municipal corporation, district, or other political subdivision of the State shall be exempt from the Empty Homes Tax, except where any constitutional or statutory immunity from taxation is waived or is not applicable.
- D. A natural person or trust who is the owner of a single property of four or fewer Residential Units, inclusive of accessory dwelling units and junior accessory dwelling units, that is their principal residence shall be exempt provided that they own no other Residential Units in the City. Additionally, for the purposes of this subsection D. only, the "owner" of such Rental Property shall not be any of the following set forth under California Civil Code Section [1947.12\(d\)\(5\)\(A\)\(i\)-\(iii\)](#) ("AB 1482"): a real estate investment trust, as defined in Section [856](#) of the Internal Revenue Code; a corporation; or a limited liability company.
- E. Any taxpayer seeking an exemption under this Section shall be required to demonstrate their entitlement thereto annually by submitting an application and supporting documentation to the City Manager or their designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or their designee. (Ord. 7849-NS § 1, 2022)

7.54.070 Administration--Penalties.

- A. The City Manager or their designee shall enforce the provisions of this Chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this chapter.
- B. The tax required by this Chapter is delinquent if not received by the tax administrator on or before February 28 of each year.
- C. Any person who fails to pay the tax required by this Chapter to the City or any amount of tax required to be collected and paid to the City within the time required shall pay a penalty of ten percent of the tax or amount of the tax, in addition to the tax or amount of tax, plus interest at the rate of one percent per month from the date on which the tax or the amount of tax required to be collected became due and payable to the City until the date of payment.
- D. Transactions with the principal purpose of avoiding or evading all or a portion of the Empty Homes Tax shall be disregarded for purposes of determining the amount of the Empty Homes Tax and whether the Empty Homes Tax is due. Any owner determined to have engaged in one or more transactions with the principal purpose of avoiding or evading all or a portion of the Empty Homes Tax shall be liable for the Empty Homes Tax and also liable for a penalty in an amount equal to the Empty Homes Tax.
- E. Any tax required to be paid by an owner under the provisions of this chapter shall be deemed a debt owed by the owner to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount, along with any collection costs incurred by the City as a result of the person's noncompliance with this chapter, including, but not limited to, reasonable attorneys' fees, plus interest and penalties as herein provided. (Ord. 7849-NS § 1, 2022)

7.54.080 Use of Funds for General Municipal Purposes.

A. The Council may deposit any portion of the proceeds generated by the Empty Homes Tax into the Housing Trust Fund, subject to its operating rules, or it may use any of the proceeds to fund any general municipal services designated by the Council. (Ord. 7849-NS § 1, 2022)

7.54.090 Annual Reports.

Commencing with a report filed no later than February 15, 2026, covering the fiscal year ending June 30, 2025, the City Manager shall file annually with the Council, by February 15 of each year, a report containing the amount of monies collected from the tax during the prior fiscal year. (Ord. 7849-NS § 1, 2022)

7.54.100 Authorization and Limitation on Issuance of Bonds.

The City shall be authorized to pledge revenues generated by the Empty Homes Tax to the repayment of limited tax bonds or other forms of indebtedness authorized under this Section. The Council shall by ordinance or resolution, as applicable, establish the terms of any limited tax bonds or other forms of indebtedness authorized hereby, including but not limited to, the amount of the issue, date, covenants, denominations, interest rate or rates, maturity or maturities, redemption rights, tax status, manner of sale, and such other particulars as are necessary or desirable. (Ord. 7849-NS § 1, 2022)

7.54.110 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The People of the City of Berkeley hereby declare that they would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. (Ord. 7849-NS § 1, 2022)

7.54.120 Savings Clause.

No section, clause, part, or provision of this Chapter shall be construed as requiring the payment of any tax that would be in violation of the Constitution or laws of the United States or of the Constitution or laws of the State of California. (Ord. 7849-NS § 1, 2022)

7.54.130 Liberal Construction.

This Chapter shall be liberally construed to effectuate its purpose. (Ord. 7849-NS § 1, 2022)

The Berkeley Municipal Code is current through Ordinance 7857-NS, passed March 21, 2023.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Code Publishing Company, A General Code Company](#)



RENT STABILIZATION BOARD

Regular Meeting

Thursday, December 21, 2023 – 7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

Teleconference location: 1137 Regiment Drive NW, Acworth GA, 30101

Teleconference location: 1033 Earmark Lane, Castle Rock, CO, 80104

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/81315510979?pwd=LytGV2RZUDNrNVI4NHRJWkhHcVhSUT09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-444-9171 and enter Webinar ID: 813 1551 0979 and Passcode: 101882. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit a written communication for the Board's consideration and inclusion in the public record, please email amueller@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.**

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, at (510) 981-7368 (981-RENT). The Rent Board may take action related to any subject listed on the Agenda.



COMMUNICATION ACCESS INFORMATION:

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

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

RENT STABILIZATION BOARD

Regular Meeting

Thursday, December 21, 2023

7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

Teleconference location: 1137 Regiment Drive NW, Acworth GA, 30101

Teleconference location: 1033 Earmark Lane, Castle Rock, CO, 80104

Minutes - Unapproved

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:24 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson (via Zoom), Martinac, Mizell (via Zoom under the Just Cause provision of the Brown Act), Walker, Simon-Weisberg
Commissioners absent: Kelley, Marrero
Staff present: Brown, Bursell, Dahl, Fabish, Kim, Eberhart, Ehlinger, Mueller, Tran, 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 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero.
Carried: 7-0-0-2.
- 4. Public Comment** – There were no speakers.
- 5. SPECIAL ORDER OF BUSINESS**

a. Election of Rent Board Chair:

The General Counsel conducted the election for the Board's Chair.

Commissioner Alpert nominated Commissioner Simon-Weisberg, who accepted. No other nominations were received.

ELECT LEAH SIMON-WEISBERG AS RENT BOARD CHAIR.

Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

b. Election of Rent Board Vice-Chair:

The newly-elected Chair conducted the election for the Board's Vice-Chair.

Commissioner Martinac nominated Commissioner Alpert, who accepted. No other nominations were received.

ELECT SOLI ALPERT AS RENT BOARD VICE-CHAIR.

Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

c. Comments from the newly-elected Chair and Vice-Chair: The Chair and Vice-Chair thanked the commissioners.

6. CONSENT ITEMS

a. Approval of the November 16th regular meeting minutes

b. Resolution 23-32 revising the Rent Board's Records Retention Schedule
(Executive Director)

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

Ministerial Waivers

Property Address

2715 GRANT
1417 PRINCE
2119 DELAWARE ST #B
1341 ASHBY
1619 FAIRVIEW
3042 - 3048 WHEELER
1202 CURTIS

1643 PRINCE
2541 DANA
2515 REGENT
2414 DWIGHT
1913 BERRYMAN
1782 UNIVERSITY
1480 10TH

Discretionary Waivers

Waiver No. Property Address

W5101	1865 EUCLID
W5102	3114-3120 MLK
W5103	3111 HARPER
W5104	1259 CARRISON
W5105	1313 MLK
W5106	1717 EUCLID
W5107	940 BANCROFT
W5108	2542 CHILTON

M/S/C (Elgstrand/Walker) APPROVE ALL CONSENT ITEMS AS WRITTEN.
Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker,
Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero.
Carried: 7-0-0-2.

7. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board’s vote on each action item listed below – No speakers.

a. Chair Update (Chair Simon-Weisberg)

(1) Status Report on the City of Berkeley Demolition Ordinance:

Senior Planner Lief Bursell gave a presentation and took questions from the Board. No action was taken.

(2) New Rent Stabilization Ballot Measures Across the State:

The Chair and Vice-Chair gave an update on five new rent control ballot measures filed in California jurisdictions. No action was taken.

b. Recommendation to adopt Resolution 23-33 establishing the 2024 Regular Rent Board Meeting Schedule (Executive Director)

M/S/C (Alpert/Elgstrand) ADOPT RESOLUTION 23-33 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

Commissioners stated their availability for 2024 Regular Rent Board Meetings for the record as follows:

Chair Simon Weisberg: Unavailable July 18 and August 15.

Commissioner Walker: Unavailable June 20.

Commissioner Mizell: Unavailable July 18.

- c. Recommendation to adopt Resolution 23-34 authorizing the Executive Director or the Chair, in consultation with each other, to appeal decisions of the Zoning Adjustments Board or any Zoning Officer decision that allows for elimination of any residential rental units that are covered by rent stabilization or just cause for eviction (Chair Simon-Weisberg & Executive Director)

M/S/C (Elgstrand/Martinac) ADOPT RESOLUTION 23-34 WITH THE FOLLOWING AMENDMENT: IF THE BOARD'S MEETING SCHEDULE ALLOWS THE BOARD TO MEET BEFORE THE APPEAL DEADLINE PASSES, THEN THE FULL BOARD SHALL DECIDE WHETHER TO FILE AN APPEAL. IF THE DEADLINE REQUIRES THE CHAIR AND/OR EXECUTIVE DIRECTOR TO FILE THE APPEAL ON BEHALF OF THE BOARD BEFORE THE FULL BOARD CAN MEET, THE FULL BOARD SHALL CONSIDER THE DECISION AT THE MEETING FOLLOWING THE FILING AND CAN VOTE TO RATIFY OR WITHDRAW THE APPEAL. THE BOARD AUTHORIZED THE GENERAL COUNSEL TO CRAFT THE EXACT LANGUAGE AMENDING THE RESOLUTION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

- d. Discussion and possible action to request that the 4 x 4 Committee recommend that Council place various Rent Ordinance Amendments on the November 2024 general election (General Counsel and Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election)

The Legal Unit gave a presentation on the proposed amendments and took questions from the Board.

M/S/C (Alpert/Mizell) FORWARD THE PROPOSED LEGISLATION TO THE 4 X 4 FOR CONSIDERATION WITH THE RECOMMENDATION TO SEND IT TO COUNCIL FOR PLACEMENT ON THE 2024 BALLOT AND WITH THE FOLLOWING AMENDMENT: ON PAGE 21, STRIKE PARAGRAPH B STARTING WITH "PETITION FOR UNITS EXEMPT FROM..."; ON PAGE

26, STRIKE PARAGRAPHS B AND SUBSECTIONS (i), (ii), and (iii), STARTING FROM “THERE SHOULD NOT BE GROUNDS...” TO “...SAFETY CODES HAVE BEEN REMEDIED.”; AUTHORIZE THE CHAIR

AND LEGAL STAFF TO MAKE NON-SUBSTANTIVE CLARIFYING EDITS, LIKE ADDING SECTION HEADERS. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

8. 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. Eviction Moratorium update – *Verbal* (Public Information Unit Manager)
- b. Date to submit agenda topics/items for January’s regular Rent Board meeting:
Will be announced following adoption of the Board’s 2024 Regular Meeting Schedule (Board Secretary)

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – The committee met to review the General Counsel evaluation and is moving that process along. Next regularly-scheduled meeting: Thursday, January 11, 2024 at 5:30 p.m.

December 14th agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair)
Next regularly-scheduled meeting date: Wednesday, January 10, 2024 at 6:00 p.m.
- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)
Next regularly-scheduled meeting: Tuesday, January 9, 2024 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, January 8, 2024 at 6:00 p.m.
- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg said the main item the committee will consider is the proposed legislation moved by the Board tonight, and may also hear a Demolition

Ordinance update.

(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)

Next regularly-scheduled meeting: Wednesday, January 24, 2024 at 3:00 p.m.

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero) – Chair Simon-Weisberg reported that the committee discussed hearing from the BUSD Family Engagement Coordinator on how the Rent Board can best ensure families know of its services. The committee also discussed the possibility of educating graduating seniors on tenant rights. Next meeting date: Monday, December 18th at 5:30 p.m.

December 18th agenda

- h. Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election (Commissioner Johnson, Chair) – Committee Chair Johnson had no additional updates to the work considered by the Board tonight. Next meeting date: TBA

December 12th agenda

- i. Updates and Announcements – The Chair asked commissioners to send her any requests for changes to committee membership before January 15.
- j. Discussion of items for possible placement on future agenda

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

Title: General Counsel

CONTINUED TO A FUTURE MEETING.

11. ADJOURNMENT – M/S/C (Alpert/Elgstrand) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

The meeting adjourned at 10:09 p.m.



RENT STABILIZATION BOARD
Regular Meeting
Thursday, January 18, 2024 – 7:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley
Teleconference location: 1819 Addison Street, Unit 4, 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.**

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, at (510) 981-7368 (981-RENT). The Rent Board may take action related to any subject listed on the Agenda.



COMMUNICATION ACCESS INFORMATION:

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

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

RENT STABILIZATION BOARD

Regular Meeting

Thursday, January 18, 2024

7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley
Teleconference location: **1819 Addison Street, Unit 4, Berkeley**

Minutes - *Unapproved*

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:11 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Kelley, Johnson, Marrero (via Zoom), Martinac, Mizell, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Cole, Dahl, Eberhart, Kim, Mueller, Tran, 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 (Johnson/Alpert) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: TABLE CONSENT ITEM 5.c. AND ACTION ITEM 7.a.(3) TO THE NEXT MEETING. Roll call vote. YES: Alpert, Elgstrand, Kelley, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

4. Public Comment – No speakers.

5. CONSENT ITEMS

- a. Approval of the December 4, 2023 special meeting minutes
- b. Approval of the December 5, 2023 special meeting minutes
- c. Approval of the December 21, 2023 regular meeting minutes – TABLED TO THE NEXT MEETING BY A PRIOR VOTE OF THE BOARD.
- d. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

3131 COLLEGE
1426 ADDISON
1192 KAINS
945 HILLDALE
1234 EVELYN
2311 A 7TH
3028 REGENT
1614 63RD
1615 MCGEE

Discretionary Waivers

Waiver No. Property Address

W5109 1525 RUSSELL

M/S/C (Johnson/Elgstrand) APPROVE ALL CONSENT ITEMS AS WRITTEN EXCEPT FOR ITEM 5.c., WHICH WAS TABLED TO THE NEXT MEETING BY A PRIOR VOTE OF THE BOARD. 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.

6. APPEAL – Case No. T-6046 (2218 Durant Avenue, Unit 7)

Parties present: Charles Cook, Appellant

M/S/C (Simon-Weisberg/Johnson) REMAND TO THE HEARING EXAMINER TO HEAR FACTS ON WHETHER THERE WAS A LOSS OF SERVICES DUE TO LACK OF SECURITY. Roll call vote. YES: Alpert, Kelley, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: Elgstrand; ABSTAIN: None; ABSENT: None. Carried: 8-1-0-0.

7. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board's vote on each action item listed below – There were no speakers.

- a. Chair Update (Chair Simon-Weisberg)
 - (1) Demolition Ordinance Applications update (Be Tran, Associate Planner) – The Board discussed this item, but no action was taken.
 - (2) Update on the Empty Homes Tax Program (Executive Director) – The Executive Director gave a brief presentation and took questions from the Board. The Board discussed this item, but no action was taken.
 - (3) Recommendation to adopt 2024 Committee Assignments – TABLED TO THE NEXT MEETING BY A PRIOR VOTE OF THE BOARD.
- b. Presentation on the proposed California “Utility Tax” provision in Assembly Bill 205 by Igor Tregub, Strategic Partnerships Director and Senior Policy Advisor, Reimagine Power (Commissioner Martinac) – Igor Tregub presented and took questions from the Board.
- c. Recommendation to adopt Resolution 24-01 to oppose the proposed “Utility Taxes” that disproportionately harm renters, and transmit the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks; and to authorize Chair Simon-Weisberg to sign a coalition letter to the California State Legislature urging the repeal of the Public Utilities Code that has allowed these proposals to be considered (Chair Simon-Weisberg and Commissioner Martinac)

M/S/F (Kelley/Simon-Weisberg) MOTION TO TABLE THIS ITEM. Roll call vote. YES: Kelley, Walker, Simon-Weisberg; NO: Alpert, Elgstrand, Johnson, Marrero, Martinac, Mizell; ABSTAIN: None; ABSENT: None. Failed: 3-6-0-0.

M/S/C (Martinac/Elgstrand) APPROVE RESOLUTION 24-01 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Kelley, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.
- d. Recommendation to adopt Resolution 24-02 establishing a maximum expenditure level for the purchase of furniture and fixtures for the new Rent Board office space (Executive Director)

M/S/C (Kelley/Alpert) APPROVE RESOLUTION 24-02 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.

8. 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. Eviction Moratorium update – *Verbal* (Public Information Unit Manager)
- b. Update on the Rent Board office move to 2000 Center Street – *Verbal* (Executive Director/Board Secretary)
- c. Copy of the January 2024 Empty Homes Tax mailing sent to affected Berkeley property owners (Executive Director)
- d. Updated Commissioner attendance at Board and Committee meetings through December 2023 (Board Secretary)
- e. Deadline to submit agenda items/topics for February’s regular Rent Board meeting: **Friday, February 2nd by 5:00 p.m.** (Board Secretary)

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker reported that the Committee received updates on the office relocation and property file scanning project.
Next regularly-scheduled meeting: Thursday, February 8th at 5:30 p.m.

January 11th agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – Committee Chair Martinac updated the Board on items the Committee discussed, including the status of data collection, a potential Council item, and the utility tax.
Next regularly-scheduled meeting date: Wednesday, March 6th at 6:00 p.m.

January 10th agenda

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand reported that the Committee received an update on eviction activity and discussed its workplan.
Next regularly-scheduled meeting: Tuesday, February 13th at 6:00 p.m.

January 9th agenda

- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair) – Committee Chair Kelley said the Committee will likely start meeting again soon since the work of the Ad Hoc Committee is wrapping up.
Next regularly-scheduled meeting: To Be Announced (TBA)
- e. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert reported that the Committee discussed best practices for a language access policy and style guide.
Next regularly-scheduled meeting: Tuesday, February 20th at 6:00 p.m.

January 8th agenda

- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg mentioned the meeting is being scheduled and the Board’s proposed changes to the Rent Ordinance will be one of the items discussed.
(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) – Committee Chair Marrero mentioned the Committee will have a guest speaker at its next meeting.
Next meeting date: Monday, March 11th at 5:30 p.m.
- 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 announced he is sending a letter to the UC Chancellor and UCPD regarding conduct associated with creating a fence around People’s Park and the ability to access surrounding areas.
Commissioner Marrero announced she was appointed to the Commission on Disability. Executive Director Williams mentioned that a new staff person in the Finance unit will be formally introduced to the Board in February. Board Secretary Mueller let commissioners know that the new staff person is occupying the Board cubicle due to lack of space.
- j. Discussion of items for possible placement on future agenda – Commissioner Kelley requested an item concerning Berkeley Community Media and School District services for meeting technology and space.

10. CLOSED SESSION – Pursuant to California Government Code Section 54957(b)(1), the Board convened in closed session for a Public Employee Evaluation of Performance:

Title: General Counsel

At the conclusion of the closed session, the Chair announced that no reportable action was taken.

11. ADJOURNMENT

M/S/C (Kelley/Martinac) 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 11:45 p.m.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: February 15, 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).

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
	40 HILL RD	GAIL WONG	214.00	171.20	42.80
	1632 STUART	JOHNSON, HANS WALKER, WENDY	628.00	628.00	-
	2205, 2207, AND 2209 CURTIS	PRISCILLA LEADON	2,370.00	1,896.00	474.00
	1600 KAINS	ANTONIO, CONSUELO & OLGA SANCHEZ	2,000.00		2,000.00
	2301 8TH ST	THE LAPHAM COMPANY, INC.	353.00	353.00	-
	2706 TELEGRAPH	FRANCIS TO	870.00	696.00	174.00
	2709 MCGEE	CHETAN MEHTA	2,410.00	2,169.00	241.00
	1708 MLK #5	JIAZHONG MEI & LEIJUN MEI	478.00	478.00	-
	1105 KEITH	APARNA KARETI	178.00	142.00	36.00
	2447 DERBY	TAKLAM WONG	1,130.00		1,130.00
	2012 GRANT	YAO JI LIANG & BAI QING DENG	1,160.00	1,160.00	-
	2919 HARPER	METIN SAGLAM	178.00		178.00
	2304 DERBY	LAWRENCE WOLFLEY	178.00	178.00	-
	3216 BOISE	RUTH & CANAAN MULUNEUH	580.00		580.00
TOTAL			12,727.00	7,871.20	4,855.80

Financial Impact: Ministerial Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$7,871.20**.

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
W5110	2326 10TH ST	STANLEY HUNT	580.00	580.00	
W5111	1636 MILVIA	MARK KRON	315.00		315.00
W5114	2224 GRANT	LAWRENCE WOLFLEY	1,160.00	1,160.00	
W5116	2647 STUART	SABRINA & MARK KABELLA	290.00		290.00
TOTAL			2,345.00	1,740.00	605.00

Financial Impact: Discretionary Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$1,740.00**.

Name and Telephone Number of Contact Person:

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

Ministerial Waiver Analysis and Recommendation

Address	Details
40 HILL RD	The single-family home located at 40 Hill Rd has been owned by the current owner since 2016. Staff notes that this property is a Measure MM property, so there are not five years of fiscal history to review. The Rent Board records will show the property owner paid the 21/22 registration payment on time. No registration payment was made for the 22/23 registration cycle, and the property owner also paid the 23/24 registration fees late. The property owner states in their waiver, "They were out of the country, traveling abroad, and unfamiliar with the Rent Board. The property owner consulted a friend regarding the registration requirement when they should have called the Rent Board". Per Regulation 884 C, this property qualifies to have 80% of its penalties removed because this is the property's second late payment in the last five fiscal years. Staff recommends waiving 80% of the penalty.
1632 STUART	The 2,3 or 4 single-family home located at 1632 Stuart has been owned by the current owner since 2016. Staff notes that this property was previously exempt from the registration requirement as a golden duplex. Staff notes exempt properties do not pay registration fees, which means there are not five years of fiscal data to review. This property registered the ADU for the first time in the 23/24 registration cycle. The property owner states in their waiver, "Initially they were told the ADU was exempt from registration, then upon further investigation the Rent Board found the ADU was not exempt and needed to register." Staff notes that the registration unit concluded the property research on July 31st, after the registration due date. Per Regulation 883 G, this property qualifies to have 100% of the penalties waived because of other errors in billing or reconciling accounts directly attributable to Rent Board or City staff. Staff recommends waiving 100% of the penalty.
2205, 2207, and 2209 CURTIS	The residential property of three units located at 2205, 2207, and 2209 Curtis has been owned by the current owner since 2012. The property has paid the 22/23 and 23/24 registration fees late in the last five fiscal years. The property owner stated in their waiver they were unable to pay registration fees for the following reasons: "They never received the 22/23 initial statement, their mail person retired, and multiple part-time workers were delivering mail. The property made a partial payment of \$306, which the owner provided documentation to review. The property owner also mentioned health problems, like shoulder pain. Lastly, they state that they could not get a hold of a Counselor to discuss their property." Staff notes that the property owner has paid registration fees in the past, and the registration payments are timely. A search of Rent Board records will show that the \$306 payment was an RHSP fee, not a Rent Board fee. Per Regulation 883 G, this property qualifies to have 80% of the penalties waived due to two late payments in the last five registration cycles. Staff recommends waiving 80% of the penalty.
1600 KAINS	The quadruplex located at 1600 Kains has been owned by the current owner since 2003. The property paid the 21/22 registration fees late in the last five fiscal years. The property received both July and January penalties that cycle. The property owner stated in their waiver, "The tenants who lived at the address were not paying rent due to COVID-19, so the property owner was unable to pay the registration fee." Staff notes that in the 21/22 registration cycle, the Board offered a COVID amnesty to property owners impacted by COVID-19. It is unclear why the property owner did not take advantage of the penalty relief. Unfortunately, tenants not paying rent is not a permissible waiver defense. Staff recommends denying the penalty waiver.

Ministerial Waiver Analysis and Recommendation

2301 8TH ST	The fully covered, multi-residential property located at 2301 8th St has been owned by the current owner since 2014. In the last five fiscal years, the property has not made any late payments. The property owner stated in their waiver, "they forgot one unit on the property was no longer exempt, and unfortunately made a partial payment." A search of Rent Board records will confirm one unit on the property was formerly exempt under section 8. Per Regulation 884 C, this property qualifies to have 100% of the penalty on the property forgiven based on no late payments in the last 5 fiscal years. Staff recommends waiving 100% of the penalty.
2706 TELEGRAPH	The fully covered, quadruplex located at 2706 Telegraph has been owned by the current owner since 1990. In the last five fiscal years, the property has paid 22/23 and the 23/24 registration fees late. In the 22/23 registration cycle the property owner was granted a 100% admin waiver. The property owner stated in their waiver, "they forgot the due date." Per Regulation 884 C, this property qualifies to have 80% of the penalty on the property forgiven based on two late payments in the last 5 fiscal years. Staff recommends waiving 80% of the penalty.
2709 MCGEE	The fully covered, quadruplex located at 2709 McGee has been owned by the current owner since May 2023. Unfortunately, due to the timing of the purchase, the property owner would not have received an updated billing statement but the registration due date. Per Regulation 883 I, this property qualifies to have 90% of the penalty on the property forgiven based on The property containing 3 to 5 rental units and was the property was registered between 12 and 24 months after purchase. Staff recommends waiving 90% of the penalty.
1708 MLK #5	The current owner has owned the partially covered condo at 1708 MLK #5 since May 2016. Staff notes that this is a Measure MM property, so there are not five years of payment history to review. The property owner stated in their waiver, "They never received the initial billing statement, but received the past due statement which prompted their registration. A search of Rent Board records will also show the initial billing statement, which lists the property as fully covered and charges the wrong registration fee. Per Regulation 883 G, this property qualifies to have 100% of the penalty on the property forgiven based on other errors in Billing or reconciling accounts directly attributed to the Rent Board or City staff. Staff recommends waiving 100% of the penalty.
1105 KEITH	The current owner has owned the partially single-family home at 1105 Keith since May 2016. The property owner has paid the 22/23 registration fees late in the last five fiscal years, and in the 22/23 registration cycle, they were granted a 100% penalty waiver. The property owner stated in their waiver, "The delay in payment was an oversight due to recent financial and health reasons." Staff notes the property owner did not provide any additional evidence for the Board to review/ Per Regulation 884 C, this property qualifies to have 80% of the penalty on the property forgiven based on two late payments in the last five fiscal years. Staff recommends waiving 100% of the penalty.

Ministerial Waiver Analysis and Recommendation

2447 DERBY	<p>The fully covered multi-family dwelling located at 2447 Derby has been owned by the current owners since 2021. In the last five fiscal years, the property has paid registration fees on time. The owner states in their waiver, "They paid the 2022 fee, then when it came time to pay the 2023 fee, there was a large penalty on the account." A search of Rent Board records will show that in the 22/23 registration cycle, the property was charged for four units. Unit D was exempt as owner-occupied. On June 30, 2023, the property owner updated the tenancy information for Unit D. At that time, the property reported a new tenancy that started on 8/15/2021. The ordinance instructs all property owners to update the Rent Board within 60 days of a change in property status. The property would have needed to register this tenancy with the Rent Board no later than 10/15/2021 to avoid penalties being added to the account. The property was charged \$1,130 in pro-rated penalties for the late registration of Unit D. Unfortunately, the prorated penalties are true and correct based on the information provided by the property owner. Staff recommends denying the penalty waiver.</p>
2012 GRANT	<p>The fully covered quadruplex located at 2012 Grant has been owned by the current owners since 2009. In the last five fiscal years, the property has paid the 17/18 registration fee late. 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.</p>
2919 HARPER	<p>The single-family home located at 2919 Harper was transferred to the current owner in 2019. In the last five fiscal years, the property has paid both the 22/23 and the 23/24 registration fees late. In the 22/23 registration cycle, the property was granted a 100% penalty waiver. The property owner stated in their waiver, "they tried to pay the registration fee on 5/5/23 and 5/6/23 but the Rent Registry was down and that they have been calling and emailing to rectify this." The property owner also states, "they made a payment on 10/2, but then received a Rent Board letter on 10/14 that they had no time to respond to." Unfortunately, the property owner may have the Rent Board confused with the Rental Housing Safety Program. The Registration Supervisor notes, that the Rent Registry Portal was opened on April 3, 2023 and closed July 3, 2023. Out of the 90 days the portal was open, three of those days were closed for maintenance. Staff also notes, the Rent Board sent out communications to property owners on 5/2/2023 informing them the Rent Registry Portal would be down. At this time, it is unclear why the property owner would attempt to pay registration fees during the down maintenance time. A search of Rent Board records will show the property owner did not email the Rent Registry inbox during the 2023 calendar year. The only email received from the property was on 9/26/23. The property owner emailed the Rent Board Online regarding their penalty fees and attached the email notification the Rent Board sent, stating the portal would be down for maintenance. The Registration Supervisor pulled all the phone records from May 1, 2023 to July 1, 2023 to confirm the property owner contacted the Rent Board for assistance regarding their property. Unfortunately, both the primary contact number and the alternate contact number on file produced no results. Per Regulation 884 C, this property qualifies to have 80% of their penalties removed based on two late payments in the last 5 years. Staff recommends waiving 80% of the penalties.</p>

Ministerial Waiver Analysis and Recommendation

2304 DERBY	<p>The single-family home located at 2304 Derby has been owned by the current owner since 2022. Staff notes that this property is a Measure MM property that missed the original registration deadline in 2021 and was charged penalties. In February 2023, the Board voted to deny the property waiver for the Measure MM penalties. Rent Board records will show this balance is still unpaid with the Rent Board. A search of Rent Board records will also show the property owner paid the 23/24 registration fees late. The property owner stated in their waiver, "His wife had a medical crisis in Vietnam that temporarily caused an inability to pay." Per Regulation 884 B, this waiver qualifies as discretionary Because the good cause asserted in the waiver request is a death or illness and a landlord's family. Staff recommends 100% of the 23/24 registration penalty.</p>
3216 BOISE	<p>The quadruplex located at 3216 Boise has been owned by the current owner since 2022. A search of Rent Board records will show the property owners acquired this property in May 2022. The property was granted a New Owner waiver, which removed 100% of the penalties in the 22/2e registration cycle. Staff notes that the property owner also paid the 23/24 registration fees late. The property owner stated in their waiver, "They are new property owners still getting used to the requirement and are also facing financial hardships from rental repairs." Staff notes the "new owner" explanation is the same justification used in their prior waiver. Per Regulation 884 B, this waiver qualifies as discretionary if the executive director or their designee recommends that a greater or lesser amount be waived in the interest of justice. Staff recommends denying the penalty waiver based on the totality of the circumstances, the prior new owner waiver that was granted, and the late payment of the 23/24 registration fee. Staff recommends denying the waiver.</p>

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5110	Property address: 2326 10TH ST BERKELEY CA	Transferred: 09/01/1989
Exempt units (as of February 2021): None		
Owner(s): STANLEY HUNT	Waiver filed by: PROPERTY MANAGER	# of Units: 2
Other Berkeley rental property owned: None		

Late payment/penalty history: The Rent Board records will show the property owner paid the 19/20 registration fee late and received a 90% waiver. The property paid late in the 20/21 registration cycle and received a partial waiver to reduce the penalties. Rent Board records will also show the property 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
FY2023-24	2	\$580.00	10/10/2023	\$580.00	\$0.00	\$0.00
Totals				\$580.00	\$0.00	\$0.00

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 undergoing cancer treatment.

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

Staff Analysis: The 2,3 or 4 single-family home located at 2326 and 2326 ½ St has been owned by the current owner since 2016. Staff notes that this property is a Measure MM property, so there are not five years of fiscal history to review. The Rent Board records will show the property owner paid the 19/20 registration fee late and received a 90% waiver. The property paid late in the 20/21 registration cycle and received a partial waiver to reduce the penalties. Rent Board records will also show the property paid the 23/24 registration fees late. The property owner states in their waiver, "They were undergoing cancer

treatment at the time the registration fees were due." Staff notes that no additional documentation was provided for the board to review. Per Regulation 884 B, this waiver qualifies as discretionary because The good cause asserted in the waiver request is a death or illness in the landlord's family. This property qualifies to have 100% of its penalties removed. Staff recommends waiving 80% of the penalty.

10th Street

*Property Address: 2326 # 2326-1/2 Street (A)

*Owner: Stanley E. Hunt

Date of acquisition, if new owner: N/A

*Name & relationship of person filing request, if not owner: Durele S. Ali, representative

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.

I handle all business for the elderly owner, Stan Hunt. Unfortunately, we been going thru cancer treatment (rad + hormone therapy) leaving me a bit brain foggy at times. When I realized that the registration date had passed, I had to wait for Hunt's social security payment to have the funds for the registration.

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

*Date: 7/27/23 *Signature: Durele S. Ali

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: dureleali@aol.com
Mailing Address: 111 Louise Court, Vallejo, CA 94590
Phone Number: (707) 980-7875 Fax Number: same

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5111	Property address: 1636 MILVIA ST BERKELEY	Transferred: 01/01/1900
Exempt units (as of February 2021): Unit # NA - NAR - Tenant, Unit # NA - OCCC - Owner		
Owner(s): MARK KRON	Waiver filed by: OWNER	# of Units: 4
Other Berkeley rental property owned: None		

Late payment/penalty history: Staff notes that this property was previously exempt from the registration requirement as three units had a "Not available for Rent" status. Staff notes exempt properties do not pay registration fees, which means there are not five years of fiscal data to review. This property registered rental units for the first time in the 23/24 registration cycle.

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
FY2023-24	4	\$580.00	10/02/2023	\$630.00	\$0.00	\$315.00
Totals				\$630.00	\$0.00	\$315.00

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 had medical problems.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The quadruplex located at 1636 Milvia has been owned by the current owner since 1974. Staff notes that this property was previously exempt from the registration requirement as three units had a "Not available for Rent" status. Staff notes exempt properties do not pay registration fees, which means there are not five years of fiscal data to review. This property registered rental units for the first time in the 23/24 registration cycle. The property owner states in their waiver, "They had medical problems, an

operation, and cancer." Staff notes that the property owner provided no additional statements or documentation for the board to review. A search of Rent Board records will show that on June 29th, 2023, the property owner registered the Lower and Upper units on their property. Staff notes the ordinance instructs Property Owners to inform the Rent Board of any change in status within 60 days. Property Status changes include property ownership changes and tenancy updates. In this case, the property owner was charged \$168 in prorated penalties for late registration of the Lower unit. The property was also charged \$147 in prorated penalties for the upper unit. The total penalty balance for late registration of two units was \$315. Per Regulation 884 B, this waiver qualifies as discretionary because The good cause asserted in the waiver request is a death or illness in the landlord's family. Unfortunately, the prorated penalties are true and correct based on the tenancy start dates provided by the property owner. Staff recommends denying the penalty waiver.

RECEIVED

JUN 29 2023

Initial: _____
Berkeley Rent Board

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

Property Address: 1636 MILVIA ST. Unit A+B

Owner: MARK KRON

Date of acquisition, if new owner: _____

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

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

I had medical problems, had an operation
had cancer

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

Date: 6-29-2023 Signature: Mark Kron

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: markk510@aol.com

Mailing Address: 1886 San Pedro Ave

Phone Number: 510 847-1188 Fax Number: _____

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

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5114	Property address: 2224 GRANT ST BERKELEY	Transferred: 01/01/1900
Exempt units (as of February 2021): Unit # E - OCCC - Owner		
Owner(s): LAWRENCE WOLFLEY	Waiver filed by: OWNER	# of Units: 5
Other Berkeley rental property owned: 2304 DERBY ST, BERKELEY, CA 94705		

Late payment/penalty history: In the last five fiscal years, the property has paid the 18/19 registration fee late. In that cycle, they were granted a waiver. The property also paid both the 22/23 and 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
FY2023-24	5	\$1,160.00	11/07/2023	\$1,160.00	\$0.00	\$1,160.00
Totals				\$1,160.00	\$0.00	\$1,160.00

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's wife had an unexpected medical emergency overseas.

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

Staff Analysis: The multi-family dwelling located at 2224 Grant has been owned by the current owner since 2022. In the last five fiscal years, the property has paid the 18/19 registration fee late. In that cycle, they were granted a waiver. The property also paid both the 22/23 and the 23/24 registration fees late. The property owner stated in their waiver, "His wife had a medical crisis in Vietnam that temporarily caused an inability to pay. Per Regulation 884 B, this waiver qualifies as discretionary because the good cause asserted in the waiver request is death or illness in the landlord's family. Staff recommends waiving 100% of the penalties.

*Property Address: 2224 Grant St

*Owner: Lawrence Wolfley

Date of acquisition, if new owner: _____

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


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.

Our family had medical crisis that led to inability to pay temporarily. My wife had surgery + medical complications ~~that~~ while ~~she~~ in Vietnam her home country which left me alone in Berkeley working full time + with my 2 children alone and then I also had covid. She is back and it allows me to tend to our bills not just our children now.

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

*Date: 11/7/23 *Signature: 

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

Email Address: Lyle 0800@gmail.com

Mailing Address: ~~2224~~ 2224 Grant St Apt E

Phone Number: ~~510~~ 5105496014 Fax Number: _____

RECEIVED

NOV 07 2023

Initial: _____
Berkeley Rent Board

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

LW *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*).

LW *Initial Here

- 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.

LW *Initial Here

- 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.

LW *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.

LW *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

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5116	Property address: 2647 STUART ST BERKELEY	Transferred: 05/14/2008
Exempt units (as of February 2021): Unit # ATTIC - OCCC - Owner, Unit # UPPER - OCCC - Owner		
Owner(s): SABRINA & MARK KABELLA	Waiver filed by: OWNER	# of Units: 3
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last five fiscal years, the property owner has paid the registration fee late in the 18/19, 19/20, 20/21, 21/22, 22/23, and 23/24. Staff notes that in each of these registration cycles, the property was granted an administrative waiver or was granted a COVID waiver.

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: Late last five years						
Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2023-24	3	\$290.00	10/10/2023	\$290.00	\$0.00	\$290.00
Totals				\$290.00	\$0.00	\$290.00

Grounds under Regulation 884(B): (10) The landlord has paid late each year for the prior five years
Good cause claimed by owner: The property owner had martial issues and mail theft.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The fully covered duplex located at 2647 Stuart has been owned by the current owners since 2008. In the last five fiscal years, the property owner has paid the registration fee late in the 18/19, 19/20, 20/21, 21/22, 22/23, and 23/24. Staff notes that in each of these registration cycles, the property was granted an administrative waiver or was granted a COVID waiver. The owner states in their waiver, "Due to martial issues and mail theft, the registration notice received was overdue, and currently, they are a BUSD Teacher unable to pay a 100% penalty." Staff notes the property owner did not provide any additional documentation for the Board to review. Per Regulation 884 B, this Waiver qualifies as discretionary because the landlord has paid late each year for the prior five years. Staff recommends denying the penalty waiver.

*Property Address: 2647 Stuart St. Berkeley 94705

*Owner: Sabrina & Mark Kabella

Date of acquisition, if new owner: _____

*Name & relationship of person filing request, if not 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.

Due to marital issues and mail theft in the Elmwood (where I live) somehow the registration notice recieved was well-overdue. I am a BUSD teacher and ~~am~~ currently unable to pay a 100% penalty without extreme hardship. We rent a single unit that is well below market rate to a long term tenant. Please have mercy! We have been great landlords.

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

*Date: 10/10/23 *Signature: Sabrina M. Kabella

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: Sabrinadkabella@gmail.com

Mailing Address: 2647 Stuart St.

Phone Number: (510) 847-0050 Fax Number: _____

RECEIVED

OCT 10 2023

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

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please read 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.**

SK *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*).

SK *Initial Here

- 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.

SK *Initial Here

- 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.

SK *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.

SK *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



Rent Stabilization Board
Legal Unit

MEMORANDUM

DATE: February 9, 2024

TO: Rent Stabilization Board

FROM: Leah Simon-Weisberg, Chair of the Rent Stabilization Board

SUBJECT: Committee Appointments

Please find the Appointments for 2024

Commissioner	4x 4	LIRA	2x2	B&P	Sustain ability	Eviction, Section 8	Outreach
Commissioner Leah Simon-Weisberg (Chair)	X		X	X			
Commissioner Soli Alpert (Vice-Chair)		X		X			X
Commissioner Stefan Elgstrand					X	X	X
Commissioner Xavier Johnson	X				X	X	
Commissioner Andy Kelley		X					X
Commissioner Vanessa Danielle Marrero	X		X				X
Commissioner Ida Martinac		X			X	X	
Commissioner Nathan Mizell		X		X		X	
Commissioner Dominique Walker	X			X			



Rent Stabilization Board

DATE: February 15, 2024
 TO: Honorable Members of the Rent Stabilization Board
 FROM: Lief Bursell, Senior Planner
 SUBJECT: Status Update on Berkeley Demolition Ordinance Applications

Residential Dwelling Unit Demolition Application Update

At the request of Rent Board Chairperson Simon-Weisberg, staff has compiled an update on development applications proposing the demolition of existing multi-family, residential dwelling units, with information on whether the projects are proposing one-to-one replacement of rent-controlled units with new below-market-rate (BMR) units.

Beginning the calendar year 2022, there have been twelve development applications that propose the demolition of existing multi-family residential buildings that include dwelling units subject to rent control. These applications propose the removal of eighty-three residential units, forty-two of which were occupied by tenants at the time Rent Board staff reviewed the application. This update includes one additional project under review at 1330 Haskell Street. The 1330 Haskell Street project proposes to replace a golden duplex with no tenant rental history with two new detached single-family dwellings. Owner-occupied duplexes that are fully exempt from the Rent Stabilization Ordinance and have maintained that status for the previous five years (assuming they did not rent to a low-income tenant during that time) are not considered protected units under SB 330. This project does not propose any BMR replacement units, as they are not required under state law.

Project Status (As of 12/15/23)	# Projects	# Existing Units	Tenant Occupied	# BMR Units	Net Gain/Loss
ZAB Approved	4	30	13	24	-6
App. Complete	2	13	13	11	-2
Under Review	4	28	8	71	+43
Pre-Application	2	12	8	16	+4
Total	12	83	42	122	+39

Overall, if all projects were approved and moved forward to construction, they would result in a net gain of thirty-nine BMR units (beyond the for-one replacement of a BMR unit for each existing residential unit). Of the twelve proposed development applications, seven applications are currently proposing at least one-to-one replacement of rent-controlled units with BMR units.


Attachments:

- 1) Residential Dwelling Application Update Presentation Slides (Updated for February 15, 2024)
- 2) Residential Demolition 2-15-2024 Project Information

- 3) January 17, 2024 Status Update on Berkeley Demolition Ordinance Applications Memo to Planning Commission
- 4) December 21, 2023 Status Update on Berkeley Demolition to Rent Stabilization Board

Name and Telephone Number of Contact Person:

Lief Bursell, Senior Planner (510) 981-7368



Residential Dwelling Demolition Application Update

Projects involving demolition of
Rent-Controlled Dwellings

Updated for February 15, 2024



2022-2024 Development Applications Proposing Demolition of Rent-Controlled Units

Project Status <i>(As of 12/15/23)</i>	# Projects	Existing Units	Tenant Occupied	# BMR Units	Net Gain/Loss
ZAB Approved	4	30	13	24	-6
App. Complete	2	13	13	11	-2
Under Review	4	28	8	71	+43
Pre-Application	2	12	8	16	+4
Total	12	83	42	122	+39

Projects Proposing Less than 1-to-1 Replacement of Existing Residential Units with BMR Units

Project Status (As of 12/15/23)	# Projects	Less than 1 to 1 BMR replacement	# Existing Units	# BMR units	Net Gain/Loss
ZAB Approved	4	3	30	20	-10
App. Complete	2	1	13	10	-3
Under Review	4	2	30	24	-2
Pre-Application	2	0	12	12	0
Total	12	5	83	66	-15

Tenant Impacts



The 2538 Durant Project is the closest to construction (all tenants have moved out)



Three long-term tenants interested in temp. relocation & moving to new building, across all 12 projects.



Applicants to submit a signed temporary relocation agreement with each applicable tenant household interested in relocation prior to permit approval.



Rent Board staff has proposed improvements to tenant notification process

Replacement Requirements Demolition Ordinance & SB 330

Demolition Ordinance Replacement Requirements

- Mitigation Fee or replacement affordable units
- Levels never set by Council
 - Planning not enforcing replacement requirements

SB 330 requirements

- Protected Units must be replaced by same or lower income category
- If incomes unknown, use HUD's Comprehensive Housing Affordability Strategy (CHAS) database.
- Only low-income (80% AMI), very-low income (50% AMI) and extremely low income (30% AMI) units require BMR replacement unit.

Continued Monitoring of Demolition Projects



Rent Board Staff review Use Permit applications involving rent-controlled units.



Staff will provide regular updates about these projects and will attend ZAB meetings with demolition projects



Staff is also monitoring progress of proposed revisions to Demolition Ordinance recommended to City Council by Planning Commission



Staff will continue to foster a collaborative and proactively responsive relationship with the Planning Department to stay apprised of any changes to the Demolition Projects

Demolition Project Application Details

Application Date	Project Address	Application Type	Application Status	Project Description	# Existing Residential Units Proposed for Demolition	# Tenant Occupied Units	# Replacement Units	One to One Replacement with BMR?	Total BMR Units	Council District
5/20/2023	1790 University	Use Permit	Application Complete (12/6/2023)	Construct a five-story mixed-use building containing 17 dwelling units and ground floor commercial space.	1	1	1 BMR	Yes	2	4
4/26/2023	2127-59 Dwight Way	Use Permit	Approved by ZAB (11/30/2023)	Construct a six-story multi-family building, with 58 new dwelling units	8	5	7 BMR	No	7	4
2/10/2023	2300-10 Ellsworth St.	Use Permit	Application Complete (9/21/2023)	Construct a seven-story residential building with 69 units.	12	12	9 BMR	No	9	7

Questions



Application Date	Project Address	Application Type	Application Status	Project Description	# Existing Residential Units Proposed for Demolition	# Tenant Occupied Units	# Replacement Units	One to One Replacement with BMR?	Total BMR Units	Council District
8/4/2023	1330 Haskell St.	Use Permit	Application under review	Construct two detached units in place of existing duplex.	2	0	0 BMR	No	0	2
6/22/2023	2733 San Pablo Ave (New Project)	Use Permit	Application under review	Construct a new 8-story mixed-use building with 152 dwelling units	2	0	2 BMR	Yes	16	2
5/20/2023	1790 University Ave	Use Permit	Application Complete (12/6/2023)	Construct a five-story mixed-use building containing 17 dwelling units and ground floor commercial space.	1	1	1 BMR	Yes	2	4
4/26/2023	2127-59 Dwight Way	Use Permit	Approved by ZAB (11/30/2023)	Construct a six-story multi-family building, with 58 new dwelling units	8	5	7 BMR	No	7	4
2/10/2023	2300-10 Ellsworth St.	Use Permit	Application Complete (9/21/2023)	Construct a seven-story residential building with 69 units.	12	12	9 BMR	No	9	7
1/23/2023	2601 San Pablo Avenue (1110-12 Parker and 2609 San Pablo)	SB 330 Pre-App	SB 330 Preliminary Application Complete (12/5/2023)	Merge six parcels and construct an eight-story mixed-use residential development with 242 dwelling units	4	2	4 BMR	Yes	4	2
12/2/2022	3030 Telegraph (aka 2330-36 Webster)	Use Permit	Approved by ZAB on 6/08	Construct 5-Story mixed-use building with 144 dwellings	4	0	4 BMR	Yes	8	8
11/14/2022	2538 Durant	Use Permit	Approved on consent by ZAB on 4/27/2023	Demolish 12 dwelling units & develop an eight-story residential building with 83 units	12	8	6 BMR	No	6	7
10/20/2022	2138 Center Street (aka 2128 Oxford)	Use Permit	Application under review	Merge two lots to construct a 17 story mixed-used building with 485 dwelling	16	0	16 BMR	Yes	47	4
9/22/2022	2427-33 San Pablo Avenue	Use Permit	Application under review	Construct a five-residential replacement apartment units and Group Living Accomodation (GLA)	8	8	8 BMR	Yes	8	2
5/10/2022	1827 & 1899 Oxford	SB 330 Pre-App	SB 330 Preliminary Application Under Review	Construct 118 new dwellings with 12 BMR	8	6	8 BMR	Yes	12	6
5/10/2022	1773 Oxford	Use Permit	Approved by ZAB on 1/12/2023	Demolish six units and develop a five-story residential building with 22 units	6	0	3 BMR	No	3	6



Rent Stabilization Board

DATE: January 17, 2024

TO: Members of the Planning Commission

FROM: Lief Bursell, Senior Planner

SUBJECT: One for One Replacement of Demolished Rent-Controlled Units with Below Market Rate (BMR) Units

One of the policy goals of City of Berkeley's existing Demolition Ordinance (BMC 23C.08) is to encourage the creation of below-market rate replacement units for approved demolition projects in order to mitigate the impact of the loss of older, more affordable residential units which are typically subject to rent control.

Rent Board staff reviewed development applications involving demolition of existing residential units that were applied for between calendar years 2022 and 2023, and found that four applications (three already approved by the Zoning Adjustments Board) did not propose one to one replacement of the existing rent-controlled units with an equal number of BMR units. (A report on this topic, prepared for the Rent Board's December 21, 2023 meeting is attached)

For three of these projects, this is due to the State Density Bonus Law (Gov. Code § 65915(c)(3)) method for calculating the affordability levels of replacement units when the income category of the current or last known occupant is not known. This calculation assumes that income levels of renter households are in the same proportion as other lower income renter households in Berkeley, as determined from the most recently available data from HUD's Comprehensive Housing Affordability Strategy (CHAS) database.

HUD's Comprehensive Housing Affordability Strategy (CHAS) database for Berkeley, CA		
CHAS Income Levels	Berkeley CHAS Renters, by income	% distribution
<30% AMI (Extremely Low Income)	8,550	32.6%
30-50% AMI (Very Low Income)	3,820	14.6%
50-80% AMI (Low Income)	3,675	14.0%
80-100% AMI (Moderate Income)	1,930	7.4%
<100% AMI (Above Moderate Income or Market Rate)	8,225	31.4%

Using the Berkeley CHAS calculations result in existing residential units being replaced by BMR units at a variety of income levels, from extremely low to market rate level. When the calculations result in an income level greater than 80% AMI, only market rate replacement units are required. This creates project outcomes where demolished rent-controlled units can be

replaced by market rate units, when the current or most recent tenant income level is unknown (as is often the case).

Berkeley’s CHAS numbers include newer buildings that are not as affordable to lower income tenants, which is why they are not a good measure for the income levels of tenant households in the rent-controlled housing stock. The Berkeley Rent Board’s 2022 Tenant Survey of Rent-Stabilized Units provided information on the income levels of tenants in rent-controlled housing. Income distributions of rent-controlled households were far higher than the CHAS Berkeley data, particularly in the categories of Very Low Income through Moderate Income, and a far lower rate of above market rate incomes.

CHAS Income Levels	Berkeley CHAS Distribution %	Short-Term Rent-Controlled Tenancy	Long-Term Rent-Controlled Tenancy
30-50% AMI (Very Low Income)	14.6%	29.0%	45.0%
50-80% AMI (Low Income)	14.0%	17.0%	22.0%
80-100% AMI (Moderate Income)	7.4%	23.0%	26.0%
<100% AMI (Above Moderate Income or Market Rate)	31.4%	15.0%	23.0%

The income distributions for rent-controlled units from the 2022 Tenant Survey clearly show that the CHAS income distribution data for Berkeley does not accurately reflect the incomes of tenants in rent-controlled units.

The Planning Commission should consider the ways that Demolition Ordinance can reach the policy goal of one to one replacement of rent-controlled units with BMR units and to avoid reliance on the income distributions from the HUD CHAS database and take advantage of the SB 330 language that provides the opportunity for locally adopted ordinances to provide greater number of units affordable to lower income households (Gov. Code § 66030.6 (c)).

Attachment:

- 1) 12-21-23 Status Report on Berkeley Demolition Ordinance Applications

Name and Telephone Number of Contact Person:

Lief Bursell, Senior Planner (510) 981-7368



Rent Stabilization Board

DATE: December 21, 2023

TO: Honorable Members of the Rent Stabilization Board

FROM: Lief Bursell, Senior Planner

SUBJECT: Status Report on Berkeley Demolition Ordinance Applications

Recommendation

That the Board review the attached list of residential demolition projects proposing the elimination of rent-control units and provide direction on staff's proposal to monitor this aspect of future applications and to update the Board on the details of any project that does not propose one to one replacement of rent-controlled units with an equal number of below market rate (BMR) units.

Residential Dwelling Unit Demolition Application Analysis

At the request of Rent Board Chairperson Simon-Weisberg, staff has prepared an update on recent development applications proposing the demolition of existing rent-controlled dwelling units that are either approved or under review. The focus of this update is to apprise the Board on the replacement of rent-controlled units and whether they include one to one replacement with new below-market rate (BMR) units.

As of the beginning of calendar year 2022, there have been ten development applications that propose the demolition of existing, multi-family residential buildings that include dwelling units subject to rent control. These applications propose the removal a total of ninety-one rent-controlled units, forty-two of which were occupied by tenants at the time Rent Board staff reviewed the application. Overall, if all projects were approved and moved forward to construction, they would result in a net gain of 27 BMR units when contrasted to the total number rent-controlled units that are proposed for replacement.

Project Status (As of 12/15/23)	# Projects	# Existing Units	Tenant Occupied	# BMR Units	Net Gain/Loss
ZAB Approved	4	30	13	24	-6
App. Complete	2	13	13	11	-2
Under Review	2	24	8	55	+31
Pre-Application	2	12	8	16	+4
Total	10	79	42	106	+27

Of the ten proposed developments applications, six applications are currently proposing at least one to one replacement of rent-controlled units with BMR units, and five are proposing additional BMR units. The largest of the proposed development projects (2138 Center Street) proposes to demolish and replace twelve rent-controlled units with forty-seven BMR units.

Of the four projects that propose less than one to one replacement, three have already been approved by Zoning Adjustments Board (ZAB), and one has a complete application that still requires a Public Hearing and ZAB decision. The table below looks at the number of existing rent-controlled units by application status, focusing are those applications that are proposing less than one to one replacement.

Project Status (As of 12/15/23)	# Projects	Less than 1 to 1 BMR replacement	# Existing Units	# BMR units	Difference
ZAB Approved	4	3	30	20	-10
App. Complete	2	1	13	10	-3
Under Review	2	0	24	24	0
Pre-Application	2	0	12	12	0
Total	10	4	79	66	-13

In total these projects propose replacing thirty-eight rent-controlled units with twenty-five BMR units, resulting in a total of thirteen rent-controlled units that are not proposed for one to one replacement with BMR units. Three of the projects in this category have already been approved by the ZAB.

The project at 2300-10 Ellsworth has a complete application that is still pending a Public Hearing in before the ZAB. This project proposes replacing twelve rent-controlled units with nine BMR units. All rent-controlled units are tenant occupied according to the Rent Board’s database. Staff has sent letters to all tenant households that would be displaced by demolition, and have been contacted by one tenant thus far.

A table with more detailed information on each of the above referenced demolition applications is attached to this report.

Continued Monitoring of Demolition Projects

The earliest Rent Board Staff learn of a new development application proposing the demolition of rent-controlled units is when an applicant submits a preliminary development project application. Under the Housing Crisis Act of 2019 (SB 330) projects that apply for a preliminary development application receive statutory vesting rights, meaning the application is only subject to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted. They are required submit a Use Permit application for the proposed project within the next 18 months in order to maintain these statutory vesting rights. Rent Board staff are typically asked to confirm whether or not the residential units are rent-controlled when these preliminary development applications are under review.

Within the preliminary development application, applicants must indicate if they are proposing to demolish any existing residential units, and whether or not the proposed development includes

the construction of any new BMR units. With this information, staff can determine whether or not the preliminary development application proposes one to one replacement at the outset and inform the Board of any applications that do not.

If no preliminary application is submitted, the earliest staff learn about the details of the proposed application is after the projects Use Permit application is submitted. Staff propose to inform the Board of any projects that do not propose one to one replacement of rent-controlled units with BMR units going forward after either the preliminary application or Use Permit application has been submitted.

In addition to informing the Board of any demolition applications that propose less than one to one replacement of rent-controlled units with BMR units, staff is committed to attending Zoning Adjustments Board meetings involving projects with rent-controlled units going forward. Staff has also been attending the Planning Commission meetings that include discussion of the proposed revisions to Demolition Ordinance. The revised Demolition Ordinance is tentatively scheduled to go in front of the Planning Commission again at its February 7th, 2023 meeting.

Demolition Project Status and Tenant Impacts

As of December 2023, none of the approved demolition projects have moved to the construction phase but the closest is the project at 2538 Durant Avenue, which has its building permit under review. This project proposes to demolish twelve rent-controlled units, eight of which were occupied when Rent Board staff reviewed the project, and replace them with six BMR units and six market rate units. Staff sent letters to all eight tenant households informing them of their rights. Staff was contacted by one tenant and assisted them by both ensuring they were aware of the applicable tenant protections and referred them to the East Bay Community Law Center for legal advice. This tenant was able to negotiate temporary relocation to another unit managed by the applicant. The tenant told Rent Board staff that they intended to finish their last semester of school at UC Berkeley before graduation and then move away from Berkeley. Staff have confirmed all other tenants have since moved out of the property.

Staff have also been contacted by three long-term tenants who are interested in the possibility of taking advantage of their rights to temporarily relocate and move back to a replacement unit once construction is complete. Planning and Rent Board staff have agreed to require the applicants submit signed relocation agreements with each tenant prior to receiving approval for their building permits.

Staff are also working with Planning staff to improve the tenant notification process when demolition applications involving tenant occupied units are submitted. Staff will share more details once we have an agreement with Planning on an improved notification process.

Background Information

The City of Berkeley's Demolition Ordinance (BMC 23C.08) seeks to maintain and increase affordable housing, provide protections to existing tenants, and further the City's policy to increase the housing supply through the creation of new, larger housing projects. The Ordinance was most recently revised by the City Council in March of 2016. The Ordinance currently

allows for demolitions of rent-controlled units, but requires the applicant to mitigate the impact of the loss of these older, more affordable residential units. The 2016 revision clarified what conditions are required to mitigate the loss of affordability when rental-controlled units are demolished, and provided the option of either the payment of a mitigation fee or the creation of below-market rate (BMR) replacement units. The 2016 revisions also added a five-year prohibition on demolition if a building was removed from the rental market under the Ellis Act, and a three-year prohibition on demolition if there are any verified cases of tenant harassment, threatened illegal eviction, or actual illegal eviction.

The 2016 Ordinance revisions were never fully implemented because they reference a City Council adopted resolution setting both the mitigation fee level, and the required affordability level for BMR replacement units. A resolution setting these levels was never adopted by City Council. The Demolition's Ordinance lack of a specific mitigation fee amount, and a below market-rate replacement unit requirement with no set affordability level (or process for calculating it), has caused confusion for potential applicants and unfortunately led to outcomes where applicants electing the mitigation fee option have paid a lower than anticipated fee or no fee at all.

SB 330: The Housing Crisis Act of 2019

SB 330 created a number of state laws regarding the production, preservation, and planning for housing. It was effective January 1, 2020 and applies to all housing development projects submitted before January 1, 2025. However, Governor Gavin Newsom signed SB 8 into law in September of 2021, which modified and extended the Housing Crisis Act of 2019 until 2030.

Under SB 330, as modified by SB 8, any existing unit that is classified as a "protected unit" must be replaced after demolition. This includes units that were rented by lower or very low-income households and units that "are or were subject to any form of rent or price control through a public entity's valid exercise of its police power within the past five years." This replacement requirement had the effect of preempting Berkeley's Demolition Ordinance mitigation fee option. Any protected units must be replaced in the same or lower income category as the most recent tenant households that occupied the unit within the five-year period preceding application.

If the incomes of the last households in occupancy are unknown, it is presumed that lower income renter households occupied the units in the same proportion as other lower income renter households in Berkeley, as determined from the most recently available data from HUD's Comprehensive Housing Affordability Strategy (CHAS) database. The CHAS calculations result in existing residential units being replaced by BMR units at a variety of income levels, from extremely low to low income level. When the calculations result in an income level greater than 80% AMI, only market rate replacement units are required. The CHAS dataset for Berkeley is attached.

SB 330 also offers relocation assistance, a right of first refusal to return to a comparable unit at an affordable rent upon project completion, and the right to remain in their unit until six months prior to the start of construction.

Rent Board Application Review

Rent Board staff review development applications that include demolition of residential units and assist the Planning Department by providing a report to the Planning Department that covers the following:

1. Rental unit occupancy status
2. Property or buildings history under rent control
3. Information on any recent Ellis Act evictions
4. Information on verified cases of harassment, or actual illegal eviction from Rent Board records.
5. Proposed conditions of approval to mitigate projects impact to existing tenants

Rent Board staff also work to ensure existing tenants of buildings with demolition applications are informed of their rights, including the applicable tenant protections under the Demolition Ordinance and the Rent Stabilization Ordinance.

Attachments:

- 1) 2022-2023 Demolition Project Information
- 2) HUD CHAS Database for Berkeley
- 3) Anti-Eviction Mapping Project Report: Densifying Berkeley: Potential Impacts on Berkeley

Name and Telephone Number of Contact Person:

Lief Bursell, Senior Planner (510) 981-7368

Application Date	Project Address	Application Type	Application Status	Project Description	# Existing Residential Units Proposed for Demolition	# Tenant Occupied Units	# Replacement Units	One to One Replacement with BMR?	Total BMR Units	Council District
5/20/2023	1790 University	Use Permit	Application Complete (12/6/2023)	Construct a five-story mixed-use building containing 17 dwelling units and ground floor commercial space.	1	1	1 BMR	Yes	2	4
4/26/2023	2127-59 Dwight Way	Use Permit	Approved by ZAB (11/30/2023)	Construct a six-story multi-family building, with 58 new dwelling units	8	5	7 BMR	No	7	4
2/10/2023	2300-10 Ellsworth St.	Use Permit	Application Complete (9/21/2023)	Construct a seven-story residential building with 69 units.	12	12	9 BMR	No	9	7
1/23/2023	2601 San Pablo Avenue (1110-12 Parker and 2609 San Pablo)	SB 330 Pre-App	SB 330 Preliminary Application Complete (12/5/2023)	Merge six parcels and construct an eight-story mixed-use residential development with 242 dwelling units	4	2	4 BMR	Yes	4	2
12/2/2022	3030 Telegraph (aka 2330-36 Webster)	Use Permit	Approved by ZAB on 6/08	Construct 5-Story mixed-use building with 144 dwellings	4	0	4 BMR	Yes	8	8
11/14/2022	2538 Durant	Use Permit	Approved on consent by ZAB on 4/27/2023	Demolish 12 dwelling units & develop an eight-story residential building with 83 units	12	8	6 BMR	No	6	7
10/20/2022	2138 Center Street (aka 2128 Oxford)	Use Permit	Application under review	Merge two lots to construct a 17 story mixed-used building with 485 dwelling	16	0	16 BMR	Yes	47	4
9/22/2022	2427-33 San Pablo Avenue	Use Permit	Application under review	Construct a five-residential replacement apartment units and Group Living Accommodation (GLA)	8	8	8 BMR	Yes	8	2
5/10/2022	1827 & 1899 Oxford	SB 330 Pre-App	SB 330 Preliminary Application Under Review	Construct 118 new dwellings with 12 BMR	8	6	8 BMR	Yes	12	6

Comprehensive Housing Affordability Strategy ("CHAS") data

Summary Level: City

Created on: December 20, 2023

Data for: Berkeley city, California

Year Selected: 2016-2020 ACS

Income Distribution Overview	Owner	Renter	Total	
Household Income less-than or= 30% HAMFI	1,485	8,550	10,035	
Household Income >30% to less-than or= 50% HAMFI	1,170	3,820	4,990	
Household Income >50% to less-than or= 80% HAMFI	2,035	3,675	5,710	
Household Income >80% to less-than or=100% HAMFI	1,435	1,930	3,365	
Household Income >100% HAMFI	13,555	8,225	21,780	
Total	19,680	26,205	45,885	
Housing Problems Overview 1	Owner	Renter	Total	
Household has at least 1 of 4 Housing Problems	5,485	13,850	19,335	
Household has none of 4 Housing Problems	14,195	12,355	26,550	
Cost burden not available, no other problems				
Total	19,680	26,205	45,885	
Severe Housing Problems Overview 2	Owner	Renter	Total	
Household has at least 1 of 4 Severe Housing Problems	2,700	9,125	11,825	
Household has none of 4 Severe Housing Problems	16,980	17,080	34,060	
Cost burden not available, no other problems				
Total	19,680	26,205	45,885	
Housing Cost Burden Overview 3	Owner	Renter	Total	
Cost Burden less-than or= 30%	14,350	12,325	26,675	
Cost Burden >30% to less-than or= 50%	2,815	4,990	7,805	
Cost Burden >50%	2,355	8,085	10,440	
Cost Burden not available	150	810	960	
Total	19,680	26,205	45,885	
Income by Housing Problems (Owners and Renters)	Household has at least 1 of 4	Household has none of	Cost Burden not available,	Total
	Housing Problems	4 Housing Problems	no other housing problem	
Household Income less-than or= 30% HAMFI	8,290	1,745		10,035

Household Income >30% to less-than or= 50% HAMFI	4,105	885		4,990
Household Income >50% to less-than or= 80% HAMFI	2,850	2,860		5,710
Household Income >80% to less-than or= 100% HAMFI	1,345	2,020		3,365
Household Income >100% HAMFI	2,735	19,045		
Total	19,335	26,550		45,885
Income by Housing Problems (Renters only)	Household has at least 1 of 4	Household has none of	Cost Burden not available,	Total
	Housing Problems	4 Housing Problems	no other housing problem	
Household Income less-than or= 30% HAMFI	7,050	1,500		8,550
Household Income >30% to less-than or= 50% HAMFI	3,335	490		3,820
Household Income >50% to less-than or= 80% HAMFI	1,900	1,775		3,675
Household Income >80% to less-than or= 100% HAMFI	755	1,175		1,930
Household Income >100% HAMFI	805	7,420		8,225
Total	13,850	12,355		26,205
Income by Housing Problems (Owners only)	Household has at least 1 of 4	Household has none of	Cost Burden not available,	Total
	Housing Problems	4 Housing Problems	no other housing problem	
Household Income less-than or= 30% HAMFI	1,240	245		1,485
Household Income >30% to less-than or= 50% HAMFI	770	395		1,170
Household Income >50% to less-than or= 80% HAMFI	950	1,085		2,035
Household Income >80% to less-than or= 100% HAMFI	590	845		1,435
Household Income >100% HAMFI	1,930	11,625		13,555
Total	5,485	14,195		19,680
Income by Cost Burden (Owners and Renters)	Cost burden > 30%	Cost burden > 50%	Total	
Household Income less-than or= 30% HAMFI	8,080	6,820	10,035	
Household Income >30% to less-than or= 50% HAMFI	4,010	2,115	4,990	
Household Income >50% to less-than or= 80% HAMFI	2,545	990	5,710	

Household Income >80% to less-than or= 100% HAMFI	1,255	190	3,365	
Household Income >100% HAMFI	2,360	325	21,780	
Total	18,250	10,440	45,885	
Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total	
Household Income less-than or= 30% HAMFI	6,855	5,895	8,550	
Household Income >30% to less-than or= 50% HAMFI	3,290	1,695	3,820	
Household Income >50% to less-than or= 80% HAMFI	1,640	445	3,675	
Household Income >80% to less-than or= 100% HAMFI	710	15	1,930	
Household Income >100% HAMFI	580	35	8,225	
Total	13,075	8,085	26,205	
Income by Cost Burden (Owners only)	Cost burden > 30%	Cost burden > 50%	Total	
Household Income less-than or= 30% HAMFI	1,225	925	1,485	
Household Income >30% to less-than or= 50% HAMFI	720	420	1,170	
Household Income >50% to less-than or= 80% HAMFI	905	545	2,035	
Household Income >80% to less-than or= 100% HAMFI	540	175	1,435	
Household Income >100% HAMFI	1,780	290	13,555	
Total	5,170	2,355	19,680	

1. The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%.
2. The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 50%.
3. Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.



Rent Stabilization Board
Office of the Executive Director

DATE: February 15, 2024

TO: Honorable Members of the Rent Stabilization Board

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

SUBJECT: Modifying Staffing Model – Public Information Unit and adding Executive Support

Background

The agency's current staffing model has 26.0 Full-time Equivalent (FTE) career positions. The 26.0 FTEs comprise seven units. Increasing operational efficiency, performance and capacity has been an integral driver in providing better service to the public and increasing compliance with program requirements. Two of the seven units are the Rent Board's most public-facing units: The Registration Unit and Public Information Unit. The operations of these front-facing units are critical to the success of the agency and the effectiveness of service to the public.

Public Information Unit

The current staffing model of the Public Information Unit at the Rent Board. The unit is currently comprised of one (1) CSS III position (Manager – in Local 1), five (5) CSS II positions (Housing Counselors in SEIU 1021 CSU), and one (1) OS II position (Admin Support in SEIU 1021 Clerical).

To create promotional opportunities and bolster our services through higher levels of duties and assignments, reframing the current PIU staffing model by introducing the Community Development Program Coordinator (CDPC) and the Community Services Specialist I (CSS I) will assist in furthering PIU and Rent Board service and operational performance goals.

This will be accomplished by converting a vacated CSS II position to a CDPC and converting another vacated CSS II position to a CSS I position for a more balanced team with an entry-level opportunity in housing counseling work. The current proposal does not require additional positions to the Public Information Unit.

Executive Office

The Executive Office has operated without dedicated administrative support for the past two years. The lack of support is impacting our ability to fulfill our mission effectively. By adding an Administrative Staff Assistant, below are seven detailed reasons outlining why administrative support is essential and how it will positively impact the operations of our agency:

- **Increased Efficiency:** Administrative support will streamline daily operations by managing schedules, organizing meetings, and handling correspondence. This will allow executive staff to focus on strategic decision-making and programmatic priorities, ultimately increasing efficiency.
- **Improved Communication:** With administrative support, communication within the agency and external stakeholders will be enhanced. Administrative staff can ensure timely dissemination of information, coordinate interdepartmental communication, and maintain accurate records, fostering a more cohesive and informed work environment.
- **Enhanced Customer Service** Administrative support is crucial in providing excellent customer service to our constituents. With dedicated staff managing inquiries, scheduling appointments, and handling administrative tasks, we can ensure prompt and professional responses to public inquiries and requests for assistance.
- **Compliance and Record-Keeping:** Administrative support is essential for maintaining compliance with regulatory requirements and record-keeping standards. By overseeing documentation, managing data entry, and ensuring adherence to reporting deadlines, administrative staff will contribute to our agency's accountability and transparency.
- **Project Coordination:** Administrative support facilitates project coordination and implementation. From organizing logistics to tracking project milestones, administrative staff can provide invaluable assistance to program managers, enabling seamless execution of initiatives and timely achievement of objectives.
- **Resource Management:** We can optimize resource allocation and utilization with administrative support. From managing office supplies to coordinating travel arrangements, administrative staff can help minimize waste and maximize cost-effectiveness, contributing to prudent financial management.

Increasing the capacity of the Rent Board by adding administrative support to the Executive Office will be instrumental in enhancing operational effectiveness, improving communication, and ensuring compliance within our agency.

At their February 8, 2024 meeting, the Budget & Personnel Committee unanimously voted to recommend that the full Board adopt Resolution 24-03 authorizing the proposed Staffing Model changes explicated above.

Recommendation

That the Board adopt Resolution 24-03 authorizing modifications to the Rent Board Staffing Model recommended by the Budget & Personnel Committee.

Financial Impact

Revising the current staffing model to include a Community Services Specialist I (currently 81,584.99 at the first step) and the Community Development Project Coordinator (currently \$105,911.83 at the first step) will have a fiscal impact of approximately \$2,690 in salary savings and \$37,375 with benefits, resulting in an annual net impact of approximately \$34,685 for both positions.

Significant salary savings from current vacancies also create an opportunity to amend our current staffing model to include the Administrative Staff Assistant position to provide much-needed administrative support to the Executive Director. Funding in the amount of \$33,799 is currently available in the FY23-24 budget to fund the position for the remainder of the fiscal year. Staff will seek Board permission to utilize FY23-24 anticipated salary savings to fund this position through FY24-25.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

Attachments:

1. Administrative Staff Assistant classification
2. Community Services Specialist I classification
3. Community Development Project Coordinator classification

RESOLUTION 24-03

MODIFYING THE FISCAL YEAR 2023-2024 STAFFING MODEL TO INCLUDE TWO COMMUNITY SERVICES SPECIALIST I CLASSIFICATIONS, A COMMUNITY DEVELOPMENT PROJECT COORDINATOR, AND AN ADMINISTRATIVE STAFF ASSISTANT

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

WHEREAS, at its regular meeting on June 16, 2022, the Rent Stabilization Board adopted a staffing model for the fiscal year 2023-24 that maintains a staffing level of 26.0 career Full-Time Equivalents (FTEs); and

WHEREAS, the Budget and Personnel Committee and the Executive Director continuously monitor the agency's staffing model and overall capacity throughout the fiscal year; and

WHEREAS, the Budget & Personnel Committee supports the Executive Director's recommendation to modify the Public Information Unit staffing model by introducing a Community Development Program Coordinator (CDPC) and a Community Services Specialist I (CSSI) to assist in furthering service, operational performance goals and provide new promotional opportunities; and

WHEREAS, the Budget & Personnel Committee and Executive Director have determined the necessity to add dedicated administrative support in the form of an Administrative Staff Assistant to the Executive Office; and

WHEREAS, the Budget & Personnel Committee and Executive Director have ascertained after a thorough review that the proposed staffing changes will result in improved efficiency, enhanced customer service, and stronger compliance and record-keeping; and

WHEREAS, the financial impact of this staffing model change will be an annual net impact of approximately \$34,685 for both the CDPC and CSSI positions after salary savings, with \$33,799 available in the FY23-24 budget to fund the Administrative Staff Assistant position for the remainder of the fiscal year; and

WHEREAS, sufficient funds are available due to salary savings to support these changes in the staffing model currently and for FY24-25.

NOW, THEREFORE, BE IT RESOLVED that the inclusion of a Community Services Specialist I, a Community Development Project Coordinator, and an Administrative Staff Assistant in the agency's staffing model is hereby adopted for Fiscal Year 2023-2024.

RESOLUTION 24-03

MODIFYING THE FISCAL YEAR 2023-2024 STAFFING MODEL TO INCLUDE TWO COMMUNITY SERVICES SPECIALIST I CLASSIFICATIONS, A COMMUNITY DEVELOPMENT PROJECT COORDINATOR, AND AN ADMINISTRATIVE STAFF ASSISTANT (page 2)

Dated: February 15, 2024

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



CITY OF BERKELEY
Established Date: Jul 30, 2009
Revision Date: Dec 7, 2010

Administrative Staff **Assistant**

Class Code:
2006

Bargaining Unit: Unrepresented Classifications

SALARY RANGE

\$39.53 - \$48.53 Hourly
\$3,162.46 - \$3,882.20 Biweekly
\$6,852.01 - \$8,411.43 Monthly
\$82,224.06 - \$100,937.14 Annually

DESCRIPTION:

DEFINITION

This is a single position class in the Rent Stabilization Program. Under direction, performs more complex, at times confidential, clerical work of an administrative nature in support of the Executive Director of the Rent Stabilization Program, senior staff which includes serving as administrative clerk to the elected Rent Stabilization Board; performs related duties as assigned.

CLASS CHARACTERISTICS

This paraprofessional class is characterized by responsibility for gathering and evaluating data, preparing and evaluating administrative records, and recommending a course of action to management staff in the areas of budget, purchasing, personnel and office management. The incumbent performs advanced and complex administrative support work for the Executive Director and the elected Rent Board, and may supervise a small clerical staff. This class is distinguished from other clerical classes by its advisory role to management and the independence and analytical requirements necessary for collecting and evaluating data and making recommendations.

EXAMPLE OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Attends Rent Stabilization Board meetings, records votes, takes and prepares meeting minutes, compiles and posts Board agendas;
2. Researches less complex administrative problems, and makes recommendations for appropriate courses of action;
3. Interprets and applies City rules, regulations and policies; revises, modifies and recommends new policies and procedures; and keeps abreast of current developments in areas of specialty;
4. Acts as a liaison between the Rent Board and staff and serves as a resource to the Executive

Director, the public, City departments and other agencies on departmental programs and policies; assists in preparing and disseminating information on such and handles complaints and requests for information; prepares less complex reports, press releases, documents and correspondence;

5. Performs difficult and complex clerical tasks including word processing and spreadsheet development, correspondence and reports; filing and maintaining materials; operating office equipment; processing forms, records and reports; responding to inquiries, requests and complaints and making referrals; arranging meetings and conferences and preparing technical materials, as appropriate

6. May be authorized to sign supervisor's name on documents and represent supervisor at agency meetings and conferences;

7. Directs and coordinates the work of clerical employees; and

8. Performs related duties as assigned.

KNOWLEDGE AND ABILITIES:

Note: The level and scope of the knowledges and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Basic principles and practices of public administration and public relations;
2. Practices and procedures for conducting public meetings, including Roberts Rules of Order and the Brown Act;
3. Modern office practices and procedures;
4. Business English, spelling and punctuation, and arithmetic;
5. Word processing, database, and spreadsheet software such as accounting, calendaring, referral and project management systems, and the use of personal computing equipment;
6. Basic budgetary principles and practice; and
7. Basic supervisory principles and practices.

Ability to:

1. Analyze administrative, operational and organizational problems, evaluate alternatives and reach sound conclusions;
2. Communicate effectively both verbally and in writing;
3. Maintain accurate records and files;
4. Direct the work of others on a day to day basis;
5. Coordinate multiple projects and meet critical deadlines;
6. Exercise sound independent judgment within established guidelines;

7. Operate a computer with proficiency and familiarity; set up and maintain filing and other recordkeeping systems; and

8. Establish and maintain effective working relationships with City boards, the public, and City employees contacted in the course of the work.

MINIMUM QUALIFICATIONS:

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND ABILITIES IS:

Four (4) years of increasingly responsible experience preparing and maintaining administrative, financial, fiscal, statistical records and/or reports and performing other administrative/clerical duties. College coursework in public or business administration, accounting, or related field may be substituted for the above experience on a year-for-year basis with 30 semester/45 quarter units being equal to one (1) year experience. Experience working with boards or commissions is highly desirable.

OTHER REQUIREMENTS

Must be able to travel to various locations within and outside the City of Berkeley to meet the program needs and to fulfill the job responsibilities. When driving on City business, the incumbent is required to maintain a valid California driver's license as well as a satisfactory driving record.

CLASSIFICATION HISTORY:

Title: Administrative Staff Assistant
Classification Code: 2813
Classification Established: 1985
Classification Revised: 12/2010
FLSA Status: Non-Exempt
Administrative Leave/Overtime: OT
Representation Unit: Z2
Probationary Period: 1 Year
Workers Compensation Code: 8810

Community Services Specialist I

Class Code:
2074

Bargaining Unit: Service Employees International Union, Local
1021 (Comm Svcs & PT Rec Leaders)

CITY OF BERKELEY
Established Date: Oct 7, 2008
Revision Date: Oct 7, 2008

SALARY RANGE

\$39.22 - \$46.30 Hourly
\$3,137.88 - \$3,703.73 Biweekly
\$6,798.75 - \$8,024.76 Monthly
\$81,584.99 - \$96,297.10 Annually

DESCRIPTION:

DEFINITION

Initially, under close supervision, to provide professional level support in assigned community oriented programs. The type of duties performed may vary from program to program (depending on the needs, the type of services provided, and the focus of the program), but may include one or any combination of the following: program development, program or community agency monitoring or community organization.

CLASS CHARACTERISTICS

This is the entry level in this professional community program management series, requiring appropriate preparation, but no professional level experience. Incumbents receive close supervision in their assignments initially, while developing the ability to work independently and exercise sound judgment in solving a variety of difficult program delivery problems. This class is distinguished from Community Services Specialist II in that incumbents working at the latter level are full-trained, experienced and are assigned a wide variety of complex program responsibilities under general supervision. Positions in this class may be assigned supervision of paraprofessional and/or office support staff.

EXAMPLE OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Plans and develops programs, by completing assessment to determine extent of service needs of the target population, such as homeless, disadvantaged adults and youths, etc;
2. Monitors and evaluates programs, to determine appropriate goal implementation and delivery of services;
3. Provides direct client service delivery in identifying service needs and offering referrals and social support program alternatives; conducts neighborhood programs for crime prevention in support of alternative youth activities, and other community based programs;
4. Works with community leaders, civic organizations, social clubs and churches to develop community based support for major City programs;

5. Meets with related community agencies and other City of Berkeley staff to coordinate services and assist with the implementation of new or improved programs;
6. Assists neighborhood groups in organizing and empowering themselves for greater self determination in the welfare and protection of their community;
7. Plans and develops public information campaigns to encourage acceptance and participation in City sponsored and community based programs;
8. Performs related duties.

KNOWLEDGE AND ABILITIES:

Note: The level and scope of the knowledge and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Social, economic, health and safety issues facing high risk populations and the dynamics of human behavior;
2. Community and government services, agencies and social services resources;
3. Data collection and needs assessment methods;
4. Consensus building and conflict resolution techniques;
5. Principles and practices of community organization.

Skill in:

1. Utilizing community and governmental agency resources effectively to assist clients with social, health, recreational, and educational needs;
2. Responding sensitively to the needs of the homeless and disadvantaged from a variety of ethnic groups and cultures, including alternative lifestyles;
3. Exercising sound judgment and making appropriate recommendations and referrals;
4. Communicating effectively with a wide range of clients and agencies;
5. Preparing clear, concise and complete written reports and other written correspondence;
6. Gathering and analyzing quantitative and qualitative data and making sound conclusions;
7. Establishing and maintaining effective working relationships with those contacted in the course of work.

MINIMUM QUALIFICATIONS:

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

A college degree in sociology or a related field from an accredited college or university.
Progressively responsible experience in community organization, social services or a related field

which has required independent program development and needs assessment skills may be substituted for the education on a year-for-year basis.

OTHER REQUIREMENTS

Must have a valid California driver's license and a satisfactory driving record. Must be willing to work evenings and/or weekends. Some positions may require bilingual language skills to meet the needs of the population to be served.

City of Berkeley

Community Development Project Coordinator

SALARY

\$50.92 - \$61.57 Hourly

\$4,073.53 - \$4,925.22 Biweekly

\$8,825.99 - \$10,671.31 Monthly

\$105,911.83 - \$128,055.73 Annually

LOCATION

Berkeley, CA

JOB TYPE

Career

JOB NUMBER

2022-07-2073

DEPARTMENT

City-Wide

OPENING DATE

08/01/2022

CLOSING DATE

Continuous

BENEFITS OF WORKING FOR BERKELEY

[Berkeley, California](#) is a small city with a big reputation. At just ten square miles of land and seven square miles of water, Berkeley is famous around the globe as a center for academic achievement, scientific exploration, free speech, and the arts, and home to over 50 parks, a top-ranked university, and the largest public marina in the San Francisco Bay.

As an employer, the City of Berkeley offers all the benefits of a career in the public sector while fostering diversity, creativity, and innovation. Join a team of high-caliber, experienced staff with a shared mission of serving the Berkeley community and promoting an accessible, safe, healthy, environmentally-sound and culturally-rich city.

JOB OPPORTUNITY

The City of Berkeley invites you to apply for the position of [Community Development Project Coordinator](#) (CDPC) for consideration in multiple City departments! In this role, you will have the opportunity to serve as a project leader in one of the City's community development program activities outlined below. You will coordinate various phases of projects and implement activities of housing, employment, transportation, and/or economic development. Duties include handling requests for grant

funding, contract compliance matters, operations support, data analysis, and development and administration of policies, procedures, and budgets.

Health, Housing & Community Services (HHCS)

- In Affordable Housing Programs, the CDPC implements a variety of programs related to affordable housing development, rehabilitation, program administration, and policy development and implementation. Ideal candidates have a solid understanding of affordable housing financing and/or housing policy, resourcefulness in responding to challenges, and proficiency in drafting, negotiating and executing the mechanisms for ensuring the community's interests.
- In Labor Standards and Employment Programs, the CDPC works to ensure the City is in compliance with relevant local and federal ordinances/regulations. The Berkeley Municipal Code (BMC) contains several locally adopted labor and employment programs.

Public Works

- In Real Property Services, the CDPC provides lead direction to staff, advises City Management on program implications of operational or financial activity, and makes recommendations regarding project restructuring, funding alternatives, and cost analysis. Incumbents have considerable latitude to exercise independent judgment, particularly when representing the City in meetings with other agencies, boards, commissions and community groups.
- In Electric Mobility, the CDPC leads the City's efforts to fulfill the [Berkeley Electric Mobility Roadmap](#) which aims to create a fossil-free transportation system and ensure equitable access to the benefits of clean transportation. Incumbent will organize the Electric Mobility Implementation Working Group, manage the development of City-owned electric vehicle charging infrastructure, track and develop programs utilizing emerging mobility options, and catalyze actions such as pilot projects and new best practices.

City Manager

- In the Office of Economic Development, the CDPC provides assistance to new and growing businesses in Berkeley and the business district organizations that represent them. They will perform economic data analysis, prepare reports and presentations, manage Berkeley's Revolving Loan Fund, and manage contracts with Business Improvement Districts (BIDs). Incumbent will act as liaison with various business organizations to promote positive neighborhood economic development outcomes. They will also advise businesses seeking to grow in or relocate to Berkeley and link them with property owners, brokers and other sources of business assistance.

See the full job class specification: <https://www.governmentjobs.com/careers/berkeley/classspecs/105114>

MINIMUM QUALIFICATIONS

A typical way of gaining the knowledge, skills, and abilities for this position is: Equivalent to graduation from a four-year college with major coursework in business, planning, or public administration or a closely related field and four (4) years of professional project management experience in community development, such as housing, economic development, public works, or planning. Lead and/or supervisory experience is desirable.

A master's degree in a related program is desirable and can be substituted for one (1) year of the required experience.

Incumbents must be able to attend evening meetings. A valid California driver's license is desirable.

APPLICATION PROCESS

Applicants must submit a completed application and responses to the supplemental questionnaire. Please note that resumes are not a substitute for a completed application.

Applications are available in alternative formats (audio-format, braille, large print, electronic text, etc.) upon request to ada@berkeleyca.gov. Please allow 10 days for production of the material in an alternative format.

EXAM PROCESS

The exam process will include, but is not limited to:

- Application review for minimum qualifications and required documents

Tests may consist of any combination of written, oral or other exercises or assessment procedures that test content and may include, but are not necessarily limited to, typing, math, reading, writing and analytical skills; problem solving ability; computer and software proficiency, or any other job-related knowledge, skill, ability or qualification. The examination process and dates are subject to change. The City may, without notice, change or eliminate any assessment component as needs dictate. Applicants passing all examination phases will have their names placed on an employment eligible list that hiring departments will use to conduct final selection interviews.

Reasonable Accommodations: The City is committed to making reasonable accommodations in the examination process and in the work environment. Individuals requesting reasonable accommodations in the examination process must submit a request in writing to hr@berkeleyca.gov at the time of application.

PRE-EMPLOYMENT PROCESS

Candidates under final consideration for employment with the City will undergo an employment background/reference check that may include, but is not limited to: employment history, confirmation of educational credentials and degrees, licenses including driver's license, registrations, certificates, other credentials, credit check, criminal history check, and Live Scan fingerprinting.

EQUAL EMPLOYMENT OPPORTUNITY (EEO) EMPLOYER

The City of Berkeley is an Equal Employment Opportunity (EEO) employer. All employment actions shall be administered regardless of race, color, national origin, ancestry, religion, age, physical or mental disability or medical condition, sex, gender, gender identity, gender expression, sexual orientation, genetic information, marital status, pregnancy, political affiliation, veterans' status, or any other status protected under federal, state, or local law.

DISASTER SERVICE WORKER

All City employees are required to provide services as Disaster Service Workers in the event of an emergency/disaster.

Agency

City of Berkeley

Address

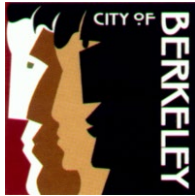
2180 Milvia Street (1st floor)
Human Resources Department
Berkeley, California, 94704

Phone

(510) 981-6800

Website

<https://berkeleyca.gov/your-government/jobs>



City of Berkeley
Records Management Program
2180 Milvia Street
Berkeley, CA 94704

RECORDS RETENTION SCHEDULE – RENT STABILIZATION BOARD

DEPARTMENT DIRECTOR	RENT BOARD ATTORNEY	CITY CLERK
DéSeana Williams	Matt Brown	Mark Numainville

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
RENT100	BOARD AND COMMITTEES				
RENT101	BOARD AGENDA PACKETS				
RENT101a	(HARD COPY)	N/A	PERM	PERM	Dept. Policy
RENT101b	March 2, 1998 to Present (ELECTRONIC)	PERM	None	PERM	Dept. Policy
RENT102	COMMITTEE AGENDA PACKETS Retention Note: with Brown Act posting declaration				
RENT102a	Prior to Jan. 2000 (HARD COPY)	N/A	PERM	PERM	Dept. Policy
RENT102b	Jan. 2000 to Present (ELECTRONIC)	PERM	None	PERM	Dept. Policy
RENT103	RENT STABILIZATION HISTORY FILES				
RENT103a	July 17, 1980 to November 20, 2000 (HARD COPY)	N/A	PERM	PERM	Dept. Policy
RENT103b	December 7, 2000 to Present (ELECTRONIC)	PERM	None	PERM	Dept. Policy
RENT104	BOARD-APPROVED MEETING MINUTES Retention Note: Approved Committee Minutes are included in subsequent Board Agenda packets	PERM	None	PERM	GC34090, 34090.5
RENT105	BOARD RESOLUTIONS (ELECTRONIC)	PERM	None	PERM	GC34090, 34090.5
RENT106	BOARD MEETING RECORDINGS (ELECTRONIC)				
	January 16, 2006 to Present	PERM	None	PERM	Dept. Policy
RENT107	PUBLIC NOTICES (ELECTRONIC) Required notices published regarding certain Board actions.	PERM	None	PERM	Dept. Policy
RENT108	ADMINISTRATIVE DOCUMENTS (ELECTRONIC) Membership Rosters, Historical Data relating to Board and Committee Appointments and Termination information	CYE	PERM	PERM	Dept. Policy

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
RENT200	ADMINISTRATION				
RENT201	GOALS AND OBJECTIVES (ELECTRONIC) Department strategic planning, unit workplans, performance measures, agency goals and objectives.	CYE+2	None	CYE+2	GC 34090
RENT202	POLICIES AND PROCEDURES (ELECTRONIC) Documents pertaining to or arising from routine administration or operation of agency policies, programs, services, and projects.	US+3	None	US+3	Dept. Policy
RENT203	CORRESPONDENCE AND INTERNAL MEMORANDUM – ADMINISTRATIVE (ELECTRONIC) Documents pertaining to or arising from routine administration or operation of agency policies, programs, services, and projects.	CYE+2	None	CYE+2	Dept. Policy
RENT204	PROJECT FILES – ARCHIVE (HARD COPY OR ELECTRONIC) Summary files and documents from inactive projects that have been deemed useful for future agency work.	US+3	None	US+3	Dept. Policy
RENT205	MINUTES – STAFF MEETINGS (ELECTRONIC) Minutes of internal staff meetings.	AV	None	Max=2	Dept. Policy
RENT206	ORGANIZATIONAL CHARTS (ELECTRONIC)	US+5	None	US+5	Dept. Policy
RENT207	DEEDS OF GIFT (ELECTRONIC) Certificates of gifts to outside agencies of City of Berkeley records	PERM	None	PERM	Dept. Policy
RENT208	RECORDS RETENTION SCHEDULE (ELECTRONIC) The retention schedule is adopted by resolution; the record copy of the retention schedule and all amendments are maintained in the City Clerk resolution files; departments and divisions maintain current edition only	PERM	None	PERM	Dept. Policy
RENT209	RECORDS DESTRUCTION DOCUMENTATION (ELECTRONIC) Destruction certificates and logs of all records destroyed by the records center	PERM	None	PERM	Dept. Policy
RENT300	PERSONNEL				
RENT301	EMPLOYMENT APPLICATIONS AND NOTES (HARD COPY) Files related to candidates that are interviewed for positions.	CL+4	None	CL+4	GC 12946, 29 CFR 1602.31
RENT302	PERSONNEL NOTES AND RECOLLECTIONS (ELECTRONIC OR HARD COPY)	AT+4	None	AT+4	

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
RENT303	<p>PERSONNEL FILES (HARD COPY) Personnel records of individual employees regarding hiring, termination, transfer, performance evaluations, pay grade, position/job title, leaves of absence, name changes, and similar actions except those noted elsewhere in this schedule. Access is restricted to the individual employee, Executive Director, and Staff Attorneys. Retention Note: Records will be stored for AT+5 by Human Resources.</p>	AT+10	None	AT+10	GC 7927.700
RENT304	<p>DISCIPLINARY AND ADVERSE ACTION RECORDS (HARD COPY) Records created by the Personnel Board or by HR or supervisory officers in considering or reconsidering an appeal, an adverse action against an employee. Due process prior to disciplinary action. Agency access is restricted to Executive Director and Staff Attorneys. Retention Note: Records will be stored permanently by Human Resources.</p>	CL+2	None	CL+2	29 CFR 1602.31 Dept. Policy
RENT305	<p>GRIEVANCE RECORDS (HARD COPY) Records relating to the review of employee grievances against personnel policies, working conditions, etc. Agency access is restricted to Executive Director and Staff Attorneys. Retention Note: Records will be stored permanently by Human Resources.</p>	AS+2	None	AS+2	Dept. Policy
RENT400	HEARINGS/MEDIATIONS				
RENT401	HEARING RECORDINGS	3	None	3	Dept. Policy
RENT402	<p>PETITION FILES (ELECTRONIC) Contains petition, documents, investigation reports, electronic images of physical evidence presented at hearing, decisions, and appeals. RETENTION NOTE: IF DECISION IS APPEALED, LITIGATION CASE RETENTION POLICY SUPERSEDES.</p>	1	None	PERM	RSB Ordinance; BMC 13.76
RENT403a	<p>MEDIATION FILES (ELECTRONIC) Contains mediation request form, case notes, correspondence, signed settlement agreement.</p>	2	None	PERM	Dept. Policy
RENT 403b	<p>MEDIATION FILES (HARD COPY) Contains mediation request form, case notes, correspondence, signed settlement agreement.</p>	1	None	PERM	Dept. Policy
RENT500	POLICY/LEGAL				

RENT501	REPORTS AND STUDIES (NON-FISCAL) Reports or studies submitted to the Board related to goals of the Rent Stabilization and Eviction for Good Cause Ordinance. Retention Note: Significant reports/studies, which have importance, should be kept permanently for historical reference. Electronic storage acceptable.	20	None	20	Dept. Policy
RENT502	VACANCY REGISTRATION FORM (HARD COPY PRIOR TO 1/2019)	1	PERM	PERM	Dept. Policy
RENT503	EVICIONS RELATED TO ELLIS ACT AND OWNER MOVE-IN (ELECTRONIC) Documents on file pursuant to City Ordinance.	PERM	None	PERM	BMC 13.77, BMC 13.76.130 A.9.
RENT504	COMPLIANCE REVIEW/INVESTIGATIONS (ELECTRONIC) Investigation of non-compliance with ordinance and administrative regulations	10	PERM	PERM	Dept. Policy
RENT505	LITIGATION CASES				
RENT505a	CASE FILES (HARD COPY) Retention note: Significant cases, which Legal Staff have determined have importance or set legal precedence, should be kept permanently for historical reference. Electronic storage acceptable.	AE+3	PERM	PERM	42 USC 1983
RENT505b	Memorandums of points & Authorities (Electronic)	PERM	None	PERM	Dept. Policy
RENT506	SUPERIOR COURT, MUNICIPAL COURT, SMALL CLAIMS LAWSUITS (HARD COPY) Lawsuits filed to collect money owed program				
RENT506a	Satisfied judgment	AS+3	PERM	PERM	Dept. Policy
RENT506b	Unsatisfied judgment, liens, lien renewals, related correspondence	PERM	None	PERM	Dept. Policy
RENT507	PUBLIC RECORDS REQUESTS (ELECTRONIC) Department and public requests for records. Includes original request, correspondence and other documentation relating to the request, complex research compilations prepared for administrative requests, audits and litigation support, and Public Record Act (PRA) requests Retention Note: As of December 2020, RSB uses the City's NextRequest system to track PRA requests electronically.	CL+2	None	CL+2	GC 34090
RENT508	ORDINANCES AND REGULATIONS (ELECTRONIC) Any changes to the Rent Stabilization and Eviction for Good Cause Ordinance and related regulations.	PERM	None	PERM	Dept. Policy
RENT600	FISCAL				

RENT601a	BUDGET DOCUMENTATION – WORKING DOCUMENTS (ELECTRONIC) Records used exclusively for the preparation of budgets, including budget requests, justification statements, and similar documents	PERM	-	PERM	GC 34090
RENT601b	BUDGET DOCUMENTATION – ADOPTED (ELECTRONIC) Fund encumbrance and expenditure reports. Status report showing expenditures and encumbrances against a budget, i.e., budget performance report.	PERM	-	PERM	GC 34090
RENT602	TREASURY AND DEPOSIT RECEIPTS (HARD COPY) Receipts of payments for registration fees and penalties.	FYE+2	PERM	PERM	Dept. Policy
RENT603	PAYROLL REPORTS AND RELATED RECORDS	FYE+2	5	FYE+7	GC 34090
RENT604	EMPLOYEE TIME SHEETS/CARDS (HARD COPY) Includes applications for leave of absence requests. Retain for audit and FEMA reports.	AA+2	A4	AA+6	GC 34090, 29 CFR 516.2, 26 CFR 31.6001(e)(2)
RENT 605	TRAVEL RECORDS (HARD COPY)	CYE+2	None	CYE+2	GC 34090
RENT606	DEPARTMENT COPY OF CONTRACTS, LEASES, MOUS, AGREEMENTS (HARD COPY) Includes contracts for services, equipment, supplies, etc.	AE+2	PERM	PERM	Dept. Policy
RENT 607	ESCROW PAYMENTS Records related to payments made into Escrow Account	3	PERM	PERM	Dept. Policy
RENT 700	REGISTRATION				
RENT701	PASS-THROUGH FILES				
RENT701a	Notice of pass-through, request for reimbursement (HARD COPY OR ELECTRONIC)	FYE+2	None	CYE+2	Dept. Policy
RENT701b	Pass-through summary spreadsheet (ELECTRONIC)	PERM	None	PERM	Dept. Policy
RENT702	REGISTRATION STATEMENTS AND RELATED DOCUMENTS (ELECTRONIC) Vacancy forms , initial and amended registration statements, unit status forms, and penalty waiver requests and decisions	PERM	None	PERM	Dept. Policy
RENT800	PUBLIC INFORMATION				
RENT 801	PROPERTY FILES				
RENT801a	PROPERTY FILES PRIOR TO 1/1/2024 (HARD COPY) Including registration statements, certificates of lawful rent, eviction notices and related documentation, penalty waiver requests and	1	PERM	PERM	Dept. Policy

	decisions, RSB correspondence, Housing Code Enforcement reports Retention note: As of 12/31/2023, hard copy property files will be digitally converted. After (1/1/2024), items historically kept in hard copy property files will follow their own retention schedule.				
RENT801b	PROPERTY FILES (ELECTRONIC) Including registration statements, certificates of lawful rent, eviction notices and related documentation, penalty waiver requests and decisions, RSB correspondence Retention Note: As of (1/1/2024), digital property file contents noted above are stored and accessed via our internal database. Prior to 1/1/2024, items historically kept in hard copy property files had their own retention parameters.	PERM	None	PERM	Dept. Policy
RENT802	WORKSHOPS, SEMINARS/WEBINARS (ELECTRONIC)	US	None	US	Dept. Policy
RENT803	INFORMATIONAL MATERIALS/MAILINGS Mailings (hard copy and electronic) Retention Note: Retain one hard copy permanently for historical reference.	CYE+2	None	CYE+2	Dept. Policy
RENT804	FORMS AND INFORMATIONAL MATERIALS (ELECTRONIC) Retention note: Forms, handouts, checklists, informational packets.	US	None	US	Dept. Policy
RENT805	APPARENT LAWFUL RENT CEILING (ELECTRONIC) Summary of unit status most recently reported to RSB and mailed to tenants and property owners	PERM	None	PERM	Dept. Policy
RENT806	CERTIFICATE OF LAWFUL PERMISSIBLE RENT LEVEL (ELECTRONIC) Copies of all requests for and determinations of certificates of lawful permissible rent levels	PERM	None	PERM	Dept. Policy

Retention Codes	
AA	After Audit
ACT	Active
AE	After Expiration
APO	After Payoff
AS	After Settlement
AT	After Termination
AV	Administrative Value
CL	Close/Completion
CYE	Current Year End
EL	Election
FYE	Fiscal Year End
MAX	Maximum
PERM	Permanent
US	Until Superseded

RESOLUTION 24-04

ADOPTING AN AMENDED RENT STABILIZATION BOARD RECORDS RETENTION SCHEDULE TO INCLUDE REVISED RETENTION PERIODS AND CATEGORIES FOR ENHANCED RECORDS MANAGEMENT

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

WHEREAS, a system for managing the Rent Stabilization Board's information assets, including records retention schedules for the final disposition and scheduled destruction of records and working papers that are no longer needed for administrative, legal, fiscal, historical, or research purposes, was adopted on September 4, 2003, by Board Resolution Number 03-21 and subsequently modified by Board Resolution Number 10-03, Board Resolution Number 12-17, and Board Resolution 23-32; and

WHEREAS, the Rent Stabilization Board has identified the need to update and amend the Records Retention Schedule to correct inconsistencies, clarify retention periods, and ensure that records management practices are in line with current operational, legal, and regulatory requirements; and

WHEREAS, the amendments to the Rent Board Record Retention Schedule have been meticulously reviewed and incorporate corrective suggestions and resolutions to deficiencies identified in previous versions of the policy; and

WHEREAS, these amendments aim to streamline records management processes, improve access to digital records for staff and the public, and ensure the efficient use of storage space, both on-site and off-site, maintained by the City Clerk for the Rent Board and other city departments; and

WHEREAS, the Board recognizes the importance of maintaining a robust and adaptable records management system that supports the Rent Stabilization Board's mission, enhances transparency, and safeguards historical records;

NOW, THEREFORE, BE IT RESOLVED that the Rent Stabilization Board hereby adopts the amended Rent Board Record Retention Schedule, reflecting the integrated suggestions for improvements, adjustments in retention codes, and the establishment of clear guidelines for the retention, storage, and destruction of records.

RESOLUTION 24-04

ADOPTING AN AMENDED RENT STABILIZATION BOARD RECORDS RETENTION SCHEDULE TO INCLUDE REVISED RETENTION PERIODS AND CATEGORIES FOR ENHANCED RECORDS MANAGEMENT (page 2)

BE IT FURTHER RESOLVED that the Board authorizes the Executive Director to implement the amended Records Retention Schedule and make necessary arrangements for the secure and efficient management of records as outlined in the amended policy.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption, ensuring the Rent Stabilization Board's compliance with best practices in records management and governance.

Dated: February 15, 2024

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg
Chair, Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



**Rent Stabilization Board
Commissioner Nathan Mizell**

January 19, 2024

Dear Chancellor Christ & UCPD Chief Pittman,

As an elected representative of the citizens of Berkeley, I write to you today with grave concern for all who were impacted by your decision to institute a police occupation in a significant portion of Southside Berkeley.

Your decision to secure People's Park for construction with the use of checkpoint barriers fundamentally alerted the rights of citizens overnight. The severe impact on resident's freedom of movement, privacy, and freedom of speech & assembly cannot be understated. The people who were subject to this police occupation deserve an apology. I ask that you publicly apologize for these actions and commit to never repeating such an operation.

I remain extremely disturbed by what Berkeley residents have described and what I personally witnessed. Two weeks ago, without any notice to the affected residents, hundreds of CHP and UCPD officers were deployed into Southside and proceeded to occupy a nearly 6-block area of the City (or 27 Sproul Plazas) 24/7 for over six days. I live only a few hundred feet from this zone.

These officers enforced barriers across the occupation zone requiring any who wished to enter this significant portion of Southside to (1) Identify themselves to the police, then (2) Provide sufficient proof of residency OR evidence they are a guest of a resident. Those individuals unable or unwilling to satisfy an officer's request for identification were denied entry to the occupation zone. This policy infringed on protected rights and by its very nature was arbitrary. Based on my conversation with residents and my observations, this policy was enforced arbitrarily with little consideration for the impact on those who live and/or work in the city. I waited nearly 5 hours on January 4th to enter the zone and was denied access. My white colleague, who was not a member of the press, a City Official, or even a resident of Berkeley, was allowed into the zone on the same night.

The majority of the residents I have spoken to have stressed their belief that their privacy was unnecessarily invaded. I certainly agree with them. No one in California is required to carry ID while they walk public streets. No one in California is required to carry a lease agreement. No one in California is required to carry an electric bill as proof of residence. How your administration thought it reasonable to require Berkeleyans to produce such personal information for the inspection of a police officer remains beyond my understanding. It simply cannot be justified.

These onerous requirements represent far more than a mere “inconvenience”. Instead, they represent a severe infringement of the rights of Berkeleyans. When childcare is unnecessarily delayed, when Black residents are stopped and questioned outside their homes, and when elderly and disabled residents are forced to take longer alternative routes, “inconvenience” fails to respond to the actual level of wrongdoing.

In addition, I witnessed the following by officials involved in administering the occupation zone:

- A UCPD sergeant, in describing the University's treatment of Berkeley residents stated “Sometimes [The University] cares, sometimes [The University] doesn't”
- A UCPD sergeant stated that “paranoia” was a motivating factor in the University's actions
- A UCPD sergeant stated that no procedure was explained on how to determine if someone was a guest of a resident in the occupied zone
- A UCPD sergeant stated they did not believe the University had any authority to prevent residents or guests from entering the occupied zone, regardless of ID
- Multiple CHP Officers described having no clear guidelines on how to enforce the “Stop and Identify policy”
- A UCPD Lieutenant suggested Officers would “escort individuals over to their house” and monitor residents as they attempt to unlock their doors
 - If ID or “escorting” an individual to their door did not suffice, it was suggested tenants “call their landlord” and have them prove to the police who is a resident
- A CHP officer falsely claimed that California is a “Stop and Identify” State
- CHP Officers smiled and posed with the mural on 2455 Telegraph Ave memorializing the murder of James Rector on May 15, 1969, colloquially known as “Bloody Thursday”

In light of the actions and statements of the officers under your supervision, it is my sincere hope that UC-imposed police occupation will never return to Berkeley and that the rights of residents will be protected. The University's interest in “securing” People's Park in no way justifies infringement on the rights of Berkeleyans to assemble and move freely. I await your response to the concerns I have outlined.

Respectfully,



Nathan Mizell



BERKELEY RENT BOARD

Rent Board Eviction Data Presentation.

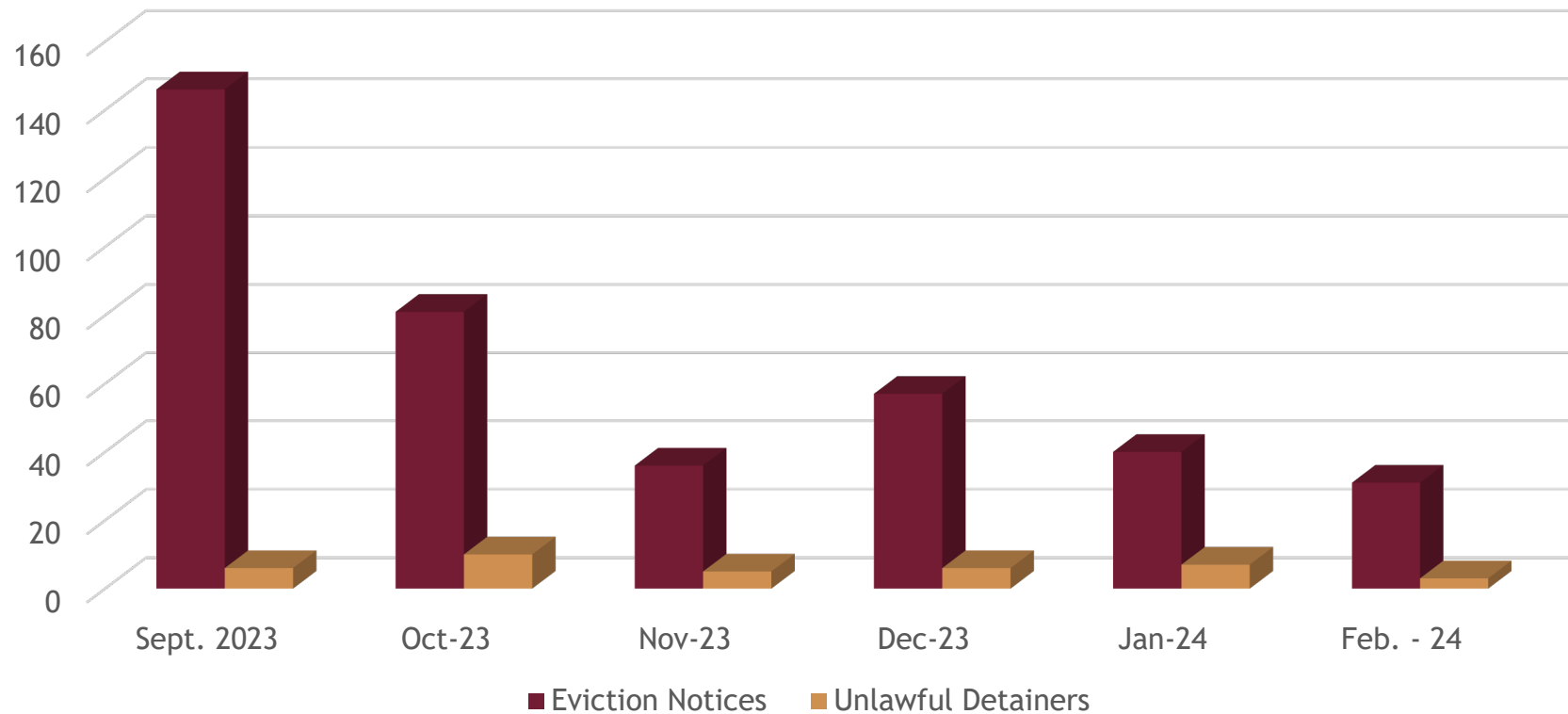
Rent Board Meeting
February 15, 2024
Nathan Dahl

Rent Board Public Information Manager

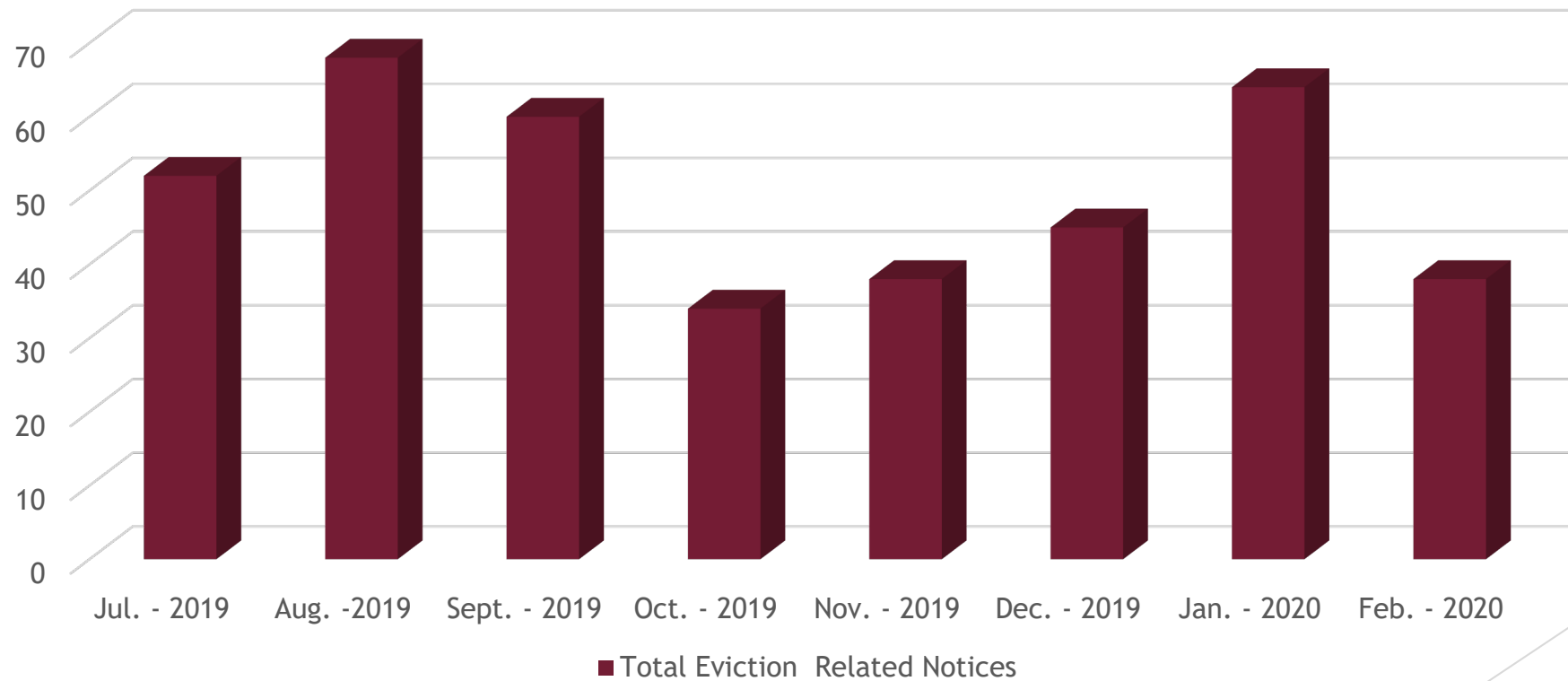
Review of Eviction Notices received since the end of the Eviction Moratorium (Sept. 1, 2023 - Present)

Review of Average Monthly Evictions Prior to Eviction Moratorium

Eviction Data since the end of the Eviction Moratorium. Sept 1, 2023 - Present



Eviction Data Prior to the Eviction Moratorium. July 2019 - February 2020.





Rent Stabilization Board

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

Thursday, February 8, 2024 – 5:30 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.

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/85203575209?pwd=tmcyJWcHHrhObg5DGOKSNW89u0ZsMB.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: 852 0357 5209 and Passcode: 601157. 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 3:30 p.m. on the day of the Committee meeting in order to be included.**

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

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting 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.

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



Rent Stabilization Board

RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Thursday, February 8, 2024 – 5:30 p.m.

****REVISED 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. Election of Committee Chair
5. Public Comment
6. Approval of January 11, 2024, meeting minutes (attached to agenda)
7. Discussion and Possible Action on the Rent Board Staffing Model modification (To be delivered)
8. Discussion and Possible Action on the Process to Adopt the FY 2024/25 Registration Fee for Fully Covered and Measure MM units (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



Rent Stabilization Board

RENT STABILIZATION BOARD
EVICITION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Tuesday, February 13, 2024 – 6:00 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley, CA 94704

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/87977214326?pwd=ycWBQBZHRpUN9mbHcuJsPPAy1AbMYL.1>. 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: 879 7721 4326 and Passcode: 102354. 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 oeHLinger@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR EVICITION/SECTION 8 COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum 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.

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



Rent Stabilization Board

RENT STABILIZATION BOARD
EVICTIION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Tuesday, February 13, 2024 – 6:00 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley, CA 94704

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. Approval of the Minutes of the January 9, 2024 meeting
5. Public Comment
6. Presentation from the Berkeley Housing Authority on the Section 8 Program in Berkeley
7. Discussion regarding Board data on recent eviction activity
8. Discussion and possible action regarding Measure AA Owner Move-in Eviction Report (verbal report only)
9. Confirm next meeting date
10. Adjournment

STAFF CONTACT: Ollie Ehlinger, Staff Attorney – (510) 981-4924
COMMITTEE: Stefan Elgstrand (Chair), Xavier Johnson, Ida Martinac, Nathan Mizell