



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.

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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.

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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**

REVISED AGENDA

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

1. **Roll call** – 1 min.*
2. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. – 2 min.*
3. **Approval of Agenda** – 1 min.*
4. **Public Comment** – 2 min.*
5. **CONSENT ITEMS** – 1 min.*
 - 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 TO BE DELIVERED
 - 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

6. APPEAL – 7:30 p.m.**

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

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

Tenant appeals the dismissal of Tenant’s Petition for Individual Rent Adjustment (“petition”), seeking a rent ceiling reduction on a number of claims located at 2218 Durant Avenue, Unit 7, Berkeley, CA (“premises”). The hearing examiner dismissed the petition stating that the claims fell outside the purview of the Rent Ordinance.

On appeal, Tenant claims that the hearing examiner erred in his determination to dismiss the petition because the hearing examiner allegedly based the decision to dismiss on a “what-if-scenario” not based in fact. Based on this allegation, Tenant requests that the Board both modify and remand the hearing examiner’s dismissal.

However, a review of the record fails to reveal any “imaginary claims” and/or “what-if-scenarios” relied on by the hearing examiner. Rather, it is quite clear that he appropriately analyzed only the facts and allegations presented within Tenant’s petition. Based on those facts presented, the hearing examiner appropriately determined that the claims fell outside the purview of the Rent Ordinance.

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 – 1 min. per speaker*

- a. Chair Update (Chair Simon-Weisberg)
 - (1) Demolition Ordinance Applications update (Be Tran, Associate Planner) – 10 min.*
 - (2) Update on the Empty Homes Tax Program (Executive Director) – 5 min.*
 - (3) Recommendation to adopt 2024 Committee Assignments – 10 min.* TO BE DELIVERED
 - 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) – 15 min.*
 - 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) – 10 min.*
 - 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) – 5 min.* TO BE DELIVERED
- 8. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA**
from Board Members, Committees, Executive Director or Staff

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

- a. Eviction Moratorium update – *Verbal* (Public Information Unit Manager) – 5 min.*
- b. Update on the Rent Board office move to 2000 Center Street – *Verbal* (Executive Director/Board Secretary) – 5 min.*
- c. Copy of the January 2024 Empty Homes Tax mailing sent to affected Berkeley property owners (Executive Director) – 2 min.*
- d. Updated Commissioner attendance at Board and Committee meetings through December 2023 (Board Secretary) – 1 min.*
- 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) – 5 min.*
Next regularly-scheduled meeting: Thursday, February 8th at 5:30 p.m.

January 11th agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – 5 min.*
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) – 5 min.*
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) – 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.

January 8th agenda

- 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.*

- 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

11. ADJOURNMENT

COMMUNICATIONS DISCLAIMER:

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



RENT STABILIZATION BOARD
Special Meeting
Monday, December 4, 2023 – 6:00 p.m.
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RENT STABILIZATION BOARD

Special Meeting

Monday, December 4, 2023

6:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

Minutes - *Unapproved*

1. **Roll call** – The Chair called the meeting to order at 6:09 p.m.

Aimee Mueller called roll.

Commissioners present: Alpert, Elgstrand, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg

Commissioners absent: Kelley

Staff present: Brown, Fabish, Mueller, Williams

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

The Land Acknowledgement Statement was played aloud.

3. **Approval of Agenda**

M/S/C (Johnson/Walker) APPROVE THE AGENDA AS WRITTEN. Voice vote.

Carried: 8-0-0-1. Absent: Kelley.

4. **Public Comment** – As permitted by California Government Code Section 54954.3(a), public comment shall be limited to only specifically agenda items for this Special Meeting. The Chair shall have discretion to adjust time limits for the public to speak for items on the agenda. There were 68 speakers.

The following commenters spoke in support of the Item 6.b.: Russell Bates, Nickan Fayyazi, Chloe Chaudhry, Sara Ahmed, Haseeb Chaudhry, Sandra Nasser, Nader Kusy, Samira Khan, Amber Khury, Leila Mire, Nadine, Tooka, Matthew Lewis, Moni T. Law,

Aliza Kazmi, Sadia, Angelica B., Negeene Mosaed, Musa Tonq; Steven Cohen, Lew Williams, Nica, Francesca Mejid, Iyas Sartauri, Sumaya Alkatib, Heba Ali, Lari C., Kaneesha, Candace Schott, Lea Zalinskis, Sam Anderson, Sasha Stahl, Hirsham Zorba, Seth Morrison, “anon,” Brennan Robins, Whitney Sparks, Cheryl Davila, Surti, AJ, Jay A., Lara, Sultan, “Khalil renter,” “Free Palestine,” Citali Contreras-Sandoval, Yousef Saad, Encian, Nishat, “a, he/him,” Karin V., Aishi, Nabeeha, Faye, Randa, Rima Khouri, Daisy, Malena leon, Geraldine Slevin, Jonah Gottlieb, jslattery, A.M., Benjamin Zank.

The following commenters spoke against Item 6.b.: Itamar Landau, Liberty Schubert, Jesse Schwartz, “Zoom User 777,” Michael K, Sam.

5. SPECIAL PRESENTATION on the nexus between the Board’s work and the conflict in Gaza

Reem Asad, President of Palestinian Public Health at UC Berkeley, spoke to the Board about the public health crisis faces by Palestinians and Gazans. “Hana,” representing UC Berkeley’s Bears for Palestine, also addressed the Board regarding the conditions in Gaza.

6. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

- a. Recommendation to adopt Resolution 23-29 authorizing the Executive Director to initiate a contract with ACRO Services Corp. not to exceed \$15,000 for a temporary staff person to assist with administrative tasks related to processing eviction notices (Executive Director)

M/S/C (Martinac/Walker) ADOPT RESOLUTION 23-29 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley. Carried: 8-0-0-1.

- b. Recommendation to adopt Resolution 23-30 calling for an immediate ceasefire in Palestine and Israel (Vice-Chair Alpert, Chair Simon-Weisberg, Commissioners Walker and Martinac)

M/S/C (Alpert/Marrero) ADOPT RESOLUTION 23-30 WITH THE FOLLOWING CHANGE: AMEND THE SECOND “WHEREAS” PARAGRAPH ON PAGE THREE TO READ: “WHEREAS, ON NOVEMBER 24TH, ISRAEL AND HAMAS BEGAN A TEMPORARY CEASEFIRE TO ALLOW FOR THE EXCHANGE OF SOME HOSTAGES AND ENTRANCE OF SOME HUMANITARIAN AID, BUT THAT CEASEFIRE HAS SINCE ENDED; AND...” Roll call vote. YES: Alpert, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: Elgstrand; ABSTAIN: None; ABSENT: Kelley. Carried: 7-1-0-1.

- c. Recommendation to adopt Resolution 23-31 invoking Regulation 1017 to allow landlords to provide temporary, below-market rental housing in Berkeley for Palestinian, Israeli, and Ukrainian refugees fleeing conflict (Chair Simon-Weisberg)

M/S/C (Johnson/Marrero) ADOPT RESOLUTION 23-31 WITH THE FOLLOWING MODIFICATION: REMOVE “XINJIANG” FROM THE TITLE.
Voice vote. Carried: 8-0-0-1. Absent: Kelley.

7. **ADJOURNMENT**

M/S/C (Alpert/Mizell) ADJOURN THE MEETING. Voice vote. Carried: 8-0-0-1.
Absent: Kelley.

The meeting adjourned at 9:42 p.m.



RENT STABILIZATION BOARD

Special Meeting

Tuesday, December 5, 2023 – 7:00 p.m.

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

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RENT STABILIZATION BOARD

Special Meeting

Tuesday, December 5, 2023

7:00 p.m.

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

Minutes - Unapproved

- 1. Roll call** – The Chair called the meeting to order at 7:13 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Kelley, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Ehlinger, Mueller, Williams
- 2. Land Acknowledgment Statement:** The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun- (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878 and since the Rent Stabilization Board’s creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

The Land Acknowledgement Statement was played aloud.

- 3. Approval of Agenda** – M/S/C (Kelley/Alpert) APPROVE THE AGENDA AS WRITTEN. Voice vote. Carried: 9-0-0-0.
- 4. Public Comment** – There were no speakers.
- 5. 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 the Board took no reportable action.

6. **ADJOURNMENT** – M/S/C (Kelley/Walker) ADJOURN THE MEETING. Voice vote. Carried: 9-0-0-0. The meeting adjourned at 9:05 p.m.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: January 18, 2024
TO: Honorable Members of the Rent Stabilization Board
FROM: DéSeana Williams, Executive Director
BY: Amanda Eberhart, Registration Unit Manager
SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approves the attached recommendations.

Background and Need for Rent Stabilization Board Action:

The Board’s penalty waiver process is governed by Regulations 883, 884, and 885. Regulation 883 lists the grounds for administrative waivers. In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria for an administrative waiver. Regulation 884 lists 12 categories, which will require a review of the totality of the circumstances by the full Board prior to granting any waiver request. Waivers that require a review of the totality of the circumstances are listed below as a “Discretionary Waiver.” If none of the 12 listed categories apply to the property, the waiver shall be granted/denied in a ministerial manner based upon the formula outlined in Regulation 884(C). The Board may only alter these ministerial waivers if the staff has incorrectly applied the criteria listed in Regulation 884 (B) (1-12).

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
	3131 COLLEGE	MALCOLM SMITH	2,000.00	1,600.00	400.00
	1426 ADDISON	NATOMA LLC	1,450.00	1,087.50	362.50
	1192 KAINS	MONICA CHUNG	3,120.00	1,872.00	1,248.00
	945 HILLDALE	PAVEL & KATHERINE WIEGMANN	478.00		478.00
	1234 EVELYN	JORGE VALENZUELA	870.00	783.00	87.00
	2311 A 7TH	JILL SCHALET	600.00		600.00
	3028 REGENT	DANIEL LEJA & MICHAEL WILLIAMS	250.00	250.00	-
	1614 63RD	PRADEEP DUNNA	891.00	801.00	90.00
	1615 MCGEE	ROSA MENGESHA	580.00	348.00	232.00
TOTAL			10,239.00	6,741.50	3,497.50

Financial Impact: Ministerial Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$6,741.50**.

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
W5109	1525 RUSSELL	ALMANARA INVESTMENTS INC.	9,280.00		9,280.00
TOTAL			9,280		9,280

Financial Impact: Discretionary Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$0.00**.

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
3131 COLLEGE	The Quadruplex located at 3131 College has been owned by the current owners since 2004. In the last five fiscal years, this property has paid the registration fee late once in the 19-20 registration cycle. In that cycle, they received a 100% administrative waiver for paying before the August 30th deadline. For the 22-23 registration cycle, no registration payment was received for the property and they were charged both July and January penalties. The owner states in their waiver that “Their mailbox is routinely stolen from and they did not receive a bill”. Per regulation 884C this property qualifies to have 80% of their penalties waived based on two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalty.
1426 ADDISON	The multi-residential property located at 1426 Addison has been owned by its current owner, since 2013. In the last five fiscal years, the property has paid the registration fee late twice in both the 20-21 and 21-22 registration cycles. In each of these cycles, the property was granted an administrative waiver. The property owner also paid late in the 23-24 registration cycle. The owner States in their waiver that “they attempted to pay the registration fee online on June 27th but noticed the number of bedrooms was wrong for one of the units and did not want to certify incorrect information”. Staff notes that the 23-24 registration portal opened on April 3rd and closed on July 3rd. Staff is unclear why the property owner did not attempt to contact the Rent Board before the last three business days before the registration fee was due. A search of Rent Board records will show the property was granted an automatic waiver for the 23-24 cycle, which reduced the penalties on the account by 75% based on the number of late payments received in the last six fiscal years and because the registration payment was made before the September 30th deadline. The reduced penalties was already approved and reflected in the transaction history on the property. No additional action is necessary at this time.
1192 KAINS	The quadruplex located at 1192 Kains has been owned by the current owner since 2020. In the last five fiscal years, the property has paid the registration fee late in the 18/19, 21/22 and 22/23 registration cycles. The property manager states in their waiver that “the owner is elderly and forgot to update the Rent Board with the new property manager's address.” Per regulation 884 C, this property qualifies to have 60% of the penalties waived based on three late payments in the last five registration cycles. Staff recommends waiving 60% of the penalties.
945 HILLDALE	The single-family home located at 945 Hilldale has been owned by the current owner since 2012. Unfortunately, this property has not had five years of payment history to review. This Measure MM property missed the deadline to register back in 2021. The property owner states in their waiver that “they were out of the country from April 2023 to August 2023, and the bills were forwarded to them on the 25th.” A search of Rent Board records will show that Registration Administrators have already applied the three-year statute of limitations to the property. The statute of limitations administratively removed the property's \$778 in outstanding registration fees and penalties. The balance remaining on the account reflects the current year's and one previous year's penalties. Staff recommends denying the waiver because the statute of limitations was already applied to the property.

Ministerial Waiver Analysis and Recommendation

1234 EVELYN	<p>The single-family home located at 1234 Evelyn has been owned by the current owner since 2014. In the last five fiscal years, the property has paid registration fees late in the 17/18 and 21/22 cycles. The property owner states in their waiver that “the number of units was incorrect on the property, and they were unable to update the information.” Staff notes the registration portal opened on April 3rd and closed on July 3rd. It is unclear why the property owner did not attempt to contact the Rent Board to update the portal information. Additionally, a search of Rent Board records will show that the property owner paid during the Administrative waiver period. Unfortunately, the penalties that were supposed to be automatically waived were not reflected on the account. Per regulation 883 H, this property qualifies to have 90% of the penalties waived for two late payments made before September 30 of the current registration cycle. Staff recommends waiving 90% of the</p>
2311 A 7th	<p>The condo located at 2311 A 7th Street has been owned by the current owner since 2003. Unfortunately, this property has not had five years of payment history to review. The property owner registered the property for the first time in July 2023. The property owner states in their waiver that “they did not receive a bill before May 2023, and that the May 2023 bill had the incorrect number of units.” Staff notes the registration portal opened on April 3rd and closed on July 3rd. It is unclear why the property owner did not attempt to contact the Rent Board to update the portal information before the due date. Additionally, a search of Rent Board records will show that the address on file for the property owner is the same in the historical database as the current database, and it also matches the address listed on the county property records. Rent Board records will also show that Registration Administrators have removed \$300 in outstanding registration fees and penalties for the 23/24 registration cycle data errors. The remaining \$600 penalty on the account is for non-payment of registration fees for the 22/23 registration cycle. Unfortunately, the penalties reflected on the account at this time are true and accurate based on the property’s registration date. Staff recommends denying the penalty waiver.</p>
3028 REGENT	<p>The property at 3028 Regent has been owned by the current owner since 2021. Unfortunately, this property does not have five years of payment history to review. The property was previously designated as commercial and exempt from the registration requirement of the ordinance. The property owner states in their waiver that “they received a zero bill, then received a penalty letter with registration fees and penalties.” Staff notes the documentation submitted by the property owner included a copy of the zero bill. Per regulation 883 G, this property qualifies to have 100% of the penalty waived because other errors in billing or reconciling accounts are directly attributable to the Rent Board or City staff. Staff recommends waiving 100% of the penalty.</p>
1614 63RD	<p>The quadruplex located at 1614 63rd has been owned by the current owner since May 2023. Unfortunately, this property does not have five years of payment history to review. The property owner states in their waiver that “they are new property owners unaware of the registration requirement.” Unfortunately, based on the property acquisition date, the property owners would not have received a registration statement by the deadline. Per regulation 883 I, this property qualifies to have 90% of the penalty waived because the property owners are new owners with no other residential rental property in Berkeley, were unaware of the property registration requirements of the Rent Ordinance, registered the property within 12 months of acquiring title to the property, and the property contains 3 to 5 rental units. Staff recommends waiving 90% of the penalty.</p>

Ministerial Waiver Analysis and Recommendation

1615 MCGEE	<p>The triplex located at 1615 Mcgee has been owned by the current owner since 2018. Unfortunately, due to the transition of our databases, it is unclear if the property owner paid late in the 20/21 registration cycle. A search of Rent Board records will show a partial waiver was granted to the property that cycle. The property owner paid late in the 22/23 registration cycle and was granted an administrative correction. Lastly, the property owner also paid the 23/24 registration fees late. The property owner states in their waiver that “they asked for an emailed bill due to traveling and was unable to access the pay method.” Per regulation 884 C, this property qualifies to have 60% of the penalty waived due to the third late payment in the last five registration cycles. Staff recommends waiving 60% of the penalty.</p>
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**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5109	Property address: 1525 RUSSELL ST BERKELEY	Transferred: 04/19/2001
Exempt units (as of February 2021): None		
Owner(s): ALMANARA INVESTMENTS INC.	Waiver filed by: OWNER	# of Units: 32
Other Berkeley rental property owned: None		

Late payment/penalty history: Staff notes due to the complexity of the waiver situation described by the property owner and the research conducted by the Registration Supervisor. The Registration Supervisor has chosen to conduct a ten-year financial review of the property. This financial review will give the Board a clearer perspective on the property's current standing. In the last ten fiscal years, the property has paid the registration fee late six times. In 15/16, the property was granted a 100% administrative waiver, which removed \$6,816 in penalties from the property. For registration cycle 16/17, the property was granted a settlement of \$3,744. In 20/21, the property took advantage of the Covid Amnesty and had \$8,000 in penalties removed from the account. The property made no registration payments in the 21/22 registration cycle and received two penalties that year. The 22/23 registration fees were also paid late, bringing the total outstanding balance for the property to \$48,000. In this cycle, the property was granted a settlement of \$17,600. Regrettably, the property also paid the 23/24 registration fees late, resulting in a balance of \$9,280 on the account.

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

Penalties Currently Under Consideration

Reason for Penalties: Justice

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2023-24	32	\$9,280.00	09/01/2023	\$9,280.00	\$0.00	\$9,280.00
Totals				\$9,280.00	\$0.00	\$9,280.00

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

Good cause claimed by owner: The former property manager committed a serve crime, preventing the property from paying registration fees.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The multi-residential property located at 1525 Russell has been owned by the current owner since 2004. Staff notes due to the complexity of the waiver situation described by the property owner and the research conducted by the Registration Supervisor. The Registration Supervisor has chosen to conduct a ten-year financial review of the property. This financial review will give the Board a clearer perspective on the property's current standing. In the last ten fiscal years, the property has paid the registration fee late six times. In 15/16, the property was granted a 100% administrative waiver, which removed \$6,816 in penalties from the property. For registration cycle 16/17, the property was granted a settlement of \$3,744. In 20/21, the property took advantage of the Covid Amnesty and had \$8,000 in penalties removed from the account. The property made no registration payments in the 21/22 registration cycle and received two penalties that year. The 22/23 registration fees were also paid late, bringing the total outstanding balance for the property to \$48,000. In this cycle, the property was granted a settlement of \$17,600. Regrettably, the property also paid the 23/24 registration fees late, resulting in a balance of \$9,280 on the account. The property owner states in their waiver that "the former property manager had gone missing." The property owner then implies that the former property manager committed a severe crime that resulted in the property being unable to pay registration fees. The property owner lists Concord Police Detectives, case numbers, and FBI agents who are all working on this case. Unfortunately, the property owner submitted no additional documentation for the Board's review to confirm any of the statements being made. Due to the intricate nature of the narrative presented, the Registration Supervisor called the number for the Concord police detective named in the statement. Unfortunately, the number was no longer in service. Next, staff went to verify the case number listed in the waiver on the Concord PD website. Those results returned an unknown case number. Staff tried to verify the officer named in the waiver worked for Concord PD by checking their staff directory. No one in the Concord PD directory matched the officer listed in the waiver packet. Lastly, the registration supervisor called the number for the FBI agent listed on the waiver. That phone number led to a generic voicemail box where the public could follow up on job applications or report bank robberies. At this time, the registration supervisor has been unable to confirm any part of the waiver narrative. Per Regulation 884 B (11), this waiver qualifies as discretionary if the Executive Director or their designee recommends that the interests of justice require a greater or lesser amount to be waived. Staff recommends denying the penalty waiver based on the totality of the circumstances: the property owner has not presented any evidence to confirm the narrative, staff have been unable to verify any aspect of the narrative, and lastly, the property has paid late six out of 10 years which has resulted in \$36,160 penalties being removed from the account. Staff recommends denying the waiver.

2125 Milvia Street, Berkeley, California 94704

TEL: (510) 981-7368 (981-RENT), TDD: (510) 981-6903, FAX: (510) 981-4910

E-MAIL: rent@cityofberkeley.info, INTERNET: www.cityofberkeley.info/rent/

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


Request for Waiver of Late Registration Penalties

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


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

 *Initial Here

- 2) The penalties on your bill are owed under the law. The Rent Board **may** forgive some or all of the penalties when the late payment was not deliberate and the owner acts in “good faith.” Most waivers are processed by staff, based primarily on your past payment history (see Reg. 883*).

 *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.

 *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.

 *Initial Here

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

- 6) **Communications Disclaimer:**

This document will be included in the Rent Board’s agenda packet and, as such, will become part of the City’s electronic records, which are accessible through the City’s website. This means that any e-mail addresses, names, addresses, and other information you provide will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, please call the Rent Board’s Registration Unit at (510) 981-7368 or email RentRegistry@cityofberkeley.info to make that request.

 *Initial Here

- 7) The referenced regulations can be found at: [Chapter 8: Rent Registration](#)

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

*Property Address: 1725-1727 Russel Street Berkeley CA

*Owner: Almanara Investments Inc

Date of acquisition, if new owner: _____

*Name & relationship of person filing request, if not owner: Tamer Totah ,Vice President Almanara Investments Inc

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.

Please See Attached Sheet for explanation.

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

*Date: September 20, 2023 *Signature:  Tamer Totah

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: tamertotah@gmail.com

Mailing Address: PO BOX 320171 San Francisco CA

Phone Number: 707-290-6815 Fax Number: _____

On or about April 10, 2023, the Board of Directors of Almanara Investments Inc learned that the property manager for the entire company portfolio had gone missing. In the weeks to come, we learned that the management company owner Najeeb Shihadeh was not only missing but had actually fled and told NO ONE of his departure. It appears to have been an abrupt disappearance, since none of his family knew, nor his workers or his front office lady. In hindsight, this appeared to be strategic since many of the Board of Directors had just left on a month-long excursion.

Once May came, we began to piece the puzzle together, we then came to realize that the Almanara Bank Accounts that Najeeb Shihadeh had access to, since he was the portfolio manager for 25+ years, have been cleaned out. Initially the tally has projected upwards of over 5 million dollars. The board began to feverishly try to put things together. I am proud of the progress we have made, but unfortunately, a few things have fallen in between the cracks. Since Najeeb has been the manager for so very long, many on the board were not even members of this investment group until many years after Najeeb had been placed as the manager. One of the key elements was to try to get the mail. Najeeb had abandoned his corporate office which was located in Concord California. Since none of the Board of Directors had any direct ties to the management company, we had a lot of difficulty accessing mail or company records.

I am certain, the reader of this letter has got to be thinking, how did this ever happen? Well, this is also the sentiment of the members of Almanara as well. At this point we had opened a police report with the Concord Police department Case Number 23-03979. I was working with Detective Rowland Bernal (925)603-5081 regarding the embezzlement. Simultaneously, I also opened dialogue with the Federal Bureau of Investigations. While working with Concord Police, I was called in for another meeting. This time, Detective Bernal sat me down to share with me that he has been given a direct order to stop any and all investigations on this case since the FBI ordered the Concord Police Department to stand down. I was contacted by FBI Agent Mandy Britton, and she began to take the case and wanted no other agency interfering with her investigation. FBI Agent Mandy Britton (415)-553-7400 The investigation is still ongoing and active.

Surely something is going to get screwed up! Oh yes, there are many. One of them is a bill regarding the housing rental stabilization program. This is a whole new concept since I have never owned property where a bill like this needs to be addressed, nor did it get to my attention till well into July. I immediately contacted Drew Milan (510)981-4911 in the housing division, and shared my concerns and story. Though there is a lot more to this whole saga, I wanted to appeal to you regarding the cumbersome nature of the penalties associated with the late payment. Not only are we scrambling to get a grasp of the company portfolio and its needs, but we are greatly impacted financially by this crime committed against us. The payment was made in full via bill pay as soon as I could gather all the needed information and funds. Drew with the City of Berkeley was very helpful in assisting me in getting this done. I am happy to supply any further information to the panel for consideration. We truly appreciate your understanding in this very unusual circumstance. We look forward to a healthy ongoing

relationship with the great City of Berkeley and hope our paths cross again for much better reasons.

There are 35 shareholders in Almanara Investments Inc. Many come from a struggling background and the very idea of this formation was for the little guy. Many relied on income from this company to make ends meet. Many are widows and the average age of the members are roughly 70 years old. With no more distribution right now, this is very heavy on the members. Every warranted concession makes a big difference to the members of the group. I know they all would be so grateful if the penalties could be waived. One member asked me to submit our story to a movie producer! "Maybe it will help us raise some money to help us!" they shared. In all honesty, this would make for a great story. For now, we are getting our duck lined up so we can get back to serving the community.

Again, I appeal to you all for consideration of waiving the penalties given the dynamic nature of the late payment. Surely our members will be grateful for your help.

Warm Regards,
Tamer Totah

Vice President
Almanara Investments Inc



Rent Stabilization Board

DATE: January 18, 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 have compiled an update on development applications proposing the demolition of existing rent-controlled dwelling units, with information whether the projects are proposing one to one replacement of rent-controlled units with new below-market rate (BMR) units.

As of the beginning of calendar year 2022, there have been eleven 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-one rent-controlled units, forty-two of which were occupied by tenants at the time Rent Board staff reviewed the application. This update includes one additional project that is under review at 2733 San Pablo Avenue. This project proposes to replace two rent-controlled units with sixteen BMR unit.

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	3	26	8	71	+45
Pre-Application	2	12	8	16	+4
Total	10	81	42	106	+41

Overall, if all projects were approved and moved forward to construction, they would result in a net gain of 41 BMR units (beyond one for one replacement). Of the eleven proposed developments applications, seven applications are currently proposing at least one to one replacement of rent-controlled units with BMR units, and the net gain is due to six applications that are proposing additional BMR units beyond one for on replacement.

Attachments:

- 1) 2022-2024 Demolition Project Information

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
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

City of Berkeley Empty Homes Tax

BMC 7.54



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.

Rent Board Role

1

Create
Implementation
Plan w/ Finance
Department

2

Inform Owners of
Vacant Units of
Empty Homes
Requirements

3

Identify
Residential Units
Vacant 182+ Days

4

Notify Owners &
Process
Exemption
Requests

5

Provide list of
units that qualify
for the tax to
Finance Dept.



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. Website, Guidelines, Exemption Forms To Launch in February

Vacant/ Not Available for Rent (NAR) Units

- 1274 Vacant Units in Database
- Letter sent to owners & managers

Property Type	NAR Unit Count
SFD	65
Duplex	264
3 to 4	332
5 to 10	276
11 to 20	127
21+	227



Next Steps

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

The Utility Tax

October, 2023

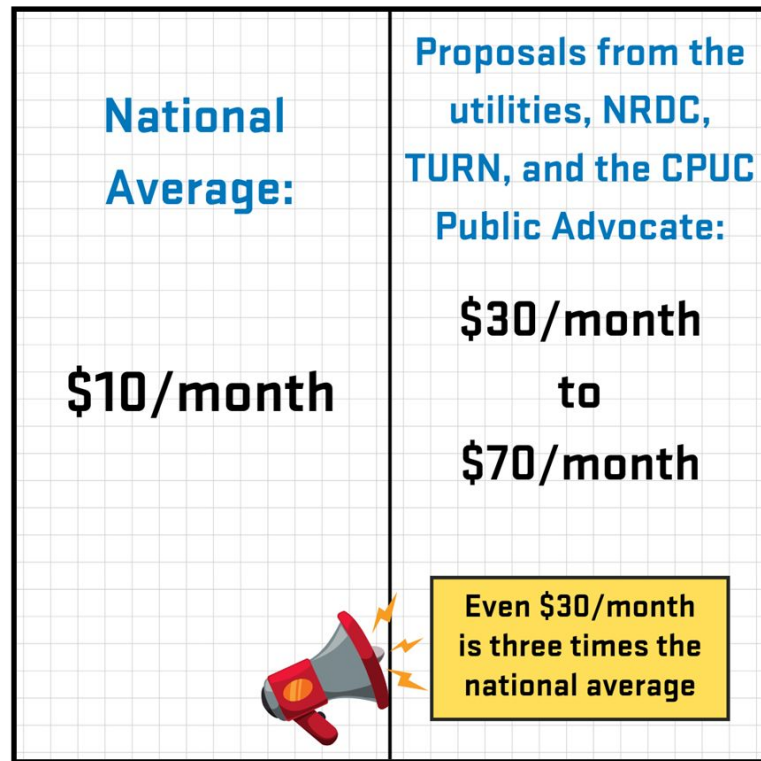
Utility Tax: What's on the Table

- Last year, the Legislature passed a "budget trailer bill" (AB 205) that included little-known provision that requires the California Public Utilities Commission (CPUC) to charge all ratepayers a Utility Tax based on household income.
 - Applies to ALL residential customers of PG&E, SCE, SDG&E, including CCA customers.
- AB 205 went from proposal to law in just 3 days with no public hearing or discussion.



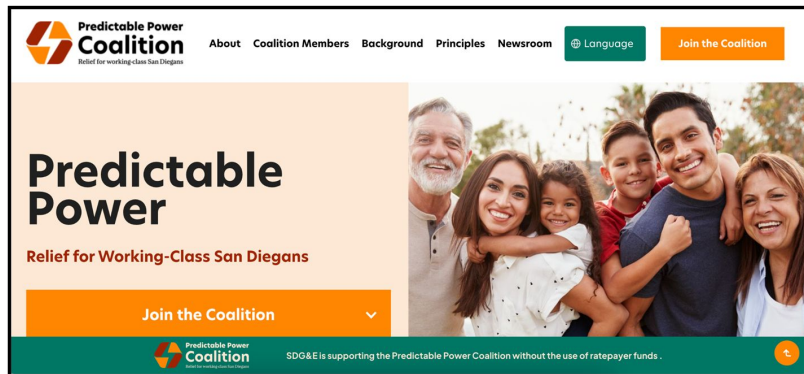
Utility Tax: What's on the Table

- Now, the utilities and some organizations are proposing to charge all ratepayers the highest Utility Tax in the country: \$30 - \$70 / month.
- You would have to pay this Utility Tax even if you buy zero energy from the utility, and the money goes to the utilities.
- The per kilowatt rate would be reduced somewhat.



Utility Tax: What is the utilities' rationale?

- Proponents say this will:
 - Lower bills for working class households.
 - Incentivize people to switch from gas appliances to electric appliances such as heat pumps and induction stoves.



← *SDG&E website promoting their utility tax proposal*

Utility Tax will increase bills for many working and middle class families living in apartments, condos, or smaller homes

Californians who live in apartments, condos, and small homes that use less energy would see their utility bills increase.

Even the \$30/month Utility Tax proposal will have this negative impact.



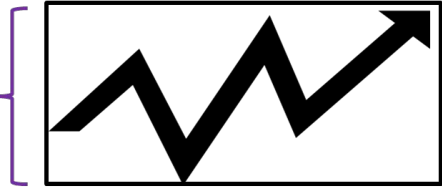
Bills will increase



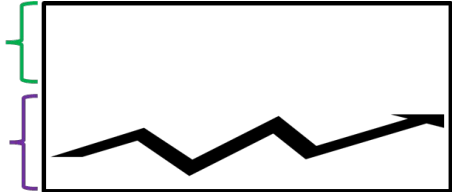
Here's why bills will go up for renters, people living in small homes, or people trying to conserve energy:

How it works now:

People are charged a per KWh rate for the energy they use, which goes up and down depending on how much they use:



People who use less energy (through any form of conservation, efficiency, or small home size) see bill savings:

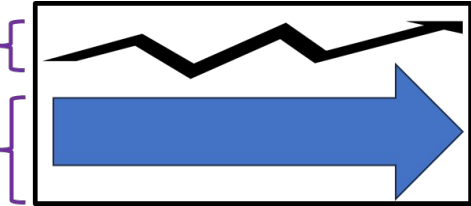


What a high Utility Tax would do:

Even if consumers use less energy because they have a small home and/or invest in conservation or efficiency, a high Utility Tax would eat into those savings and raise the overall bill



High Utility Tax



Even a \$30/month Utility Tax will increase bills on these kinds of households:

- A single mother making just \$40,000/year with one child living in a Bay Area apartment.
- A retired couple living in a small home on a fixed income in the San Diego.
- A teacher living in a small home in Fresno.
- A nurse in San Diego renting an apartment.
- A laborer living in a small home in Gilroy.



Utility Tax Would Discourage Conservation, Take Control Away from Ratepayers

High Utility Taxes discourage people from reducing their electricity use through conservation or energy efficiency, such as:

- Turning off the lights when you leave the room
- Installing new windows
- Getting rooftop solar and batteries

These proposals create a high minimum bill you cannot get out of, no matter what you do.



The Utility Tax and Rates Will Only Go Up From Here

Utility rates and fees go up, not down. The promise of lower variable rates is temporary. The Utility Tax will become yet another way for the utilities to treat ratepayers like a cash machine.

- AB 205 lifted the cap on the size of the Utility Tax
- AB 205 says nothing about freezing or lowering electricity rates

Utility Tax Does Not Incentivize Electrification

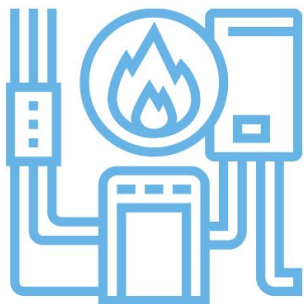
Proponents of the Utility Tax claim it will incentivize people to ditch gas and install heat pumps and other electric appliances.

But none of the Utility Tax proposals on the table would actually do that.

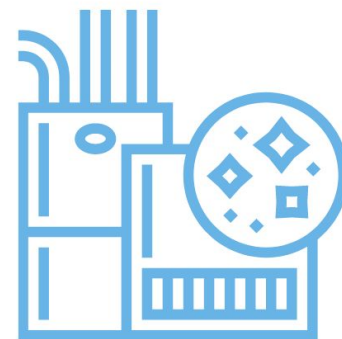
Instead...

Under the Utility Tax:

It will still be \$40-400/ year cheaper to stick with gas appliances.
The utility tax will not incentivize people to go electric



Gas Appliances



Electric Appliances

Utility Tax proponents say their proposals will lower bills on low-income people. They are not telling the whole story.

- CARE and FERA customers would see small decreases in their monthly electricity bills. These decreases will be temporary, because rates will keep going up.
- Meanwhile, millions of working people not eligible for CARE/FERA will see bill increases. Many of these households are just above the eligibility line and also struggling.



A single mother with one child making \$40K/year is just above the CARE cutoff. If she lives in an apartment or small home, her bill will increase.

There are solutions to high electricity prices. A Utility Tax is not one of them.

- Electricity prices are too high due to the cost of building and maintaining long distance power lines and the cost of liability when those lines spark wildfires.
- A Utility Tax does not fix that underlying problem: it just rearranges who pays what—harming millions of working class people in the process.
- The solution to stabilizing the high cost of electricity is to reduce our over-reliance on long distance power lines and other large-scale grid infrastructure—through more energy conservation and local solar, not less.
- We should also increase subsidies to help low-income people pay their electricity bill.

How You Can Help

1. [Sign the letter to the Legislature telling them to repeal the Utility Tax](#)
2. [Contact your Senator and Assemblymember and tell them to repeal the Utility Tax](#)
3. Alert your members and ask them to call their Legislators
4. Suggest other local organizations who should be alerted to this threat



More information

[Fact sheet](#)

[Clean Coalition rebuttal testimony to the CPUC](#)

FAQs:

[What's the theory behind how a Utility Tax would work?](#)

[Can you tell me more about the Clean Coalition data and findings?](#)

[Can you tell me more about Clean Coalition?](#)

[What savings would CARE customers get?](#)

[Why wouldn't the Utility Tax incentivize decarbonization?](#)

[What are the bottom lines?](#)

[How did AB 205 go from proposal to law so quickly?](#)

[What's an example of an action a legislator could take on this issue?](#)

To: Honorable Members of the Berkeley Rent Stabilization Board

From: Chair Leah Simon-Weisberg and Commissioner Ida Martinac

Subject: Oppose Proposed California “Utility Taxes” that Disproportionately Harm Renters

RECOMMENDATION

Transmit the enclosed Resolution in opposition to proposed “Utility Taxes” that disproportionately harm renters to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks and authorize the Berkeley Rent Board Chair 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.

BACKGROUND

The utilities and some other organizations have proposed the highest Utility Tax in the country to be levied on the vast majority of residential consumers, between \$30 and \$70 per month. Even a \$30/month Utility Tax is three times the national average and would increase utility bills on millions of working and middle class households.

The Utility Tax was created by a little-known provision included in the budget trailer bill passed by the California Legislature last year (AB 205) mandating a new monthly fixed charge (aka, Utility Tax) on all investor-owned utility residential customers. AB 205 was passed without any public hearings or discussion.¹ The Utility Tax is completely uncapped, with unlimited potential to grow.

Now the CA Public Utilities Commission (CPUC) is deciding how much the Utility Tax will be. They are expected to make a final decision by June 2024. The Legislature also has the power to repeal the Utility Tax before then.

The Utilities and other aligned organizations have proposed the highest Utility Tax in the country, between \$30 to \$70 per month on most residential consumers.² The average national utility tax is \$10 per month.³ Electricity rates (per kilowatt hour) would be lowered somewhat in exchange for paying the Utility Tax, but that would only be temporary. AB 205 says nothing about freezing or lowering electricity rates. The Utility Tax would be charged on all residential customers of PG&E, SCE, SDG&E, including customers of CCAs. Turning off the lights, installing energy efficient appliances, or going solar and storage will do nothing to eliminate or lower the Utility Tax.

¹ [AB 205 text](#), Section 10

² CPUC proceeding 22-07-005. [Search for various proposal here](#).

³ EQ Research, [Residential Fixed Charges – Comparisons of California IOU Proposals](#), 4/11/23

The Utility Tax would increase monthly bills for millions of working and middle class families. Working and middle class Californians who live in apartments, condos and small homes that use less energy would on average see their monthly utility bills **increase** by \$25 / month or more.⁴

The Utility Tax would discourage all forms of energy conservation, from turning off the lights, using energy efficiency appliances or installing solar panels. High Utility Taxes penalize people who live in smaller than average apartments and homes, or have taken steps to reduce their energy use through conservation, efficiency, or rooftop solar.

California Alternative Rates for Energy (CARE) and Family Electric Rate Assistance Program (FERA) customers would see small decreases in their monthly electricity bills. However, these decreases will be temporary, because rates will keep going up. Meanwhile, millions of working people not eligible for CARE/FERA - including thousands of Berkeley renters - will see bill increases. Many of these households are just above the eligibility line and also struggling. For example, a single mother with one child living in a Berkeley apartment making \$40K/year is just above the CARE cutoff. Her bill will increase. There are millions of people like this across California.

The Utility Tax will disincentivize building electrification, especially for multifamily housing stock. None of the Utility Tax proposals would lower bills for consumers who switch from high efficiency gas appliances to electric ones. In fact, it will still be \$40 to \$400 cheaper annually to stick with gas appliances.⁵ There are proven better ways to incentivize consumers to decarbonize and/or make electricity more affordable for lower-income Californians.

FINANCIAL IMPLICATIONS

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

CONTACT PERSON

Chair Simon-Weisberg
Commissioner Ida Martinac

RSBSimon-Weisberg@ctyofberkeley.info
RSBMartinac@cityofberkeley.info

Attachment:

1: Resolution

⁴ Clean Coalition, [Rebuttal Testimony](#), 6/2/23, pp. 7-19

⁵ Clean Coalition, [Rebuttal Testimony](#), 6/2/23, pp. 22-25

RESOLUTION 24-01

IN OPPOSITION TO PROPOSED “UTILITY TAXES” THAT DISPROPORTIONATELY HARM RENTERS

Whereas investor-owned utilities and some other organizations have proposed the highest Utility Tax in the country to be levied on the vast majority of residential consumers, between \$30 and \$70 per month;

Whereas even a \$30/month Utility Tax is three times the national average and would increase utility bills on millions of working- and middle-class households;

Whereas the Utility Tax was created by a little-known provision included in the budget trailer bill passed by the California Legislature last year (Assembly Bill (AB) 205) mandating a new monthly fixed charge (i.e., Utility Tax) on all investor-owned utility residential customers;

Whereas AB 205 was passed without any public hearings or discussion;

Whereas the California Public Utilities Commission (CPUC) is currently deciding how much the Utility Tax will be and is expected to make a final decision by June 2024;

Whereas the California State Legislature also has the power to repeal the Utility Tax prior to June 2024;

Whereas under the various high utility tax proposals, working and middle-class Californians who live in apartments, condos and small homes that use less energy would on average see their monthly utility bills increase by \$25 / month or more;

Whereas while California Alternative Rates for Energy (CARE) and Family Electric Rate Assistance Program (FERA) customers would see small decreases in their monthly electricity bills, these decreases will be temporary, because rates will keep going up;

Whereas millions of working Californians, including many Berkeley renters, who are not eligible for CARE/FERA will see bill increases, and many of these households are just above the CARE/FERA eligibility line and also struggling

Be It Resolved that the Berkeley Rent Stabilization Board expresses its firm opposition to the “Utility Tax” provision embedded into Budget Trailer Bill [AB 205](#) (2022)

Be It Further Resolved that the Berkeley Rent Stabilization Board calls on the state Legislature to address the problems outlined in this letter by immediately repealing Public Utilities Code Section 739.9;

Be It Further Resolved that the Berkeley Rent Stabilization Board is authorized to sign the statewide letter [here](#) and send copies of this resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.

Dated: January 18, 2024

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg
Chair, Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board

MEMORANDUM

DATE: January 18, 2024

TO: Honorable Members of the Rent Stabilization Board

FROM: DéSeana Williams, Executive Director
By: Aimee Mueller, Associate Management Analyst/Board Secretary

SUBJECT: Recommendation to adopt Resolution 24-02 authorizing the Executive Director to purchase furniture, fixtures and equipment for new Rent Board office space

Recommendation:

That the Board adopt attached Resolution 24-02 authorizing additional spending authority for the Executive Director to purchase furniture, fixtures and equipment needed for the Rent Board's new office space at 2000 Center Street.

Background and Need for Board Action:

The Rent Board has occupied its current office space at 2125 Milvia Street/2001 Center Street since 1996. At present, agency staff still utilize most of the same furniture that was originally purchased for this space decades ago. The only renovation and large-scale purchase of new furniture for the Rent Board's current offices occurred in 2013 as part of the complete renovation of the 1st floor – this work included installation of two ADA-compliant public counters and new workstations for all staff downstairs. The cost of the renovation was covered by the landlord at that time as part of the Board's lease renewal negotiations. Other than the subsequent replacement of furniture in a few offices needed to accommodate new occupants, there has been no large purchase of new workstations or office furniture in almost 30 years.

Following an extensive search for new office space to house the Rent Board staff and allow for anticipated growth, in June of 2023, the Board adopted Resolution 23-21 authorizing the Executive Director to execute a 10-year lease agreement for office space at 2000 Center Street in Berkeley. The future office space rent per square foot is significantly less than the price the agency currently pays; and the property owner of 2000 Center Street agreed to make substantial improvements to the space to ensure that it better suits our operational needs. Those improvements began in the third quarter of 2023 and are expected to be complete in time for staff to begin occupying the new space as of March 1, 2024.

In addition to the structural and functional aspects of the new office, the purchase of suitable furniture, fixtures and equipment is needed to optimize individual and collaborative workspaces, including spaces intended for public meetings of the elected Board and its committees.

In preparation for these purchases, staff conducted extensive research into furnishings that would integrate with our existing furniture, fixtures and equipment and enable expanded connectivity and productivity. In the process, we identified vendors who specialize in pre-owned office furniture and movers who include repurposing and/or recycling used furniture. Our intent is to utilize these vendors to the greatest extent possible as we work to ensure a smooth transition to our new space, minimize disruption to existing service delivery, and fulfill our commitment to being effective stewards of public funds.

In the process of procurement research and working with our future landlords, it has become clear that the price of virtually every product and service required for this project has increased exponentially in recent years, largely driven by higher fuel, material and labor costs stemming from the COVID-19 pandemic and the resultant consolidations of many wholesale suppliers. These factors, along with lingering supply chain deficits, required us to recalculate and anticipate greater expenditures to complete this project.

Anticipated Furniture, Fixtures and Equipment purchases by category:

Thus far, our move-related expenditures total \$118,000. Of the original amount allocated and approved by the Board for this project, \$99,000 remains. Due to the factors noted above, and unexpected construction costs not covered by our lease agreement, our anticipated purchases in some categories exceeded our initial calculations. Below is a summary of our remaining future expenditure categories.

Product/Service	Estimated Cost	Notes
Moving fees	\$20,000	
Office space modifications	\$105,000	
Data network/security system infrastructure	\$40,000	Security access system, Server room data cabling, Entry door camera system
Wireless network infrastructure/maintenance	\$15,000*	*Final cost TBD
Computer hardware & A/V equipment	\$11,000	
Office furniture & appliances	\$100,000	
Contingency for possible construction delays or temporary support needed	\$40,000	

Financial Impact:

There are sufficient funds in the 2023-2024 fiscal year (FY) budget to cover the additional spending authority in the amount of \$217,000 for the purchase of necessary office furniture, fixtures and equipment for our 2000 Center Street offices, for a total amount not to exceed \$450,000 in FY23-24.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

RESOLUTION 24-02

AUTHORIZING THE EXECUTIVE DIRECTOR TO PURCHASE FURNITURE, FIXTURES, AND EQUIPMENT FOR THE OFFICE SPACE AT 2000 CENTER STREET AND THE APPROVAL OF ADDITIONAL SPENDING AUTHORITY

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

WHEREAS, the lease for Rent Stabilization Program office space at 2000 Center Street begins on March 1, 2024; and

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

WHEREAS, the Board recognizes that relocating its office to 2000 Center Street will enhance operational efficiency and provide staff the opportunity to work under improved facilities; and

WHEREAS, it is essential to acquire suitable office furniture to optimize individual and collaborative workspaces, including spaces designated for public committee and board meetings; and

WHEREAS, Board Staff will commit to making a good faith effort in utilizing cooperative agreements such as Omnia, GSA, and other reputable sources for the procurement of facilities, furniture, and equipment; and

WHEREAS, Board Staff shall prioritize cooperative agreements for furniture procurement but, in the absence of viable options, will resort to obtaining three quotes through the informal quoting process; and

WHEREAS, as part of the FY23-24 budget, the Board allocated funding in the amount of \$233,000 to prepare for possible contingencies related to the agency's office relocation; and

RESOLUTION 24-02

AUTHORIZING THE EXECUTIVE DIRECTOR TO PURCHASE FURNITURE, FIXTURES, AND EQUIPMENT FOR THE OFFICE SPACE AT 2000 CENTER STREET AND THE APPROVAL OF ADDITIONAL SPENDING AUTHORITY (Page 2)

WHEREAS, the Board authorizes an additional spending authority in the amount of \$217,000 to account for additional purchasing needs and to ensure a seamless transition to the new office space.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to purchase office furniture, fixtures and equipment for the new office space at 2000 Center Street for a total not to exceed amount of \$450,000 for FY23-24.

Dated: January 18, 2024

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair

Attest: _____
DéSeana Williams, Executive Director



BERKELEY RENT BOARD

Distributed at the Meeting
Item 8.a.

Rent Board Eviction Data May 1, 2023 - Present

Rent Board Meeting
January 18, 2024
Nathan Dahl

Rent Board Public Information Manager

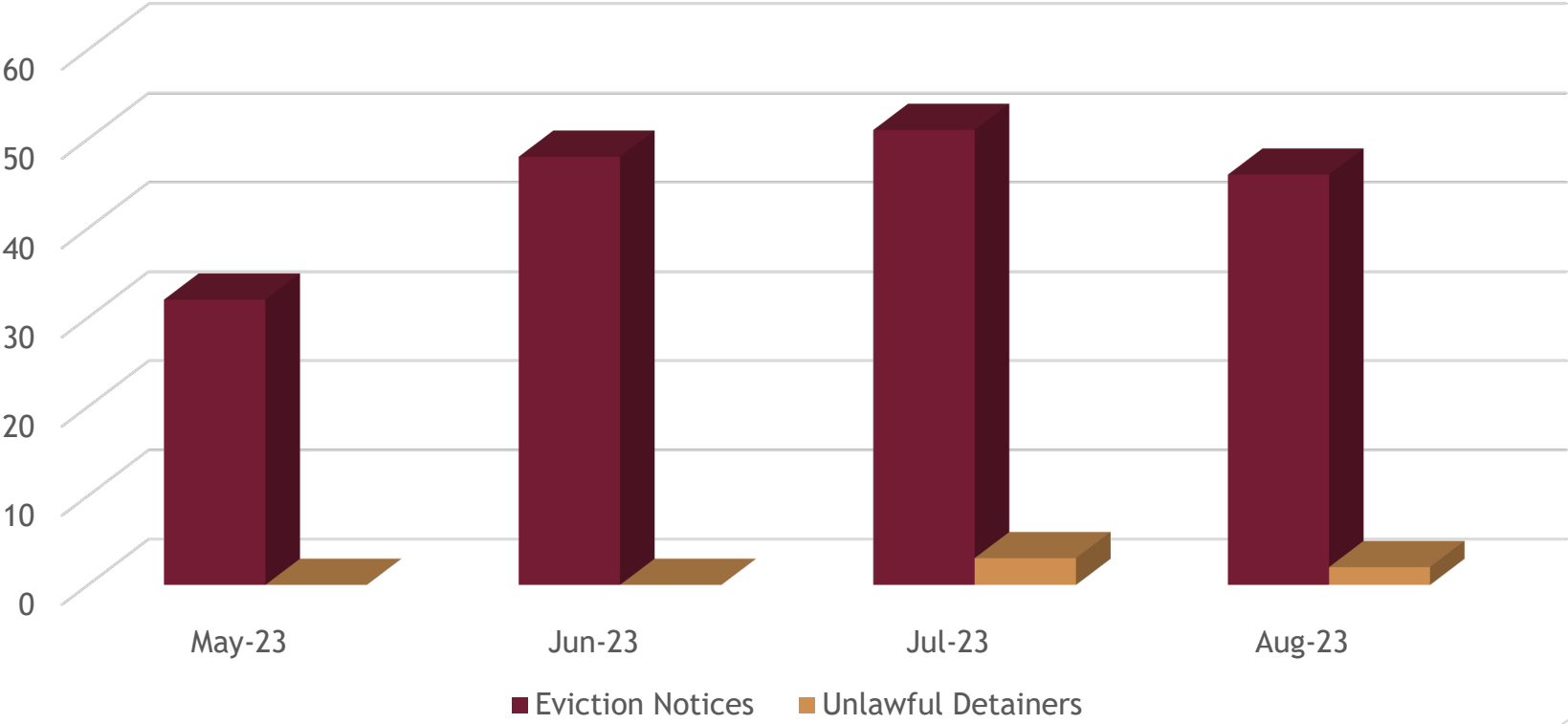
Review of Eviction Notices received during Eviction Moratorium Transition Period (May 1, 2023 - Aug. 31, 2023).

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

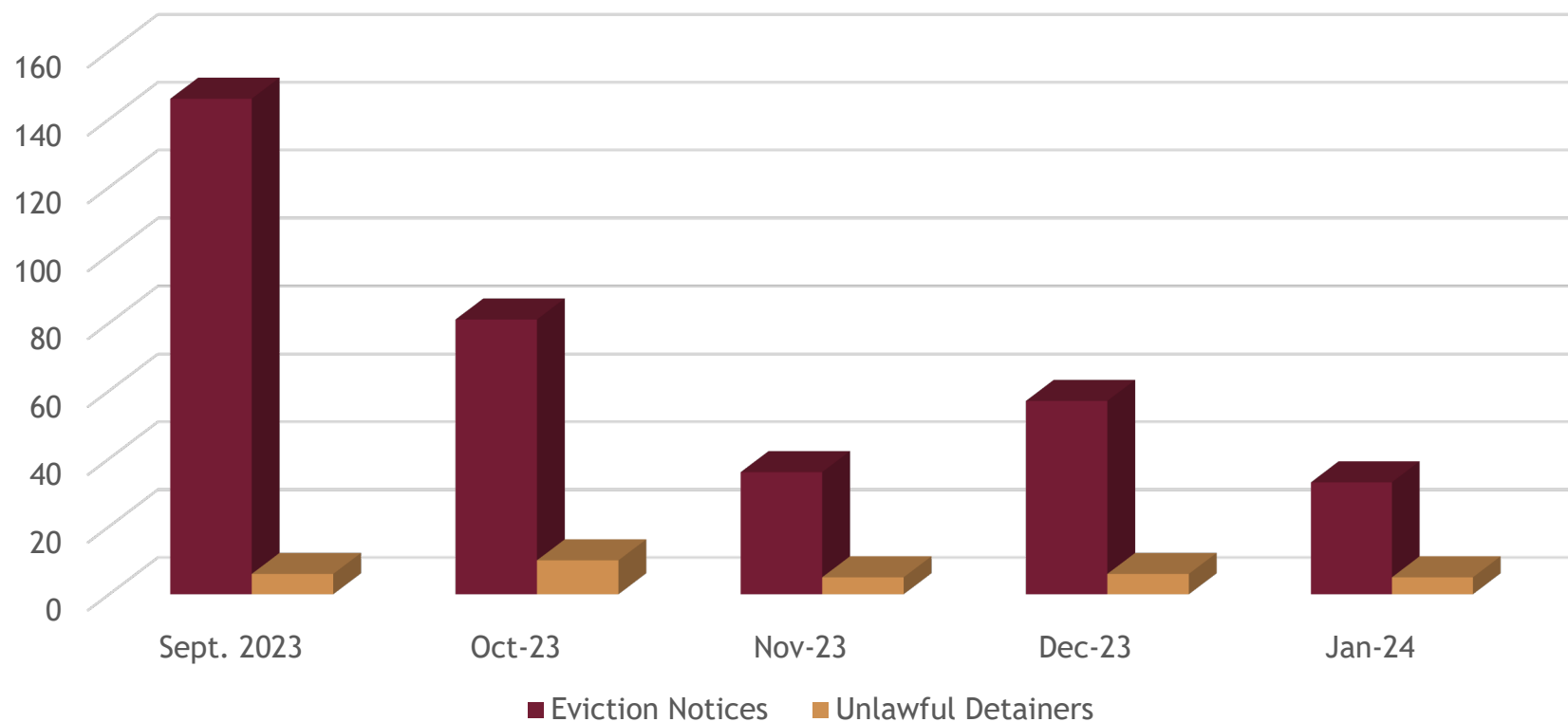
Summary of EDC and EBCLC work with Berkeley residents facing Unlawful Detainer actions.

Review publicly available eviction data posted weekly by the Rent Board

Eviction Data during Transition Period



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



Summary of Eviction Defense Center (EDC) Work on Unlawful Detainer Cases

- ▶ EDC has worked with 22 of the 37 households facing unlawful detainer complaints.
- ▶ 11 have settled to vacate with a full waiver.
- ▶ Two (2) have settled to stay in their unit.
- ▶ One (1) Unlawful Detainer case was dismissed.
- ▶ Three (3) have rental assistance applications pending.
- ▶ Four (4) cases are still pending court.
- ▶ One (1) client is no longer working with EDC on their case.
- ▶ Additionally, EDC has worked on twenty-seven (27) UD cases where copies were not submitted to the Rent Board.

Summary of East Bay Community Law Center work on Unlawful Detainer Cases

- ▶ EBCLC has worked with 7 of the 37 households facing unlawful detainer complaints.
- ▶ One (1) Unlawful Detainer case was dismissed by plaintiff.
- ▶ Five (5) cases are still pending court.
- ▶ One (1) client had assistance in their case, they are unaware of the result.

Summary of East Bay Community Law Center work on Unlawful Detainer Cases

- ▶ Additionally, EBCLC has worked on twelve (12) UD cases where copies were not submitted to the Rent Board.
- ▶ Four (4) UDs were dismissed by Plaintiff.
- ▶ Two (2) dismissed by the Court.
- ▶ One (1) UD settled for staying in the unit.
- ▶ Five (5) are still pending litigation.

COVID-19: Information for Tenants & Landlords

Berkeley's COVID-19 Eviction Moratorium expired on August 31, 2023



As of September 1, 2023, Berkeley does not have any eviction protections arising from the COVID-19 pandemic, and all state and county eviction moratoria have already expired. State law and the Good Cause for Eviction provisions of the Rent Stabilization Ordinance now regulate terminations of tenancy and evictions in Berkeley.

Page last updated January 12, 2024.

NEW: [Eviction Notices and Unlawful Detainer Complaints Received by the Berkeley Rent Board Since Sept. 1, 2023 \(as of Jan 12, 2024\).](#)

Rights & Responsibilities

- [Rent Control 101](#)
- [Rent Levels](#)
- [Registration](#)
- [Security Deposits](#)
- [Evictions](#)
- [Leases](#)
- [Subletting & Replacing Roommates](#)
- [Sale of Property](#)
- ♦ **COVID-19: Information for Tenants & Landlords**

News



The 2023 Annual Security Deposit Interest Rate is 0.7%



The 2024 AGA is 1.9%

<https://rentboard.berkeleyca.gov/sites/default/files/documents/Public%20Eviction%20Notice%20Data%201-12-24.pdf>



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.

**Commissioner Attendance at Rent Stabilization Board Meetings
Through Q4 of 2023**


2023	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
January 19	Present	Present	Present	Present	Present	Present	Present	Present	Present
February 16	Present	Present	Present	Present	Present	Present	Present	Present	Present
March 16	Present	Present	Present	Present	Present	Present	Present	Present	Present
April 20	Present	Present	Present	Present	Present	Present	Present	Present	Present
May 18	Present	Present	Present	Present	Present	Present	Present	Present	Present
June 15	Present	Present	Present	Present	Present	Present	Present	Present	Present
July 20	Present	Present	Present	Present	Present	Present	Present	Present	Present
<i>August 17 Cancelled</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
September 21	Present	Present	Present	Present	Present	Present	Present	Present	Present
<i>October 19 Cancelled</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<i>October 23</i>	Present	Present	Absent	Absent	Present	Present	Present	Present	Present
November 16	Present	Present	Present	Present	Present	Present	Present	Present	Present
<i>December 4</i>	Present	Present	Present	Absent*	Present	Present	Present	Present	Present
<i>December 5</i>	Present	Present	Present	Present	Present	Present	Present	Present	Present
December 21	Present	Present	Present	Absent*	Absent*	Present	Present	Present	Present
* = Absent <i>with</i> compensation ** = Absent due to a medical reason <i>Bold and italicized</i> = Special Meeting									

Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings:
January - March (Q1)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
Budget & Personnel									
Thursday, February 9, 2023	Present						Present	Present	Present
Wednesday, February 22, 2023	Present						Present	Absent	Present
Eviction / Section 8 / Foreclosure									
Wednesday, March 8, 2023		Present	Present			Present	Present		
LIRA									
Monday, February 6, 2023	Present			Present		Present	Present		
Outreach									
Tuesday, January 31, 2023	Present	Present		Present	Present				
Wednesday, February 15, 2023	Present	Present		Present	Present				
Thursday, March 9, 2023	Present	Present		Present	Present				
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
Wednesday, February 1, 2023	Present		Present		Present				Present
Wednesday, February 15, 2023			Present		Present			Present	Present
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									
<i>This Committee did not meet this quarter.</i>									
Ad Hoc Committee on Environmental Sustainability									
<i>This Committee did not meet this quarter.</i>									

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation


 = Not a member of this Committee at this time

Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings
April - June (Q2)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
Budget & Personnel									
Thursday, May 4, 2023	Present						Present	Present	Present
Thursday, June 1, 2023	Present						Present	Present	Present
Eviction / Section 8 / Foreclosure									
Tuesday, April 11, 2023		Present	Present			Present	Present		
LIRA									
Monday, April 3, 2023	Present			Present		Absent	Present		
Tuesday, May 2, 2023	Present			Absent*		Present	Present		
Outreach									
Monday, April 10, 2023	Present	Present		Present	Present				
Monday, May 8, 2023	Present	Present		Absent*	Present				
Monday, June 12, 2023	Present	Present		Present	Present				
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
Tuesday, May 2, 2023			Present		Present			Present	Present
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									
Monday, May 15, 2023^					Present			Absent*	
Monday, June 26, 2023^					Present			Present	
Ad Hoc Committee on Environmental Sustainability									
Wednesday, May 3, 2023		Present	Present	Absent*		Present			
Wednesday, June 28, 2023		Present	Absent	Present		Present			

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

 = Not a member of this Committee at this time

Rent Board Commissioner Attendance
 COMMITTEE Meetings
 July-September (Q3)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
Budget & Personnel									
<i>This Committee did not meet this quarter.</i>									
Eviction / Section 8 / Foreclosure									
Tuesday, July 11, 2023^		Present	Present			Absent	Absent		
Tuesday, July 18, 2023		Present	Present			Present	Present		
Tuesday, September 26, 2023		Present	Present			Present	Present		
LIRA									
Monday, July 24, 2023	Present			Present		Present	Present		
Outreach									
Monday, July 10, 2023^	Present	Present		Absent*	Present				
Tuesday, July 18, 2023	Present	Present		Present	Present				
Monday, September 11, 2023	Absent	Present		Present	Present				
4 x 4 Joint Committee on Housing (City Council/Rent Board)									
Wednesday, September 27, 2023			Present		Present			Present	Present
2 x 2 Joint Committee on Housing (BUSD/Rent Board)									
Monday, September 25, 2023^					Present			Absent	
Ad Hoc Committee on Environmental Sustainability									
Wednesday, September 6, 2023		Present	Absent	Present		Present			

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation



= Not a member of this Committee at this time

**Commissioner Attendance
 Rent Stabilization Board COMMITTEE Meetings
 October - December (Q4)**


COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
<i>Budget & Personnel</i>									
Thursday, October 5, 2023	Present						Present	Present	Present
Thursday, December 14, 2023	Present						Present	Present	Present
<i>Eviction / Section 8 / Foreclosure</i>									
Tuesday, November 14, 2023		Present	Present			Absent	Present		
<i>LIRA</i>									
Tuesday, October 3, 2023	Present			Present		Present	Present		
<i>Outreach</i>									
Monday, October 16, 2023	Present	Absent*		Present	Present				
Monday, November 13, 2023	Present	Present		Present	Present				
<i>4 x 4 Joint Committee on Housing (City Council/Rent Board)</i>									
Tuesday, October 24, 2023			Present		Present			Present	Absent
<i>2 x 2 Joint Committee on Housing (BUSD/Rent Board)</i>									
Monday, December 18, 2023					Present			Present	
<i>Environmental Sustainability Committee</i>									
Wednesday, October 4, 2023^		Absent*	Present	Absent		Present			
Wednesday, November 1, 2023		Present	Present			Present			

**Commissioner Attendance
Rent Stabilization Board COMMITTEE Meetings
October - December (Q4)**

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
<i>Ad Hoc Committee to Consider Rent Ordinance Amendments</i>									
Monday, October 2, 2023	Present		Present	Present				Present	
Monday, October 30, 2023	Present		Present	Present				Present	
Wednesday, November 15, 2023	Present		Present	Present				Present	
Tuesday, December 12, 2023	Present		Present	Present				Present	

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation

 = Not a member of this Committee at this time

2023 Unanticipated Remote Participation at Rent Board and Committee Meetings									
Soli ALPERT									
Stefan ELGSTRAND									
Xavier JOHNSON									
Andy KELLEY	3/09/2023 Outreach Committee Emergency Circumstances	7/20/2023 Regular Board Meeting Emergency Circumstances	9/21/2023 Regular Board Meeting Emergency Circumstances						
Vanessa Danielle MARRERO									
Ida MARTINAC	4/11/2023 Eviction Committee Just Cause								
Nathan MIZELL	12/23/2023 Regular Board Meeting Just Cause								
Leah SIMON-WEISBERG									
Dominique WALKER	5/18/2023 Regular Board Meeting Just Cause	12/14/2023 Budget & Personnel Committee Just Cause							



RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Thursday, January 11, 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/89670381756?pwd=xDWbHdJgbWWQYRfHJ9LVoL8EbqaDT1.1>. 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: 896 7038 1756 and Passcode: 346493. 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 amueller@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
BUDGET & PERSONNEL COMMITTEE MEETING

Thursday, January 11, 2024 – 5:30 p.m.

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

AGENDA

1. Roll Call
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-Chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of agenda
4. Public comment
5. Approval of December 14, 2023 meeting minutes (attached to agenda)
6. Discussion and Possible Action on the Rent Board Staffing Model modification (verbal report only)
7. Discussion and Possible Action on the Process to Adopt the Fiscal Year 2024/25 Registration Fee for Fully Covered and Measure MM units (verbal report only)
8. Office relocation process update (verbal report only)
9. Update on the Property Files Scanning Project (verbal update only)
10. Future agenda items
11. Discussion and possible action to set at the next meeting
12. Adjournment

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

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



RENT STABILIZATION BOARD
ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Wednesday, January 10, 2024 – 6:00 p.m.

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

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

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https://us06web.zoom.us/j/89416104529?pwd=b_uZzW7ivtXNC-Wm_blfqjq6PNx0w.GVXexMthLH1Rt2ys.

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

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 894 1610 4529 and Passcode: 263897.

If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an email comment for the Committee's consideration and inclusion in the public record, email ndahl@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR ENVIRONMENTAL SUSTAINABILITY COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

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

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COMMUNICATION ACCESS INFORMATION:

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RENT STABILIZATION BOARD
ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Wednesday, January 10, 2024 – 6:00 p.m.
Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley

AGENDA

1. Roll call (1 min.)
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878 and since the Rent Stabilization Board’s creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of the Agenda (2 min.)
4. Public Comment (5 min.)
5. Approval of November 1, 2023 Meeting Minutes (2 min.)
6. Update on Data Set of Housing Services Paid for by Landlords (Gas, Heat Electric) (5 min.)
7. Disclosures on Leases for Energy Efficiency and Costs (20 min.)
8. Report from Chair Martinac on latest developments from CPUC affecting multi-family solar in Berkeley Rental Housing (10 min.)
9. Announcements (5 min.)
10. Next Meeting (2 min.)
11. Future Agenda Items (5 min.)
12. Adjournment (2 min.)

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



Rent Stabilization Board

RENT STABILIZATION BOARD
EVICTION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Tuesday, January 9, 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.

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To join by phone: Dial 1-669-444-9171 and enter Webinar ID: 863 8489 2101 and Passcode: 994948. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment for the Committee’s consideration and inclusion in the public record, email oeHLinger@berkeleyca.gov with the Subject line in this format: “PUBLIC COMMENT ITEM FOR EVICTION/SECTION 8 COMMITTEE”. Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

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

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COMMUNICATION ACCESS INFORMATION:

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Rent Stabilization Board

RENT STABILIZATION BOARD
EVICTIION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Tuesday, January 9, 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 November 14, 2023 meeting (attached to Agenda)
5. Public Comment
6. Discussion regarding Board data on recent eviction activity
7. Discussion regarding status of Rental Assistance Program
8. Discussion and possible action regarding Committee Work Plan
9. Confirm next meeting date (Commissioners: please bring calendars to meeting)
10. Adjournment

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



Rent Stabilization Board

RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Monday, January 8, 2024 – 6:00 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley
Teleconference location: 1132 Regiment Lane, Acworth GA, 30101

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

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https://us06web.zoom.us/j/87173752279?pwd=Arye3kvcXtusnUC2B6xSReOkbu942Q.jleG_tyV2Fp863pa.

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To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 871 7375 2279 and Passcode: 705112. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an email comment for the Committee's consideration and inclusion in the public record, email ndahl@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR OUTREACH COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

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Rent Stabilization Board

RENT STABILIZATION BOARD OUTREACH COMMITTEE MEETING

Monday, January 8, 2024 – 6:00 p.m.

**Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley
Teleconference location: **1132 Regiment Lane, Acworth GA, 30101****

AGENDA

1. Roll call (1 min)
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of the Agenda (2 min)
4. Approval of the Minutes of the November 13, 2023 Meeting (3 min)
5. Public Comment (5 min)
6. Recap of UC Berkeley Outreach – Tenants' Rights Week Nov. 27-30, 2023 (10 min)
7. Eviction Data Update (10 min)
8. Discussion of Language Access Policy and Style Guide (25 min)
9. Next Meeting Date (Feb 12, 2024 a holiday) (5 min)
10. Future Agenda Items (5 min)
 - Eviction Moratorium Outreach Efforts
 - Next Steps with Tenant Survey
 - Peralta Community Outreach
 - Using GANTT charts for Outreach Planning
 - Language Access Policy
 - Proactive Outreach and Collaboration with BHA, BMR and S+C Programs, Etc.
11. Announcements (3 min)



Rent Stabilization Board

12. Adjournment

(2 min)

STAFF CONTACT: Nathan Dahl, Public Information Unit Manager (510) 981-4935

COMMITTEE: Soli Alpert (Chair), Stefan Elgstrand, Andy Kelley, Vanessa Marrero