



RENT STABILIZATION BOARD
Regular Meeting
Thursday, June 16, 2022
7:00 p.m.

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/89678068865?pwd=Tm9lc1pXWGJ3OXU3QjFmZmUxNlRzdz09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Meeting ID: 896 7806 8865 and Passcode: 137020. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit an e-mail comment, send it to amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

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

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

RENT STABILIZATION BOARD
Regular Meeting
Thursday, June 16, 2022
7:00 p.m.

AGENDA

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

1. **Roll call** – 1 min.*

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

3. **Approval of Agenda** – 1 min.*

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

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

6. **SPECIAL PRESENTATION**: **Update on the campaign to pass the Tenant Opportunity to Purchase Act (TOPA)** by the Northern California Land Trust

7. **CONSENT ITEMS** – 1 min.*
 - a. Approval of the May 19, 2022 regular meeting minutes
 - b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit staff)

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
-------------------	-------------------------

N/A	2501 HILGARD
N/A	1900 BERRYMAN
N/A	1628 TYLER
N/A	1526 JULIA
N/A	932 DELAWARE
N/A	2601 COLLEGE
N/A	1408 MILVIA
N/A	1760 UNIVERSITY
N/A	45 ALTA
N/A	2612 HILLEGASS

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
W5025	1313 CURTIS
W5026	2270 SHATTUCK
W5027	818 DELAWARE
W5028	2665 SHASTA
W5029	2914 ADELIN
W5030	2919 ACTON

8. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

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

- a. Discussion and possible action to adopt Resolution 22-12 revising Resolution 14-16 to increase Commissioners’ monthly stipend and to adjust this stipend on January 1 of each year beginning in 2023 in an amount based on the Consumer Price Index (Budget & Personnel Committee and Executive Director) – 15 min.*
- b. Discussion and possible action to adopt Resolution 22-12 revising Resolution 14-16 to include a technology stipend for Commissioners every four years beginning July 1, 2022 and to adjust this stipend on a four-year cycle in an amount based on the Consumer Price Index (Budget & Personnel Committee and Executive Director) – 15 min.*
- c. Recommendation to adopt Resolution 22-13 approving the Rent Board’s Fiscal Year (FY) 2022-2023 Line-Item Budget, Staffing Model and Maximum Expenditure Level, following a presentation by staff (Budget & Personnel Committee and Executive Director) – 20 min.*

- d. Following a presentation by the Eviction Defense Center:
Recommendation to adopt Resolution 22-14 authorizing the Executive Director to modify the contract with the Eviction Defense Center by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$435,500 for FY 2022-2023 (Eviction/Section 8/Foreclosure Committee and Executive Director) – 20 min.*
- e. Following a presentation by the East Bay Community Law Center:
Recommendation to adopt Resolution 22-15 authorizing the Executive Director to modify the contract with the East Bay Community Law Center by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$432,500 for FY 2022-2023 (Eviction/Section 8/Foreclosure Committee and Executive Director) – 20 min.*
- f. Recommendation to adopt Resolution 22-16 authorizing the Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy services by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$60,000 for FY 2022-2023 (Executive Director) – 5 min.*
- g. Recommendation to adopt Resolution 22-17 authorizing the Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Board meetings by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$22,000 for FY 2022-2023 (Executive Director) – 5 min.*
- h. Recommendation to adopt Resolution 22-18 authorizing the Executive Director to modify the contract with QuickCaption, Inc. for remote closed captioning of all televised Board meetings and informational webinars by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$8,000 for FY 2022-2023 (Executive Director) – 5 min.*
- i. Recommendation to adopt Resolution 22-19 authorizing the Executive Director to increase the purchase order with ACRO Services Corporation for a total amount not to exceed \$30,000 to allow for full-time temporary support of the Registration Unit during the registration period from May 30, 2022, through August 31, 2022 (Budget & Personnel Committee and Executive Director) – 5 min.*
- j. Recommendation to adopt Resolution 22-20 adjusting General Counsel Matt Brown’s salary according to the terms of his existing employment agreement (Chair Simon-Weisberg & Vice Chair Alpert) – 5 min.*

9. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA
from Board Members, Committees, Executive Director or Staff

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

- a. Update on the annual registration process for fully-covered units and Measure MM units for FY 2022-2023 – *Verbal* (Executive Director) – 3 min.*
- b. April 28, 2022 Owner Move-in Eviction Tracking Report (January 2019 - December 2021) (Eviction/Section 8/Foreclosure Committee & Executive Director) – 2 min.*
- c. Rent Board’s participation in the 35th Annual Berkeley Juneteenth Festival on Sunday, June 19th from 11:00 a.m. to 7:00 p.m. – *Verbal* (Executive Director) – 2 min.*
- d. Update on the Rent Board’s presentation at the May 20, 2022 “Rent Stabilization: Lessons Learned from Implementing Rent Stabilization Policies” webinar (Minneapolis/St. Paul) from 9:00 a.m. - 11:00 a.m. Pacific Time – *Verbal* (General Counsel) – 2 min.*
- e. Date to submit agenda topics/items for June’s regular Rent Board meeting: **Monday, July 11th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

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

June 6th agenda
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – 5 min.*
Next regularly-scheduled meeting: Thursday, June 23rd at 5:30 p.m.
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA
- d. Outreach Committee (Commissioner Laverde, Chair) – 5 min.*
Next regularly-scheduled meeting: Wednesday, June 15th at 5:15 p.m.

June 15th agenda
- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – 3 min.*

Regularly-scheduled meeting date: TBA

- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5 min.*
(Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)
Next regularly-scheduled meeting: Monday, June 22nd at 3:00 p.m.

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

June 6th agenda

- h. Ad Hoc Committee on the Status of Virtual Meetings (Chair TBA) – 3 min.*
Next meeting date: TBA

- i. Updates and Announcements – 3 min.*

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

11. CLOSED SESSION: Public Employee Evaluation of Performance pursuant to California Government Code Section 54957(b)(1).

Title: Executive Director

12. ADJOURNMENT

COMMUNICATIONS DISCLAIMER:

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



RENT STABILIZATION BOARD
Regular Meeting
Thursday, May 19, 2022
7:00 p.m.

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RENT STABILIZATION BOARD
Regular Meeting
Thursday, May 19, 2022
7:00 p.m.

Minutes – *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:04 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang (logged on at 7:15 p.m.), Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Dahl, Eberhart, Mueller, Siegel, 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. **Introduction of recently-hired Rent Board staff** – Registration Unit Manager Amanda Eberhart introduced herself to the Board and spoke about her background.

4. **Approval of Agenda**

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

5. **Public Comment** – *non*-agendized items. There were no speakers.

6. **Public Comment** – items on the agenda. There were no speakers.

7. **CONSENT ITEMS**

Item 9.a. was moved to Consent by a prior vote of the Board.

- a. Approval of the April 21, 2022 regular meeting minutes
- b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit staff)

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
N/A	2535 RIDGE ROAD # A
N/A	2 PANORAMIC # 203
N/A	1116 PARKER ST
N/A	2627 FULTON AVE

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
5022	1706 DERBY STR
5023	1524 HEARST AVE
5024	1192 CARRISON ST

M/S/C (Selawsky/Laverde) APPROVE ALL CONSENT ITEMS INCLUDING ITEM 9.a., EXCEPT MOVE WAIVER NO. 5024 TO ACTION. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

8. **APPEAL** – Case No. L-4343 (2116 - 2118 Roosevelt Avenue)

Parties present:
Joshua Harris, Appellant
Lauren and Ryan Spallina on behalf of Respondent
Daniel Davalos, Respondent

M/S/C (Alpert/Selawsky) UPHOLD THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

9. **ACTION ITEMS**

from Board Members, Committees, Executive Director or Staff

Waiver No. 5024 was moved to action by a prior vote of the Board.

M/S/C (Simon-Weisberg/Selawsky) APPROVE THE STAFF RECOMMENDATION AS WRITTEN FOR WAIVER NO. 5024. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- a. Recommendation to adopt Resolution 22-11 to authorize the Executive Director to enter into a contract not to exceed \$77,246 with The Social Science Research Center at California State University Fullerton to conduct the Board’s Tenant Survey (Outreach Committee & Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

10. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

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

- a. City of Berkeley Rental Assistance update – *Verbal* (Executive Director) – Executive Director Williams reported that funding is currently depleted but City Council will be voting in July on additional funding.
- b. Update on the May 9, 2022 “Fair Chance Access to Housing” webinar presented by the Berkeley Property Owners Association, Just Cities, and the Rent Board – *Verbal* (Executive Director)
- c. May 4, 2022 Housing Element Update from the Planning Commission (Executive Director)
- d. Rent Board’s participation in the May 20, 2022 “Rent Stabilization: Lessons Learned from Implementing Rent Stabilization Policies” webinar (Minneapolis/St. Paul) from 9:00 a.m. - 11:00 a.m. Pacific Time – *Verbal* (General Counsel) – General Counsel Brown will speak at this webinar.
- e. May 3, 2022 *KTVU.com* article by Alexa Mae Asperin titled, “California launches new program for first-time homebuyers” (Commissioner Kelley)
<https://www.ktvu.com/news/california-launches-new-program-for-first-time-homebuyers>
- f. Date to submit agenda topics/items for June’s regular Rent Board meeting: **Monday, June 6th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Chang, Chair) – Committee Chair Chang updated the Board on topics discussed at the Committee’s last meeting, including the budget, commissioner stipends, and the review process for the Executive

Director.

Next regularly-scheduled meeting: Tuesday, May 17th at 5:00 p.m.

May 17th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – Committee Chair Mendonca reported that the Committee received an Owner Move-in Eviction report and presentations from the Easy Bay Community Law Center and Eviction Defense Center on their funding proposals for fiscal year 2022-23.

Next regularly-scheduled meeting: Thursday, June 23rd at 5:30 p.m.

April 28th agenda

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley said the Committee will meet next month to discuss policies for when the eviction moratorium is lifted at some future point.

Next regularly-scheduled meeting: TBA

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reported that the Committee discussed the new website and the tenant survey resolution amongst other things.

Next regularly-scheduled meeting: Wednesday, May 18th at 5:15 p.m.

May 18th agenda

- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA)
Regularly-scheduled meeting date: TBA
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg mentioned that the Committee had significant discussions on proposed amendments to the Rent Ordinance, including expanding just cause for eviction protections to all tenancies in Berkeley and expanding tenants’ rights to add people to their household.

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

Next regularly-scheduled meeting: Monday, June 22nd at 3:00 p.m.

May 3rd agenda packet

- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair) – The Board Secretary said she’d be contacting the Committee members next week to schedule a meeting.

Next meeting date: TBA

- h. Ad Hoc Committee on the Status of Virtual Meetings (Chair TBA)
Next meeting date: TBA
- i. Updates and Announcements – Commissioner Laverde mentioned there will be a convention on June 29, 2022 to determine who will be on the tenant slate in the upcoming election for Rent Board commissioners, and encouraged everyone to spread the word.
- j. Discussion of items for possible placement on future agenda – Chair Simon-Weisberg would like to discuss not having meetings in August, and would like to send a letter of support for additional funding for the City’s Rental Assistance Program.

12. ADJOURNMENT

M/S/C (Kelley/Selawsky) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The meeting adjourned at 8:35 p.m.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: June 16, 2022
TO: Honorable Members of the Rent Stabilization Board
FROM: DeSeana Williams, Executive Director
BY: Amanda Eberhart, Registration Unit Manager
SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approve the attached recommendations.

Background and Need For Rent Stabilization Board Action:

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

Ministerial Waivers

In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria enumerated in Regulation 883. The following waiver request will be decided ministerially, unless the Board has reason to believe the underlying basis of the recommended assessment is inappropriate.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	2501 HILGARD	ZHEN LI	2,000.00	-	2,000.00
	1900 BERRYMAN	ROBERT YUAN	1,000.00		1,000.00
	1628 TYLER	MAC ARTHUR APARTMENTS LLC	1,500.00		1,500.00
	1526 JULIA	REO HOMES II, LLC	300.00		300.00
	932 DELAWARE	RICHARD MAISEL	920.00	920.00	
	2601 COLLEGE	SHAO XIAOFENG & LUO MING LIVING TRUST	96.00	48.00	48.00
	1408 MILVIA	DAVID ZIPSER	300.00	150.00	150.00
	1760 UNIVERSITY	LUTHERAN CHURCH OF THE CROSS	300.00	150.00	150.00
	45 ALTA	BILL CARLE	300.00	150.00	150.00
	2612 HILLEGASS	JUSTINE TSENG	300.00	150.00	150.00
TOTAL			\$7,016	\$1,568	\$5,448

Financial Impact: Ministerial Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **\$1,568**.

Discretionary Waivers

For the waiver requests listed below, staff recommendations are attached and presented to the full Board for its approval. With respect to these cases, the determination of good cause to waive some or all of the penalties depends on the totality of the circumstances.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
W5025	1313 CURTIS	PETER YANG	750.00	750.00	
W5026	2270 SHATTUCK	JHWA FU			
W5027	818 DELAWARE	ANNE SMITH	300.00	300.00	
W5028	2665 SHASTA	CYNTHIA KELLOGG	1,500.00	1,500.00	
W5029	2914 ADELINE	HYUNYOON JUNG	500.00	500.00	
W5030	2919 ACTON	BONNIE E. SMITH	1,000.00	750.00	1,000.00
TOTAL			\$4,050	\$3,050	\$1,000

Financial Impact: Discretionary Waivers

Approval of Executive Director's recommendations will decrease the Board's current accounts receivable by **\$3,050**.

Name and Telephone Number of Contact Person:

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

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5025	Property address: 1313 CURTIS ST BERKELEY	Transferred: 11/30/2004
Exempt units (as of February 2021): None		
Owner(s): Peter Liu	Waiver filed by: OWNER	# of Units: 3
Other Berkeley rental property owned: 1311 CURTIS ST BERKELEY CA 94702, 1315 CURTIS ST BERKELEY CA 94702		

Late payment/penalty history: In the last 5 years, this property owner has only had one late payment in fiscal year 18/19.

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

Penalties Currently Under Consideration

Reason for Penalties: Illness

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	3	\$750.00	08/04/2021	\$750.00	\$0.00	\$750.00
Totals				\$750.00	\$0.00	\$750.00

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

Good cause claimed by owner: Property owner was experiencing health problems at the time and was later diagnosed with stage 4 lung cancer.

Recommendation: Staff recommends waiving the penalties.

Staff Analysis: In the last 5 years property owner has only missed one registration fee in fiscal year 18/19. The property owner missed the deadline to pay the FY 21/22 deadline because of a stage 4 cancer diagnosis.

W5025 (10)

RECEIVED

FEB 18 2022

Initial: _____
Berkeley Rent Board

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

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

Property Address: 1313 Curtis St., Berkeley, CA 94702

Owner: Peter Liu & Jin Yang

Date of acquisition, if new owner: _____

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

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

Sorry that the due was paid a little late due to Peter's health situation. We were struggling and later Peter was diagnosed as stage 4 lung cancer and fighting it for his life. We now hired a management company to manage the property and they will take care of the daily management duties, including Rent Board due. Hope the Board can waive the penalty of \$750.

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

Date: 2/18/2022 Signature: Peter Liu

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: pzliu64@gmail.com

Mailing Address: 8 Honey Hill Rd., Orinda, CA 94563

Phone Number: 925.708.0947 Fax Number: _____

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

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5026	Property address: 2270 SHATTUCK AVE	Transferred: 04/14/1998
Exempt units (as of February 2021): None		
Owner(s): JIHW A & JI FU	Waiver filed by: Owner	# of Units: 2
Other Berkeley rental property owned: None		

Late payment/penalty history: In the last 5 years, this property owner has not paid the registration fee late.

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

Penalties Currently Under Consideration

Reason for Penalties: Illness						
Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	2	\$500.00	02/15/2022	\$1,000.00	\$0.00	\$1,000.00
Totals				\$1,000.00	\$0.00	\$1,000.00

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

Good cause claimed by owner: Property owner was hospitalized undergoing medical treatment.

Recommendation: Staff recommends waiving the penalty fees.

Staff Analysis: In the last 5 fiscal years, the property owner has not made any late payments. In fiscal year 21/22 the owner was hospitalized at the time the registration fee was due.

RECEIVED

FEB 16 2022

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

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2270 Shattuck Ave Berkeley, CA 94704

Owner: JIANHWA FU

Date of acquisition, if new owner: _____

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

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

I would like to request for waiver of full penalty of \$1,000. I just found out that payment did not went through last year. I had not received any billing statement from the rent board. I had attempted to request for information but city office was closed during pandemic and its payment portal has changed. Please review our payment history. I never had any late payment with the city and rent board for over 15+ years.
Also, I was hospitalized in ER on May/June 2021 due to health issue on the month of due date. Medical document attached. I would appreciate all understand.

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

Date: 2-15-2022 Signature: [Signature]

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

Email Address: gunhwa57@hotmail.com

Mailing Address: 1400 Shattuck Ave #183 Berkeley, CA 94709

Phone Number: 510-919-5858 Fax Number: _____

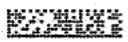
Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.



Your hospital medical bill

Details about your new charges and payments

Date	Description	Billed to plan	Covered by plan	Your share	
				Paid by you	You owe
WALNUT CREEK MEDICAL CENTER – HOSPITAL ACCOUNT					
05/17/21	0300 - LABORATORY, GENERAL	\$52.00			
05/17/21	0301 - LABORATORY, CHEMISTRY	\$702.00			
05/17/21	0302 - LABORATORY, IMMUNOLOGY	\$178.00			
05/17/21	0305 - LABORATORY, HEMATOLOGY	\$174.00			
05/17/21	0306 - LABORATORY, BACTERIOLOGY AND MICROBIOLOGY	\$54.00			
05/17/21	0307 - LABORATORY, UROLOGY	\$112.00			
05/17/21	0450 - EMERGENCY ROOM, GENERAL	\$2,400.00			
05/17/21	0636 - PHARMACY, DRUGS REQUIRING DETAILED CODING	\$200.60			
05/25/21	PATIENT PAYMENT [CREDIT]			-\$260.00	
	TOTAL FOR HOSPITAL ACCOUNT #	\$3,872.60	-\$2,612.60	-\$260.00	\$1,000.00
	HOSPITAL BILL TOTAL F	\$3,872.60	-\$2,612.60	-\$260.00	\$1,000.00
	TOTAL	\$3,872.60	-\$2,612.60	-\$260.00	\$1,000.00



Your professional medical bill

Details about your new charges and payments

Service date	Post date	Location	Provider	Description	Billed to plan	Covered by plan	Your share	
							Paid by you	You owe
03/31/21		WALNUT CREEK MEDIC*	DEGUZMAN, H	91300 - SARSCOV2 VACCINE DIL RECON 30 MCG/0.3 ML IM USE	\$0.01	-\$0.01		\$0.00
03/31/21		WALNUT CREEK MEDIC*	DEGUZMAN, H	0001A - IMM ADMN SARSCOV2 30MCG/0.3ML DIL RECON 1ST DOSE	\$61.00	-\$61.00		\$0.00
04/26/21		PARK SHADELANDS*	CAOILE, A	91300 - SARSCOV2 VACCINE DIL RECON 30 MCG/0.3 ML IM USE	\$0.01	-\$0.01		\$0.00
04/26/21		PARK SHADELANDS*	CAOILE, A	0002A - IMM ADMN SARSCOV2 30MCG/0.3ML DIL RECON 2ND DOSE	\$61.00	-\$61.00		\$0.00
05/17/21		LE WALNUT CREEK	LEIKEN, E	99284 - EMERGENCY DEPARTMENT VISIT FOR SEVERE PROBLEM	\$454.00	-\$64.00		\$390.00
			PROFESSIONAL BILL TOTAL FOR		\$576.02	-\$186.02	\$0.00	\$390.00
03/31/21		WALNUT CREEK MEDIC*	QUAN, C	91300 - SARSCOV2 VACCINE DIL RECON 30 MCG/0.3 ML IM USE	\$0.01	-\$0.01		\$0.00
03/31/21		WALNUT CREEK MEDIC*	QUAN, C	0001A - IMM ADMN SARSCOV2 30MCG/0.3ML DIL RECON 1ST DOSE	\$61.00	-\$61.00		\$0.00
04/26/21		WALNUT CREEK MEDIC*	MARIANO, K	91300 - SARSCOV2 VACCINE DIL RECON 30 MCG/0.3 ML IM USE	\$0.01	-\$0.01		\$0.00

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5027	Property address: 818 DELAWARE ST 7-15	Transferred: 10/21/2021
Exempt units (as of February 2021): None		
Owner(s): ANNE SMITH	Waiver filed by: OWNER	# of Units: 1
Other Berkeley rental property owned: None		

Late payment/penalty history: This is a Measure MM Property and the owner is current on the fiscal year 21/22 registration fee.

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: Soft Story						
Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	1	\$150.00	02/23/2022	\$300.00	\$0.00	\$300.00
Totals				\$300.00	\$0.00	\$300.00

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

Good cause claimed by owner: This is an Measure MM property and the elderly owner had not lived in the United States for the last few years. When the long term tenants moved the owner updated their contact information and then found out about the registration fees and penalties.

Recommendation: Staff recommends waiving the penalties.

Staff Analysis: This is an Measure MM property and the elderly owner had not lived in the United States for the last few years. All the communications regarding registering the property as measure MM were sent to an old Alameda PO box. Once the owner was made aware of the registration fee, they paid immediately.

Staff recommends waiving 100% of the penalties.

RECEIVED

FEB 23 2022

Initial: _____
Berkeley Rent Board

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

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

Property Address: 818 Delawan Street 7-15 Berkeley CA 94710

Owner: Anne Laurie Smith and Brent Smith

Date of acquisition, if new owner: I bought it in 1992

Name & relationship of person filing request, if not owner: I am the owner

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

Dear City of Berkeley RSP:
818 Delawan Street was rented out to the same couple for the last 20 years until 2021. I moved to Brazil and my tenants paid for all the utilities and bills for 818 Delawan Street because it was difficult to transfer money etc from Brazil. When my tenants moved out I took over paying the bills. I never heard about you until about 3 weeks ago when my new tenant asked me whether

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

Date: 2-17-22 Signature: Anne Laurie Smith

she could forward to me your letter that was sent to 818 Delawan Street. Continue →

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: anjali.abadiania@gmail.com

Mailing Address: 8217 NW 46th Street Doral, FL 33166

Phone Number: 415 299-9185 Fax Number: e

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

Please accept this check from
my psychotherapy (hence still my
maiden name: Anne Jorgensen) account
I kept my name because my
clients know me under this name

I assume that the bill first
was sent to an old PO Box
(2532 Santa Clara Ave #189 in
Alameda) and then was
ultimately sent to my tenant
at 818 Delaware Street I had
no idea of this new treasure NH
and the PO Box does not
communicate with me for years
Thank God I am on wonderful
terms with my tenant who then
forwarded me your letter. Please accept
my apologies and gifts with love for

continuation of explanation from
page 4.

I am completely willing to pay
your fee - I truly didn't even
know of this new fee.
Please update my address so that
I receive your communications on
time

Anne Smith
8217 NW 46th Street
Doral FL 33166 (415) 299-9185

I am so sorry to have caused
you time and additional work!
Please accept my payment for
\$150 - with my sincere apologies
I will make sure that nothing like
this will ever happen again.
Sincerely, Anne Smith

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5028	Property address: 2665 SHASTA RD BERKELEY	Transferred: 06/27/2011
Exempt units (as of February 2021): Unit # A - NAR - Tenant		
Owner(s): CYNTHIA KELLOGG	Waiver filed by: OWNER	# of Units: 4
Other Berkeley rental property owned: 2663 SHASTA RD BERKELEY CA 94708		

Late payment/penalty history: In the last 5 fiscal years the owner has not made any late registration payments.

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: Soft Story						
Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	4	\$0.00	02/28/2022	\$1,500.00	\$0.00	\$1,500.00
Totals				\$1,500.00	\$0.00	\$1,500.00

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

Good cause claimed by owner: The owner was a victim of a hacking incident and have to have her accounts closed. The owner thought the check had cleared already before her account was closed.

Recommendation: Staff recommends waiving the penalty fees.

Staff Analysis: In the last 5 fiscal years, the property owner has not made any late payments. In fiscal year 21/22 the owner was a victim of a hacking incident which resulted in the owner having to close their bank account. The owner was under the impression the check had already cleared when the account was closed. Unfortunately, the check was returned and the owner was assessed penalties

FEB 28 2022

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2665 Shasta Road Berkeley 94708

Owner: Cynthia Kellogg

Date of acquisition, if new owner: _____

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

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

Please see attached pages.

Thank you.

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

Date: Feb. 24, 2022 Signature: Cynthia Kellogg

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: cynkellogg1@att.net

Mailing Address: 1224 Beech Lane

Phone Number: 530 400-3716 Fax Number: _____

To the Berkeley Rent Stabilization Board:

I thought I had paid my Rent Stabilization fee in good faith back in May 2021, then last week I got a notice that it was overdue and that I owe a penalty of \$1,500.

Immediately I emailed the City and attached a copy of my check (see attached). Mr. Basil Lecky responded that my check had not cleared.

I had gotten no previous notice of not paying the fee, and I was astounded. When I puzzled over what may have happened, I remembered that my computer was hacked in the spring and, to be safe, I had closed my checking account and opened a new one. I didn't realize at the time that my check to the city of Berkeley was still outstanding.

Since the hacking of my computer and closing my account was out of my hands, and since I got a late notice only 7 months after the due date, I am respectfully requesting that you waive the late penalty.

I have never been late in paying other Berkeley fees, and the \$1,500 will pose a financial burden for me. I do not rent the apartments as a business but bought the house for my daughter, and we can afford it only because the other units help offset the mortgage, taxes and insurance.

I appreciate your attention to my request.

Respectfully,

A handwritten signature in cursive script that reads "Cynthia Kellogg". The signature is written in black ink and is positioned above the printed name.

Cynthia Kellogg

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5029	Property address: 2914 ADELIN ST BERKELEY	Transferred: 07/26/2021
Exempt units (as of February 2021): None		
Owner(s): HYUNYOON JUNG	Waiver filed by: OWNER	# of Units: 4
Other Berkeley rental property owned: None		

Late payment/penalty history: The new owner acquired this property July 26, 2021. There isn't any additional payment history.

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: The new owner did not own the property at the penalty was assessed.

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	4	\$250.00	02/23/2022	\$500.00	\$0.00	\$500.00
Totals				\$500.00	\$0.00	\$500.00

Grounds under Regulation 884(B): (7) The landlord requesting the waiver was not the owner of the property when the penalty first accrued

Good cause claimed by owner: The owner closed escrow July 26, 2021 and was unaware the there was over due registration fees until the penalty invoices were mailed in January.

Recommendation: Staff recommends waiving the penalty fees.

Staff Analysis: The previous owner made a partial payment of the registration fee for this property resulting in a penalty charge after the July 1st due date. Once the new owner was made aware of the past due partial balance, they paid the balance to bring the account current

FEB 23 2022

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2914 Adeline St. Berkeley

Owner: Hyunyon Jung, Sun Im

Date of acquisition, if new owner: 7/26/2021

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

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

Hi, sorry for the late payment
We are the new owner of this house and escrow was closed
on 7/26/2021.
We didn't know that we had over due registration fee
until yesterday (2/18/2022) until the ex-owner sent us the
letter you sent them.
Please waive the penalty this time and we won't let this
happen again

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

Date: 2/19/2022 Signature: 

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

Email Address: Tamsunny1228@gmail.com

Mailing Address: 6030 Golden Eagle Way, Clayton, CA 94517

Phone Number: (925) 787-0063 Fax Number: _____

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5030	Property address: 2919 ACTON ST BERKELEY	Transferred: 02/27/2015
Exempt units (as of February 2021): Unit # A - OCCC - Tenant		
Owner(s): BONNIE SMITH	Waiver filed by: OWNER	# of Units: 3
Other Berkeley rental property owned: None		

Late payment/penalty history: The property owner has paid the registration fee late in the following fiscal years: 18/19, 19/20, 20/21 and 21/22. Penalty waivers were granted for fiscal years 18/19 and 20/21.

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

Penalties Currently Under Consideration

Reason for Penalties: Late Last 5 years

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2021-22	3	\$500.00	02/17/2022	\$1,000.00	\$0.00	\$1,000.00
Totals				\$1,000.00	\$0.00	\$1,000.00

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

Good cause claimed by owner: Original statement was misplaced by owner and or original statement was never received.

Recommendation: Staff recommends denying the penalty waiver

Staff Analysis: In the last 5 fiscal years, the property owner has paid the registration fee late 4 out of the 5 years. Two of those fiscal years, the Board granted penalty waivers. This fiscal year, the property owner misplaced the registration statement, and or the original invoice was never received. The property owner paid the 21/22 registration fee in Feb 2022. Staff recommends denying the penalty waiver.

RECEIVED

FEB 21 2022

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

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2919 Acton Street, Berkeley, CA 94702

Owner: Bonnie E. Smith

Date of acquisition, if new owner: _____

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

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

Original notice not received and/or misplaced. Not intentionally negelected. Thank you for your consideration in this matter. Unit "B" will be vacant at the end of February, 2022. At this time the registration fee are current. It would be appreciated if the Late Registration Penalties be waived.

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

Date: 22 February 2022 Signature: Bonnie E. Smith

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: besmittie@gmail.com

Mailing Address: 2919 Acton Street, A, Berkeley, CA 94702

Phone Number: (916)752-7906 Fax Number: N/A

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



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: June 16, 2022

TO: Honorable Members of the Berkeley Rent Stabilization Board

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

SUBJECT: Proposed Increase to Commissioners' Monthly Stipend & Overall Compensation

Recommendation

That the Board adopt Resolution 22-12 authorizing the following adjustments to Rent Board Commissioner's compensation:

1. Increase the Commissioners' monthly stipend amount from \$500 to \$811.23 per month beginning in July of 2022; and
2. Adjust the Commissioners' monthly stipend annually for inflation beginning January of 2023, in an amount based on the Consumer Price Index - All Urban Consumers in the San Francisco-Oakland-San Jose Region averaged for the 12-month period ending June 30 of the prior year, as determined and published by United States Department of Labor; and
3. Provide all current Commissioners with a \$2,500 technology stipend in July of 2022 and all future Commissioners with the same technology stipend immediately following their assumption of office; and
4. Each Commissioner shall be entitled to a new technology stipend every four years from the date they initially receive their technology stipend during the period they serve as an active Commissioner; and
5. The technology stipend shall be adjusted annually for inflation starting in January of 2024, in an amount based on the Consumer Price Index - All Urban Consumers in the San Francisco-Oakland-San Jose Region averaged for the 12-month period ending June 30 of the prior year, as determined and published by the United States Department of Labor.

Background

The Budget & Personnel Committee has discussed bringing a proposal to the full Board that Commissioner's stipends be adjusted upward during several of its meetings in FY 2021/22. The Rent Ordinance and City Charter state that the "Board shall be a working Board."¹ The Rent Ordinance also makes clear that the "Commissioners shall be paid compensation and benefits in an amount set by the board in order to compensate commissioners for their time and work performed as required by this chapter and the city charter."²

At its September 25, 1985 Board meeting, Commissioners adopted a motion to receive \$500 as a monthly stipend for work associated with their duties as elected members of the Rent Board. On June 5, 1989, the Board adopted Resolution 89-6, which authorized payment of Commissioners' medical and dental payments from the Board's budget. Since January 1997, Commissioners have been eligible for cash-in-lieu payments rather than receiving medical benefits. The \$500 monthly stipend, however, has not increased since it was established in 1985.

At the May 17, 2022 Budget & Personnel Committee meeting, Commissioners requested that staff prepare a spreadsheet illustrating the increase to the \$500 monthly stipend had it been increased each year starting in the following years: 1985, 2003, and 2013.³ Staff provided examples of inflation increases beginning in January of 1987 and January 1988, because attaching the increase in 1987 would adjust for inflation that took place before the monthly stipend was initially established. The spreadsheet with the CPI increase information is attached to this memo.

At their June 6, 2022 meeting, the Board's Ad Hoc Committee on Rent Stabilization Board Technology Issues discussed the creation of a technology stipend that would provide funding for Commissioners to use for the purchase of computer hardware and peripherals in support of their work as elected or appointed Rent Board Commissioners. The Ad Hoc Committee ultimately recommended the Board establish a technology stipend of \$2,500 that would be disbursed immediately to active Commissioners and to all future Commissioners as soon as they assume office. Commissioners would then be entitled to a further technology stipend every four years from the date they initially received the stipend.

The Budget & Personnel Committee, after reviewing the CPI information attached to this memo and then discussing the Ad Hoc Committee's recommendation, voted unanimously to recommend that the Board increase the Commissioner's monthly stipend to \$811.23 per month, which is the amount the stipend would be had it been increased by inflation beginning in January of 2003.

¹ See Charter, Article XVII, Section 123(2) and Berkeley Municipal Code Section 13.76.060K.

² Berkeley Municipal Code Section 13.76.060K.

³ For purposes of this report, staff prepared the spreadsheet to illustrate changes that would have taken effect starting in 1987/1988 given the way the CPI would be calculated from the date it was adopted on September 25, 1985.

The Budget & Personnel Committee also voted to recommend the Board adopt the Ad Hoc Rent Stabilization Board Technology Issue's Committee's recommendation to create a \$2,500 technology stipend that is disbursed to all active Commissioners in July of 2022 and to all future Commissioners immediately following their assumption of office. The Committee also recommended that Commissioners be entitled to a further technology stipend every four years from the date they initially received their technology stipend.

The Budget and Personnel Committee proposed that both the monthly stipend and periodic technology stipend be annually adjusted for inflation. The proposed inflationary adjustment is based on increases in the Consumer Price Index - All Urban Consumers in the San Francisco-Oakland-San Jose Region averaged for the 12 months ending June 30 of the prior year, as determined and published by the United States Department of Labor. The Budget & Personnel Committee chose this measurement because it is the same one referenced to calculate the AGA. The Budget & Personnel Committee recommends the inflationary adjustment start at the beginning of January 2023 for the Commissioner's monthly stipend and the beginning of January of 2024 for the periodic technology stipend.

Financial Impact:

Increasing the monthly Commissioner stipend and then adjusting it for inflation starting in January of 2023 would require the expenditure of an additional \$40,000 in FY 2022/23. The creation of a \$2,500 technology stipend would require between \$30,000 and \$32,500 in additional expenditures in FY 2022/23.

Based upon the proposed budget included elsewhere in your agenda package, there are sufficient funds to cover this amount in the Fiscal Year 2022/2023 budget.

Attachments:

1. Rent Board Commissioner Stipend CPI Increase Examples
2. Proposed Resolution 22-12 modifying Commissioners' compensation

Rent Board Commissioner Stipend CPI Increase Examples

Stipend Year	July to June CPI Increase	First Year with CPI Increase			
		1987	1988	2003	2013
1985	N/A				
1986	4.5%	\$500.00			
1987	3.2%	\$516.00	\$500.00		
1988	2.8%	\$530.45	\$514.00		
1989	4.4%	\$553.79	\$536.62		
1990	5.1%	\$582.03	\$563.98		
1991	4.3%	\$607.06	\$588.23		
1992	4.6%	\$634.98	\$615.29		
1993	3.1%	\$654.67	\$634.37		
1994	3.0%	\$674.31	\$653.40		
1995	1.4%	\$683.75	\$662.55		
1996	2.4%	\$700.16	\$678.45		
1997	2.3%	\$716.26	\$694.05		
1998	3.1%	\$738.47	\$715.57		
1999	3.4%	\$763.57	\$739.90		
2000	3.8%	\$792.59	\$768.01		
2001	4.2%	\$825.88	\$800.27		
2002	6.6%	\$880.39	\$853.09	\$500.00	
2003	1.2%	\$890.95	\$863.32	\$506.00	
2004	1.6%	\$905.21	\$877.14	\$514.10	
2005	1.4%	\$917.88	\$889.42	\$521.29	
2006	1.1%	\$927.97	\$899.20	\$527.03	
2007	3.9%	\$964.17	\$934.27	\$547.58	
2008	3.4%	\$996.95	\$966.03	\$566.20	
2009	4.2%	\$1,038.82	\$1,006.61	\$589.98	
2010	0.2%	\$1,040.90	\$1,008.62	\$591.16	
2011	1.1%	\$1,052.35	\$1,019.72	\$597.66	
2012	2.4%	\$1,077.60	\$1,044.19	\$612.01	\$500.00
2013	2.6%	\$1,105.62	\$1,071.34	\$627.92	\$513.00
2014	2.6%	\$1,134.37	\$1,099.19	\$644.24	\$526.34
2015	3.0%	\$1,168.40	\$1,132.17	\$663.57	\$542.13
2016	2.3%	\$1,195.27	\$1,158.21	\$678.83	\$554.60
2017	2.7%	\$1,227.54	\$1,189.48	\$697.16	\$569.57
2018	3.5%	\$1,270.51	\$1,231.11	\$721.56	\$589.51
2019	3.9%	\$1,320.06	\$1,279.13	\$749.70	\$612.50
2020	3.2%	\$1,362.30	\$1,320.06	\$773.69	\$632.10
2021	1.6%	\$1,384.10	\$1,341.18	\$786.07	\$642.21
2022	3.2%	\$1,428.39	\$1,384.10	\$811.23	\$662.76

RESOLUTION 22-12

REVISING BOARD RESOLUTION 14-16 CONCERNING COMMISSIONERS' STIPENDS TO ACCOUNT FOR MISSED MEETINGS, CLARIFY RULES AND POLICIES REGARDING MEETING SCHEDULES AND COMMISSIONERS' STIPEND AND OTHER COMPENSATION AND ESTABLISHING THAT EMAIL SHALL BE THE FORM OF COMMUNICATION FROM STAFF TO COMMISSIONERS FOR ALL OFFICIAL BOARD BUSINESS

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

- 1. WHEREAS, the Berkeley Rent Ordinance (Berkeley Municipal Code (BMC) Chapter 13.76) provides that the Berkeley Rent Stabilization Board “shall be a working board” and that the Commissioners shall receive “compensation and benefits in an amount set by the board in order to compensate commissioners for their time and work performed as required by” Article XVII of the Charter of the City of Berkeley (BMC sec. 13.76.060.K); and**
- 2. WHEREAS, according to Government Code section 54954, the Brown Act, a legislative body must provide the time and place for holding regular meetings; and**
- 3. WHEREAS, the rules and policies regarding Rent Board meetings, compensation, and benefits are presently contained in several Rent Board resolutions and motions spanning more than 30 years; and**
- 4. WHEREAS, the Rent Board presently desires to revise its rules regarding deductions from their stipend for missing meetings and, on October 17, 2011, approved a procedure for publicizing records of Commissioners' attendance at regular, special, and committee meetings; and**
- 5. WHEREAS, the Rent Board is committed to remaining accountable to the public and especially the citizens of the City of Berkeley; wishes to provide incentives to Commissioners for active participation in the work of the Rent Board; but does not intend to change any of the benefits to which Commissioners are presently entitled; and**
- 6. WHEREAS, the work of the Board may be impeded by frequent absences from Board and Committee meetings; and**
- 7. WHEREAS, it will serve the interests of the Rent Board and the public to gather all rules and policies regarding meeting schedules, meeting attendance, stipends, deductions from stipends, and benefits into a single document; and**
- 8. WHEREAS, at its September 25, 1985 meeting, the Board approved a motion to establish a \$500 monthly stipend as appropriate compensation for Commissioners, which compensation has not been raised since, and to deduct from a Commissioner's stipend \$50 for each regular meeting missed per month; and**

9. WHEREAS, by Resolution 92-14, the Board amended the September 25, 1985 motion to further refine when a stipend deduction was appropriately made; and
10. WHEREAS, the Board held two regular monthly meetings until 2005, and then adopted Resolution 05-27, which changed the regular meeting schedule to one full Board meeting per month with an extra day reserved for special meetings; and
11. WHEREAS, when the Board reduced the monthly meeting schedule to one per month, it did so specifically to allow Commissioners time to perform work during the regular committee meetings and, in fact, Commissioners do the majority of their work at the regular monthly Board and various committee meetings; and
12. WHEREAS, in addition to attending Rent Board meetings, Rent Board Commissioners are also expected to perform constituent work and undertake numerous other duties associated with holding a public office; and
13. WHEREAS, prior to the adoption of Resolution 11-20, nothing was deducted from a Commissioner's monthly stipend for absence from any of the Board's various committee meetings; and
14. WHEREAS, on April 20, 1987, the Rent Board Commissioners adopted Resolution No. 87-102, to place Commissioners on the City's payroll effective May 1, 1987; and
15. WHEREAS, on July 20, 1987, the Rent Board adopted Resolution 87-112 authorizing Commissioners to join the City's medical and dental plans, at their own expense, but at the rates negotiated by the City; and
16. WHEREAS, on June 5, 1989, the Rent Board adopted Resolution 89-6, which authorized the payment of medical and dental benefits for Commissioners from the Rent Stabilization Program budget; and
17. WHEREAS, in November 1994, Council voted to authorize Councilmembers to receive cash-in-lieu payments in lieu of receiving medical benefits; and
18. WHEREAS, some Rent Board Commissioners receive medical or dental insurance coverage under health insurance programs provided by a third party, independent of their position as Commissioners; and
19. WHEREAS, on January 13, 1997, the Rent Board's Chief Counsel issued an opinion concluding that the Rent Board authorized payments in lieu of receiving medical benefits for Commissioners in Resolution 89-6; and thereafter, some Commissioners received cash-in-lieu payments without interruption in reliance on said opinion; and
20. WHEREAS, following a City Attorney opinion and a City Auditor determination that Commissioners were not entitled to continue receiving cash-in-lieu payments without first adopting a resolution explicitly authorizing such compensation, the Rent Board authorized cash-in-lieu payments by adopting Resolution 07-18 on November 19, 2007; and

21. WHEREAS, in Resolution 07-18, the Board also clarified its intent regarding the maximum level of compensation and benefits to which Board Commissioners are entitled; and
22. WHEREAS, Resolution 11-20, the Board repealed Resolutions 92-14, 05-27 and 07-18 and reenacted new rules and procedures; and
23. WHEREAS, the Board adopted Resolution 14-16 on November 20, 2014, which revised Resolution 11-20;
24. NOW, THEREFORE, BE IT RESOLVED that Resolution 14-16 is hereby revised to specifically adjust Commissioners' compensation; and
25. BE IT FURTHER RESOLVED that the Berkeley Rent Stabilization Board establishes its regular meetings are held in the Berkeley Unified School District Board Room located at 1231 Addison Street, at 7:00 p.m. on the third Thursday of each month, unless the Thursday falls on a City of Berkeley holiday or major religious holiday, in which case the Rent Board shall select a different date when it adopts its annual schedule of anticipated regular meetings each December; and
26. BE IT FURTHER RESOLVED that the Rent Board regular meeting calendar be established and voted on annually, to provide Commissioners with ample advance notice of the dates of regular Board meetings with the expectation that they will plan to attend the meetings; and
27. BE IT FURTHER RESOLVED that the Rent Board may, from time to time, cancel or reschedule a regular meeting, usually by announcing the cancellation at a regular meeting; and
28. BE IT FURTHER RESOLVED that the Rent Board may, with proper notice, call special meetings if the need arises to supplement the regular meeting schedule; and
29. BE IT FURTHER RESOLVED that Rent Board Commissioners will receive the following compensation and benefits:
 1. An \$811.23 stipend per month beginning July of 2022, subject to deductions for meetings missed as set forth below; and
 2. The stipend identified herein shall be adjusted January 1 of each year beginning in 2023 in an amount based on the Consumer Price Index - All Urban Consumers in the San Francisco-Oakland-San Jose Region averaged for the 12-month period ending June 30 of the prior year, as determined and published by United States Department of Labor; and
 3. All current Commissioners shall further be entitled to a technology stipend of \$2,500 every four years to purchase computer hardware and peripherals in support of their work as Rent Board Commissioners beginning July 1, 2022; and
 4. All future Commissioners shall be entitled to a technology stipend of \$2,500 to purchase computer hardware and peripherals in support of their work as Rent Board Commissioners immediately following their assumption of office, or as

- soon thereafter as is administratively feasible, and every four years thereafter;
and
5. The Board Secretary shall maintain records of when each active Commissioner last received their technology stipend, and the Executive Director shall authorize the amount identified in subparagraphs 3 and 4 of this section for each active Commissioner four years from the date of the distribution of the individual Commissioner's previous technology stipend; and
 6. The technology stipend identified herein shall be adjusted January 1 of each year beginning in 2024 in an amount based on the Consumer Price Index - All Urban Consumers in the San Francisco-Oakland-San Jose Region averaged for the 12-month period ending June 30 of the prior year, as determined and published by United States Department of Labor; and
 7. The same benefits as those provided to City of Berkeley Councilmembers and the Mayor, and in accordance with City of Berkeley policy, which benefits presently include:
 - a. Payment of monthly premiums for medical and dental insurance programs offered to City of Berkeley employees or, in accordance with City policy, for eligible Commissioners who elect not to receive the City's medical or dental insurance coverage, a cash payment equal to the amount the City pays its employees who elect to receive cash in lieu of City-paid medical or dental insurance coverage;
 - b. Discounted YMCA membership;
 - c. Transit pass/subsidy.
30. BE IT FURTHER RESOLVED that for purposes of attendance, a Commissioner shall be considered to have attended a meeting if he or she is present for at least one hour of the meeting or 50% of the duration of the meeting, if the meeting lasts less than two hours; and
31. BE IT FURTHER RESOLVED that properly-noticed participation via teleconference is considered attendance. For purposes of compensation and reporting, the Board member will be considered "present" even if s/he is unable to actually participate by teleconference due to technical difficulties; and
32. BE IT FURTHER RESOLVED that a Commissioner being out of the City of Berkeley while on Board business on the day of the meeting shall for purposes of compensation and reporting, be considered "present"; and
33. BE IT FURTHER RESOLVED that absences for which no penalty will be assessed are those that occur when the Commissioner informs the Board or Committee, at the time the regular, special, or committee meeting is being scheduled, that he or she will be unable to attend. Once the meeting has been scheduled, the staff will send formal notification of the time and date to commissioners via email. If the Commissioner was absent when the meeting was scheduled or informs the Board chair, Committee chair or an appropriate staff member within three days of formal notification that he or she will be unable to attend, no penalty will be assessed; and

- 34. BE IT FURTHER RESOLVED** that for every regularly-scheduled monthly Rent Board meeting missed in a calendar year, the penalties shall be as follows:
- First meeting missed – Commissioner’s stipend shall not be reduced for that month,
 - Second meeting missed – Commissioner’s stipend shall not be reduced for that month
 - Third meeting missed – Commissioner’s stipend shall be reduced by 20% for that month,
 - Fourth meeting missed and all meetings missed thereafter – Commissioner will not receive a stipend for that month; and,
- 35. BE IT FURTHER RESOLVED** that a Commissioner will have his or her stipend reduced by 10% for failure to attend a Special meeting of the full Rent Board unless the Commissioner notified the Board of the necessary absence by the appropriate time (as detailed above); and
- 36. BE IT FURTHER RESOLVED** that a Commissioner is expected to serve on a minimum of two of the Rent Board’s committees, but if the Commissioner chooses not to serve on at least two committees, he or she will have his or her stipend reduced by 20% per month; and
- 37. BE IT FURTHER RESOLVED** that Committees are expected to set meetings at a time agreed upon by all members unless a delay would impede time-sensitive work; and
- 38. BE IT FURTHER RESOLVED** that for every Committee meeting missed in one calendar month, unless the Commissioner notified the Board of the necessary absence by the appropriate time (as detailed above), the Commissioner’s stipend shall be reduced as follows:
- First meeting missed – Commissioner’s stipend shall be reduced by 10% for that month,
 - Second meeting missed – Commissioner’s stipend shall be reduced by a total of 20% for that month,
 - Third meeting missed and all meetings missed thereafter in that month – Commissioner’s stipend shall not be reduced further; and,
- 39. BE IT FURTHER RESOLVED** that when a Regular, Special or Committee meeting is canceled for lack of a quorum, those Commissioners in attendance or who notified the Board by the appropriate time (as detailed above) shall not be considered absent for purposes of compensation. Commissioners who failed to attend the meeting and did not notify the Board by the appropriate time shall be considered absent and have the same stipend reductions as above apply; and

- 40. BE IT FURTHER RESOLVED that in extraordinary circumstances, a Commissioner may have his or her stipend restored, by a majority vote of the Board at a regularly-scheduled monthly meeting; and**
- 41. BE IT FURTHER RESOLVED that the Commissioners direct the Board staff to publish Commissioners' attendance records for all Rent Board meetings (Regular, Special and Committee) from December 2010 to the present as soon as is reasonably possible, and to have those records posted to the Rent Board website; and**
- 42. BE IT FURTHER RESOLVED that each Commissioner's attendance records for all Rent Board meetings (Regular, Special, and Committee) shall thereafter be published quarterly and posted to the website on the following schedule:**
- **January, February and March attendance records to be published in April,**
 - **April, May and June attendance records to be published in July,**
 - **July, August and September attendance records to be published in October, and**
 - **October, November and December attendance records to be published in January;**
- 43. BE IT FURTHER RESOLVED that each Commissioner's attendance will be published as "Present", "Absent", or "Absent with Compensation" beginning February 16, 2012. Commissioners may add an explanation for publication in the official attendance records regarding their absences; and,**
- 44. BE IT FURTHER RESOLVED that this Resolution shall take effect November 20, 2014, and any meetings missed thereafter shall count against a Commissioner for the purpose of deductions from the stipend; and**
- 45. BE IT FURTHER RESOLVED that communications on all official Board business from staff to Commissioners, including formal notification of meetings, shall be by email. Commissioners will provide staff with one preferred email address which they agree to check on a regular basis; and**
- 46. BE IT FINALLY RESOLVED that nothing in this Resolution shall in any way define whether or not a Commissioner has "ceased to discharge the duties of his or her office" as stated in Government Code Section 1770(g).**

Dated:

Adopted by the Rent Stabilization Board by the following vote:

Yes:

No:

Abstain:

Absent:

Resolution revising rules re: Board Compensation and Attendance
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Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
DeSeana Williams
Executive Director



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: June 16, 2022

TO: Honorable Members of Rent Stabilization Board

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

SUBJECT: Recommendation to adopt Resolution 22-13 approving the Board's Fiscal Year (FY) 2022/23 Line-Item Budget, Staffing Model & Maximum Expenditure Level

Recommendation:

That the Board adopts Resolution 22-13 approving the FY 2022/23 line-item budget and staffing model of 25.0 FTE career employees and authorizing an overall spending level of \$6,645,255, which includes \$162,750 in expenditures from the Board's Capital Reserve.

Background and Need for Rent Board Action:

Legally, the Board has, through the end of June, to adopt a staffing model and budget with a maximum expenditure authorization for FY 2022/23. The process for adopting the annual budget is guided by the Budget and Personnel Committee, which has met five times in calendar year 2022 to review the budget's status, the staffing model's composition, and the projected revenues and expenditures in the coming year.

The Board received the FY 2021/22 mid-fiscal year budget report at its March 17, 2022 meeting and, after reviewing the status of the budget, elected to amend the staffing model to convert the vacant Deputy Director position to a new Policy Director position. This new position will serve as the lead staff person for the Board's policy projects and initiatives.

The Board was also provided with an update on the status of the budget and the projected expenditure level for the next fiscal year at its April 21, 2022, meeting. At that meeting, the Board received a recommendation from the Budget & Personnel Committee to utilize some of its uncommitted reserves to avoid any increase to the registration fee when the rental housing market continues to experience economic hardships due to the impacts of the COVID-19

pandemic. The Board supported this recommendation by voting to maintain all registration fees at their current level, including the fully-covered fee at \$250 unit and the Measure MM fee at \$150 unit. The Rent Board funds larger than expected uncommitted reserve balance, caused primarily by the vacant Deputy Director position and turnover in five other budgeted positions, gave the Board the flexibility to avoid increasing registration fees in FY 2022/23.

Update on Measure MM Registration

Approximately 4,750 Measure MM units have been registered in this initial year of Measure MM registration. This includes 600 units in affordable housing projects operated by nonprofits that pay the lower \$37 per unit Measure MM fee. Measure MM revenue is projected at around \$650,000 in FY 2022. The total number of rental units subject to Measure MM will continue to grow as new buildings are constructed and then leased for the first time. Staff regularly review City of Berkeley permit records and have identified over 300 potential Measure MM units in newly constructed buildings that may require registration next fiscal year.

Staff and the Budget and Personnel Committee will continue to monitor the status of Measure MM registration. Staff are still developing reports in the agency's new 3Di Rental Registry and will provide a more detailed report on Measure MM implementation next fiscal year once all the necessary reporting tools within the 3Di system have been developed.

Final FY 2020/21 Year-end Fund Balance

On April 21, 2022, staff received the latest draft report regarding the Board's audited financial statements for FY 2020/21. The Board's financial statements are produced by an independent auditor hired by the City of Berkeley's Finance Department. After reviewing the Board's latest financial statements and conferring with the Finance Department, the agency's total revenue in FY 2020/21 was \$4,998,518, and its total expenditures were \$5,056,770. This resulted in an over \$50,000 reduction to the Board's uncommitted reserve, which lowered the Board's total fund balance for FY 2020/21 to \$1,444,749. The year-end fund balance comprises \$897,166 in uncommitted reserve, \$495,500 in capital reserve, and an additional 52,083 in carryover expenditures for contract work completed in FY 2020/21, invoiced, and paid for in FY 2021/22.

3rd Quarter Update on FY 2021/22 Budget Status and Year-End Projections

The agency's Mid-Fiscal Year 2022 Budget Report projected that total FY 2021/22 expenditures would be around \$500,000 lower than the Board authorized in its adopted budget. This change was primarily due to better than anticipated first-year revenue from Measure MM registration and decreased personnel expenditures due to staff turnover and the vacant Policy Director position.

At the end of the 3rd quarter of FY 2021/22 (as of March 31, 2021), the agency's total revenue was \$5,587,609, and its total expenditures were \$3,639,399. Lower than projected personnel costs continued in the 3rd quarter as the agency worked to fill vacant positions. Staff now project that total FY 2022 expenditures will end at around \$5,620,000, while total FY 2022 revenue projects at \$5,642,000.

The Board should have a budget surplus of over 20,000 this fiscal year. The Board projects to start next fiscal year with an uncommitted fund balance of just over 1.1 million, which is over 16% of proposed FY 2022/23 recurring expenditures. The Board also will have close to \$360,000 in its capital reserve, though \$260,000 has already been earmarked towards the continued development of the 3Di Rent Registry system.

Programmatic Accomplishments in FY 2022

FY 2021/22 has been a significant year of transition for the Rent Board, highlighted by a successful first year of Measure MM registration, the implementation of Berkeley's Fair Chance Ordinance, and the hiring of the Board's new Executive Director. Additionally, staff completed several other major projects while dealing with the ramifications of having turnover in five staff positions, including the agency's Public Information Unit (PIU) Manager and the Registration Unit Manager positions. Despite the challenges of working through staff turnover while simultaneously onboarding a new Executive Director, the agency has continued to devote the majority of its focus and energy to performing its core services to the tenants and landlords of Berkeley. The program's core services are as follows:

1. Regularly communicating with Berkeley's 50,000 plus tenants and 2,800 landlords to ensure they are informed and educated on the protections, requirements, and services under the Rent Stabilization and Eviction for Good Cause Ordinance.
2. Providing counseling and other direct services to over 1,000 clients per month who call and email for advice and assistance. Due to the COVID-19 pandemic, the agency only provided limited in-person counseling services this past fiscal year but began to offer clients the possibility to schedule appointments to meet with a housing counselor over the phone or via video conference. At the Board's direction, agency staff also spent considerable time reaching out to the community through seminars and workshops conducted remotely. Staff is scheduled to participate in person at the City of Berkeley Juneteenth Festival on Sunday, June 19th. This will be the first in-person event since the beginning of the COVID-19 pandemic.
3. Providing administrative hearings and mediations to Berkeley's landlords and tenants.
4. Maintaining accurate records on the occupancy status, rents, and services for over 30,000 rental units in the City of Berkeley and processing payments, changes in tenancy and exempt status, and requests for penalty waivers for all units covered by the Ordinance.
5. Guiding policy, transparency, and governance: Historically, 2-3 FTE are dedicated to providing policy, administrative, legal, and logistical support for the Board and its committees. Staffing in this area has recently increased to 6-8 FTE as the agency continues to address the housing affordability crisis.

The vast majority of our resources are dedicated to the multitude of tasks involved in carrying out the five essential "core" areas of work listed above. Providing these services at a high level is the primary way in which we carry out the purpose and mission of the Ordinance articulated in Section 120 of the City Charter:

"The purpose of this article is to provide for proper administration of programs to regulate residential rents; to protect tenants from unwarranted rent increases and arbitrary, discriminatory

or retaliatory eviction; to help maintain the diversity of the Berkeley community; and to ensure compliance with legal obligations relating to the rental of housing.”

In addition to these “core” areas of work, the agency was tasked with four major projects this past fiscal year that took significant energy, time, and focus from agency staff. The first was the continued implementation of the new registration requirements due to the passage of Berkeley’s Measure MM. As mentioned earlier in the report, staff have successfully registered approximately 4,750 units in this registration year, and initial compliance with the Measure MM registration requirements has been high.

The second major project was the continued implementation of the new 3Di Rental Registry System. Staff and the 3Di team successfully migrated over 40 years of rental data from the Rent Tracking System (RTS) database to the 3Di Rental Registry System. The migration of this rental data took place in mid-December 2021, and although some initial hiccups and data cleanup was required, the migration was a success overall. Registration of both fully-covered and Measure MM rental units will take place in the 3Di system for the first time during this registration period.

The agency also prioritized ensuring a successful transition to a new, permanent Executive Director after the unexpected retirement of the previous Executive Director. Under the recommendation of the City’s Human Resources Department (HR), the Board contracted with Rebecca Burnside of “It’s Personnel” to conduct a recruitment for a new Executive Director. Its Personnel conducted a nationwide search for the best Executive Director candidates and included community stakeholders, agency staff, and the elected Board in the hiring process. This effort concluded with selecting and hiring the agency’s current Executive Director, DéSeana Williams, in November of 2021. Ms. Williams brings a wealth of affordable housing and organizational management experience to the Rent Board after working for the Detroit Housing Commission for 15 years.

Finally, the agency staff succeeded in successfully recreating and migrating hundreds of pages of web content in the City’s new web content management system to publish on the City’s newly-redesigned <https://rentboard.berkeleyca.gov> website. Updating and recreating this web content was an enormous and complex task requiring significant contributions from staff in every work unit. After months of content editing, review, and content migration, the Board’s new website launched on April 29, 2022, complete with recreated versions of the agency’s Annual General Adjustment (AGA) and security deposit calculators. The agency’s new web pages have a more straightforward, more modernized design that is less text-dense and formatted to be easier to navigate and comprehend. The website is also formatted, so its size adapts appropriately for clients browsing the Rent Board’s web pages using a smartphone or tablet.

In addition to these four major projects, the agency has maintained its ongoing efforts to fulfill the Board’s charge under the City Charter. The Board has continued to work with Berkeley’s City Council to promote important legislation that directly relates to the work agency staff perform to achieve the goals articulated in the Charter and the Rent Ordinance itself. To this end, the Board and City Council’s 4x4 Joint Task Force Committee on Housing (4x4 Committee) have met more frequently to tackle important rental housing issues, including

potential changes to the Rent Ordinance and the Relocation Ordinance and residential unit demolitions.

The following is a partial list of some of the important achievements the Board and agency have made over the past fiscal year:

- Contract with Anti-Eviction Mapping Project to create a report on the potential displacement and equity impacts of upzoning in Berkeley
- Convert the vacant Deputy Director position to a new Policy Director position
- Implement an appointment scheduling system for video conference and phone call housing counselor appointments
- Launched and adapted to the “Counseling Dashboard” in the 3Di system
- Continue to provide remote services in all areas from counseling, registration, hearings & mediations, and public meetings due to ongoing COVID-19 Pandemic
- Enact a COVID-19 hardship waiver process
- Provide increased in-person services to clients during 9 a.m. to 2 p.m. office hours on Mondays, Tuesdays, Thursdays, and Fridays.
- Hearings Unit held 66 hearings and 57 mediations in calendar year 2021, which represents a slight increase from calendar year 2020 (57 petitions, 56 mediations)
- Assist the City of Berkeley with the implementation and creation of administrative regulations for the City’s Fair Chance Ordinance, which prohibits discrimination based on tenants’ past criminal history
- Create, select and hire for the new General Counsel position
- Review and propose improvements to the Berkeley’s Relocation Ordinance
- Facilitate nine mediation cases involving Measure MM units
- Assist with development and public process for Berkeley’s 2023-31 Housing Element Update
- Complete the Request for Proposal (RFP) process and selected a vendor to complete a new tenant survey in Fall of 2022
- Interview, select and hire for five existing staff positions, including the Public Information Unit (PIU) Manager and Registration Unit Manager positions
- Provide client counseling and live webinars on Measure MM requirements, state and local eviction moratorium
- Work with the 4x4 Committee and other stakeholders on potential revisions to the City’s Demolition Ordinance
- Work with the City of Berkeley and the Eviction Defense Center to support the City’s housing retention grants

The staff has done an outstanding job providing remote services throughout the pandemic while also taking on the unique challenges of implementing Measure MM’s new services and registration requirements. The Board and landlord/tenant community have come to expect the agency to deliver its core services at a high level, and the agency has managed to do so under some of the most trying circumstances in its history. The agency’s core services will remain

critical to landlords and tenants as rental housing market conditions return closer to normal and the ability to evict tenants for the non-payment of rent is eventually reinstated.

Update on Administration of the Fair Chance Ordinance

On April 14, 2020, the Berkeley City Council adopted the Ronald V. Dellums Fair Chance Access to Housing Ordinance (B.M.C. Chapter 13.106). The Ordinance prohibits housing providers from advertising, directly or indirectly, that they will not consider applicants with criminal histories except as required by state or federal law.

On December 14, 2020, the Board agreed in principle to administer this Ordinance on behalf of the City after receiving a letter from Mayor Arreguín requesting that the agency do so “subject to the negotiation of an agreement between the City administration and the Board regarding the specific roles and responsibilities in ordinance implementation.” The agency ultimately agreed to assist with the outreach and counseling of Berkeley landlords and tenants on the Ordinance, to work with City Attorney’s office to draft administrative regulations related to the implementation of the hearings process, including an administrative review process, and to hold full evidentiary hearings on complaints.

Staff and City administration agreed to compensate the agency for its work on the Fair Chance Ordinance based on the actual number of hours staff spend on implementation, with an estimated amount of \$10,350 in startup costs and \$105,500 in ongoing personnel costs. Agency staff began implementing the Fair Chance Ordinance starting July 1, 2021.

During FY 2021/22, Rent Board staff assisted with the drafting of Berkeley Administrative Regulation 1.18 (which establishes procedures for adjudication of administrative complaints), trained PIU staff on the Ordinance requirements, provided counseling to over 20 clients, and sent two warning letters to property owners that were using lease language that violated the Ordinance because it questioned potential tenants about their criminal background. Staff has met regularly with personnel from the Just Cities Institute. This non-profit group was integral to the development of the Ordinance, which the City of Berkeley contracts to help with outreach and community development around the Fair Chance Ordinance. Rent Board staff and Just Cities held a Fair Chance Ordinance webinar for housing providers on May 9, 2022, and will hold an informational webinar for tenants on June 27, 2022.

Thus far, staff has spent just over 190 hours counseling and outreach, and the total cost of implanting and administering the Ordinance is estimated at around \$40,000. As more potential tenants learn about the Fair Chance Ordinance, staff estimate that the Fair Chance workload should increase and are asking City Council to continue to allocate funding not to exceed \$105,500 for Fair Chance Ordinance implementation in FY 2022/23.

Goals and New Initiatives in FY 2022/23

The Executive Director, the Budget & Personnel Committee, Outreach Committee, and other Board committees have identified 24 projects that are priorities during the upcoming fiscal year.

Several the of the larger projects, as well as City-wide policy initiatives, carry over from this current fiscal year:

1. Complete the initial fiscal year of Measure MM unit registration and provide a comprehensive report to Board on the outcome and overall impact of registering and providing services to Measure MM units.
2. Issue RFP's for longer-term Rent Board contracts, including the Eviction Defense Center, East Bay Community Law Center, Brian Augusta and Associates, QuickCaption, and Berkeley Community Media.
3. Increase agency capacity and resilience by creating additional staff positions and documentation of internal processes and procedures.
4. Begin the process of exploring available office buildings that have more space to grow staff capacity and are available when the agency's current lease expires in February of 2024.
5. Provide outreach and assistance to tenants and landlords on laws and requirements for evictions as state and local eviction moratoria come to an end.
6. Enhance agency efficiency with workflow process and responses for housing counselors.
7. Re-establish relationships and activity for Rent Board education and outreach with other City agencies, such as Aging Services and HHCS.
8. Work on interdepartmental anti-displacement policies to address results from proactive Housing Code Enforcement inspections.
9. Complete annual evaluations of all employees, including Executive Director and General Counsel.
10. Provide increased training opportunities for both staff and the Board.
11. Work with 3Di Inc. to build out reporting tools in the 3Di system and increase overall system efficiency.
12. Create and hire a new Policy Director position that focuses on achieving Board's housing policy objectives.
13. Implement and administer the City's Fair Chance Housing Ordinance.
14. Complete a survey of tenants and begin scoping a study/survey of property owners.
15. Use the 2nd and 4th Wednesdays of each month to work on agency-wide improvement areas identified in the 2020 executive transition survey
16. Provide racial equity training for all agency staff
17. Continue work to improve the Demolition Ordinance to reach the appropriate balance of allowing new construction while protecting sitting tenants and mitigating the overall loss of housing affordability.
18. Work with the City to revamp and improve the Relocation Ordinance.
19. Monitor development projects, including the creation of new Accessory Dwelling Units (ADUs) that impact the tenancies of/services to existing tenants.

20. Continue to monitor Short-Term Rental Ordinance compliance to prevent the loss of long-term rentals.
21. Continue studying and memorializing the impacts of Costa-Hawkins on Berkeley and other cities in the state.
22. Working with City Council to assist with adopting the Tenant Opportunity to Purchase Act (TOPA).
23. Continue working with local and regional groups to develop a coordinated and effective response to the housing crisis.
24. Work with the City of Berkeley IT Department to enhance agency cybersecurity.

Two of the Budget & Personnel Committee's primary concerns in this budget cycle were the need for data surrounding the implementation of Measure MM and the importance of supporting efforts to increase staff capacity. Providing the Board with data and analysis on Measure MM implementation is a priority for the next fiscal year. More details on the process proposed for increasing staff capacity are included later in this report.

Highlights of the FY 2022/23 Proposed Budget

The proposed FY 2022/23 Budget (Attachment 3) requests new spending authorization totaling \$6,645,755. This amount includes \$6,289,405 toward the agency's recurring operational expenses (86.7% of which is for staff and office rent), \$267,750 towards development and maintenance of the 3Di Rental Registry database, the Fall 2022 tenant survey, consultant support for annual evaluations of the Executive Director and General Counsel, and additional staff and Board training.

\$122,750 - Database Solution - The Board adopted a one-time \$20 adjustment to the registration fee in FY 2017/18, with the \$400,000 collected placed in the Board's Capital Reserve and earmarked for finding a sustainable long-term solution to our database needs. The agency contracted with 3Di, Inc. in the Fall of 2020 to first develop a standalone module for Measure MM registration and then create a replacement for the previous Rent Tracking System (RTS) and case management databases. The Measure MM system launched in February of 2021. An integrated rental registry for fully-covered units, petitions, eviction tracking, and counseling case management launched in March of 2022.

\$90,000 - Enhanced Training - The proposed budget recommends that \$10,000 be allocated on a recurring basis to the Training line item (40-63) for ongoing enhanced training opportunities for staff. An additional one-time allocation of \$80,000 is set aside in the CIP line item for project management, customer service, racial equity training for staff, and Board and Commission training for Board members.

\$62,000 – Commissioner Stipend Inflation Adjustment and Technology Stipend – The proposed budget recommends increasing the commissioner's monthly stipend from \$500 to \$811.23 a month and to adjust the commissioner's stipend upward each year based on increases to the consumer price index beginning in January of 2023. The proposed budget also establishes

a \$2,500 technology stipend for commissioners, which is provided to each Board member at the beginning of each four-year period they serve as an active commissioner. The initial technology stipend payment would take place in July of 2022, as soon as it is administratively feasible.

\$40,000 – Tenant Survey – Completing a new tenant survey is a top priority for the Outreach Committee. The agency has contracted with the Social Science Research Center at California State University Fullerton to perform an updated tenant survey in the Fall of 2022. Staff proposes the Board utilize its capital reserve for this expenditure.

\$10,000 – Annual Performance Evaluations – The Executive Director and General Counsel position report directly to the elected Rent Board. An annual review process is required in the Board's contracts with the staff filling these positions. The Budget & Personnel Committee intends to work with Keren Stashower of Kinnectics LLC to design and organize the evaluation process.

Increasing Staff Capacity

In the FY 2021/22 mid-fiscal year budget report, the Executive Director requested the Board's feedback on her a proposal to add three additional new positions to the Board's staffing model in the near future. These positions are:

1. **Finance Manager:** Currently, payroll, finance, and budgetary functions are splintered between several work units. The Finance Manager would take over supervision of these tasks. In addition, the Finance Manager will be the first step to creating a finance unit that will also be responsible for contracting and purchasing activities. The Rent Board's current staffing model and organizational structure have limited capacity to handle these functions efficiently. An independent and financially-focused unit will allow for increased resources in other units currently handling these functions, offer more streamlined processes, and provide a centralized unit to be accountable for these functions, which will further stabilize the organization and benefit overall productivity.
2. **Senior Housing Counselor:** There is a need to create a higher-level counselor position in the Public Information Unit (PIU). PIU staff are essential for providing core Rent Board services, including education, counseling, and community outreach. The PIU housing counselors must possess a niche, in-depth knowledge, and understanding of the Ordinance, state and local laws, and the intersections of multiple community agencies and resources related to rental housing. A Senior Housing Counselor would provide an additional and necessary layer to the unit where responsibility will be dedicated to highly specialized cases, research, and special projects. Moreover, adding this layer will allow the housing counselors to continue to improve response times and increase regular counseling availability to consistently provide nuanced and detailed assistance with our clients' unique housing situations.
3. **Digital Education and Social Media Coordinator:** For years, the Board has expressed an interest in increasing the agency's social media presence and adapting its outreach program to include popular applications such as Twitter and LinkedIn. Additionally, as

the Rent Board aligns with the City of Berkeley's new website platform, there will be an increased need to centralize the management of our print, web, and digital outreach to ensure clear, consistent, and accurate messaging. The Digital Education and Social Media Coordinator will also take on the responsibility to increase our digital education presence that will update the community more broadly on important affordable housing matters, legislation, and resources that not only inform but benefit those we serve.

These positions are not only new to the agency; they do yet exist as City of Berkeley job classifications. Creating a new City of Berkeley classification generally requires input from HR, Berkeley's labor unions, and approval from the Personnel Board. Once these positions are created and their details finalized, staff will bring a recommendation to the Budget & Personnel Committee requesting that they be added to the Board's staffing model.

Staff met with HR to begin creating the new Policy Director position and will report back to the Board and Budget Personnel Committee as a process and timeline finalized. The creation of the Finance Director, Senior Housing Counselor, and Digital Education and Social Media Coordinator will take priority after the Policy Director position is created and advertised. Staff hopes to have these positions in place and ready to be added to the agency's staffing model prior to the production of the Board's FY 2022-23 mid-fiscal year budget update.

Lease of 2001 Center Street

The Rent Board has leased office space on the first and second floor of 2001 Center Street since August 9, 1993. The agency's current lease with 2001 Center Street LLC is set to expire at the end of February 2024. When the previous lease agreement was near expiration in 2019, the agency began negotiations to move to a vacant City of Berkeley owned office space at 1947 Center Street, where Berkeley's Planning Department and Finance Departments are located. The 1947 Center Street location required some significant tenant improvements before it would be ready for occupancy by Rent Board staff. Staff negotiated a five-year extension at 2001 Center Street, including an early termination option that would allow the agency to move to 1947 Center Street if an agreement was reached to lease 1947 Center Street. Ultimately, Rent Board staff could not reach an agreement with Berkeley's Public Works Department on lease terms, and the agency decided to remain at its present location.

With the lease of 2001 Center Street now set to expire in just over a year and a half, the Executive Director has begun the process of looking into potential new locations and will update the Board if any suitable sites are identified. The size of the agency's current office space limits the Rent Board's ability to grow since there are no vacant office spaces that are not reserved for an existing staff position. Given the lack of available space at 2001 Center Street, it will be challenging to find adequate room for the additional staff positions discussed in the previous section of this report. To sustainably add to staff capacity, the Executive Director hopes to identify a larger office space that gives the agency room to grow but is still centrally located and easily accessible by transit.

Status of the Rent Board Fund Reserve Balance

Historically, the Board has attempted to maintain a “one-to-two-month” uncommitted reserve balance in the Rent Stabilization Fund. Historically, the City Auditor’s recommendation is that the reserve contains at least two months or 16% of the agency’s recurring operational budget. Certain Departments, such as Berkeley’s Planning & Development department, aim to maintain a much larger reserve, closer to twelve months. Such a large reserve has not been necessary for the Board since registration revenues have become very consistent. A relatively small reserve of between 8%-16% has been sufficient to meet the Board’s needs.

Although the Board has previously elected to go below the 8% reserve level to contain the size of fee increases, it has maintained a reserve of over 16% since the end of the Fiscal Year 2017/18. Staff anticipates the agency will end this current fiscal year with an uncommitted reserve of over 16%, which means the agency should start FY 2022/23 with the recommended two-month reserve. The Board also has around \$360,000 set aside in its Capital Reserve, \$260,000 of which is earmarked for the ongoing development of the 3Di Rent Registry.

On April 21st, the Board agreed to maintain the amount of the registration fee for fully-covered rental units and Measure MM units at \$250 and \$150 per unit, respectively. This is the fifth year in a row that the Board has set the full-covered fee at \$250 per unit. The Board has prioritized avoiding fee increases while tenants and landlords are still struggling due to the ongoing impacts of the COVID-19 pandemic.

The proposed budget also allocates \$162,750 of the capital reserve towards the continued development and maintenance of the 3Di Rent Registry system and for the completion of the tenant survey. This would leave the Board’s capital reserve with a remaining total of \$197,100. \$137,100 of this amount is still reserved for future expenditures and possible improvements to the 3Di Rent Registry system, and the remaining \$60,000 has not been committed.

With an overall FY 2023/23 revenue projected at \$5,687,0200 (including the City of Berkeley’s allocation for Fair Chance Ordinance administration), the expenditure level proposed by staff and the Budget & Personnel committee would reduce the Board’s uncommitted reserve by around \$800,000. At this level, the Board would end FY 2022/23 with just over 300,000 in its uncommitted reserve, which is just under 5% of its recurring operational budget.

Sustainability of FUND 440 Reserve Balance

In FY 2020/21 and FY 2021/22, the adopted budget anticipated spending down the Board’s uncommitted reserve, so the reserve ended the year with less than 8% of recurring expenditures remaining. Savings in personnel costs from staff turnover and ongoing vacancies, as well as better than anticipated registration revenue from both fully-covered and Measure MM units, meant that the Board’s reserve was never significantly reduced. As a result, the Board’s uncommitted reserve projects stand at roughly the same level it was at two fiscal years ago.

For the FY 2022/23 budget, staff and the Budget & Personnel Committee’s recommendation again proposes a significant drawdown of the Board’s uncommitted reserve, this time by 72%. While this is a significant reduction, it is similar to what the Board has adopted for the current

fiscal year and far less than what was adopted for FY 2020/21. Under this budget proposal, the Board's uncommitted reserve projects to contain just over \$300,000 at the end of the FY 2022/23, but that does not include any of the nearly \$200,000 held in the Board's capital reserve. The Board is still in an excellent fiscal position compared to previous fiscal years. It can always make any necessary adjustments during its mid-fiscal year budget review process.

The Board is again considering a budget proposal at a time when the recent crisis is still impacting the tenants and landlords, and the rental housing market has still not returned to normal with local and state eviction moratoriums still in place. The Board has adopted a strategy to avoid fee increases during the ongoing Covid-19 pandemic, and the Budget & Personnel Committee recommends the Board continue to utilize the reserve in this manner and to hold off on returning to its normal "pay as you go" method at least for one more year. Neither the Committee nor staff recommends the Board make a practice of using the reserve to fund recurring expenditures in this manner, except under special circumstances such as these.

Explanation of the Line-Item Budget

The budget proposal primarily focuses on the necessary expenditures to maintain the agency's core services. Changes from the previously adopted budget are described under each item.

Monthly Employees (11-01): Proposed expenditures will increase from the FY 2021/22 adopted budget by \$165,000. This increase is primarily due to cost of living adjustments negotiated for Rent Board staff by the various labor unions. **Total request = \$3,015,000.**

Hourly Employees (11-03): The Board has utilized temporary employees that are paid on an hourly basis in previous years. The most recent temporary position was in the Associate Planner classification, and the Board converted that to a permanent position when it adopted its FY 2021/22 budget. The proposed staffing model does not include any temporary employees for this fiscal year. **Total request = \$0.**

Overtime (13-01): Given that the agency's Registration Unit and Public Information Unit are fully staffed, there is not a significant need for overtime anticipated for the next fiscal year. To maintain preparation for any special projects that require staff overtime, the proposed budget recommends an allocation for overtime work of \$1,000. **Total request = \$1,000**

Fringe Benefits (27-20): Fringe benefits in FY 2017/18 were 65.5% of the total salary for monthly and hourly employees. This decreased to around 61-62% for FY 2020/21 and FY 2021/22. This is mainly because there are more new employees at the Board, and newer retirement plans require slightly lower contributions than longer-term employees. In the most recent labor negotiations, the City of Berkeley agreed to gradually increase retirement contributions for newer employees over several years (the amount of years varies depending on the labor union). Staff recommends the Board increase the total budgeted amount for this line item by 275,000 to ensure sufficient funding to cover this anticipated increase to the cost of fringe benefits. **Total request = \$2,075,000**

Stipends (30-12): The Budget & Personnel Committee is recommending the Board increase commissioner stipends to \$811.23 per month and to annually adjust the commissioner stipend for CPI beginning in January of 2023. Staff recommends the Board increase this line item by \$38,500 to cover the projected costs of this increase. **Total request = \$92,000**

Misc. Legal Expenses (30-23): For most of the past decade, these costs have been limited to \$3,000 - \$4,000 annually for the service of the small claims lawsuits and some incidental court costs. In FY 2019/20, the Board contracted with outside legal counsel and an investigator related to confidential personnel matters and continued to utilize outside legal counsel for personnel and litigation support in FY 2021/22. This year, the proposed budget allocates additional funds for outside counsel to support litigation efforts and assist the Board with confidential personnel matters. **Total request = \$85,000**

Temp Agency Employees (30-36): The Registration Unit has requested the Board authorize a temporary agency worker to assist with the registration effort for both fully-covered and Measure MM units. Registration of both fully-coved and Measure units are both taking place in the 3Di Rent Registry in this current registration period, and additional staff capacity is required to assist clients as they work with this system for the first time. **Total request = \$25,000**

Misc. Professional Services (30-38): This line item represents our contracts with community service agencies to provide eviction counseling and defense to low-income clients (totaling \$318,000 in FY 2022/23) as well as the contract with our legislative advocate (\$60,000 in FY 2022/23). On April 28, 2022, the Eviction/Section 8/Foreclosure Committee voted to approve proposals for contract extensions for the East Bay Community Law Center (EBCLC) and the Eviction Defense Center (EDC). All three contracts will be discussed in greater detail at the June 16, 2022, Board Meeting. **Total request = \$378,000**

Office Equip Mtc./Copy Machine (30-42): This is for the maintenance and servicing of the agency's two copy machines. **Total request = \$13,000**

Bldg Structures Mtc. Svc. (30-43): This line item primarily covers pest control and other minor building maintenance issues not covered in our rental contract with the building owner. Through March of FY 2021/22, \$313 has gone to this expenditure. The proposed budget recommends this allocation be maintained at \$500 for FY 2022/23. **Total request = \$500**

Bank Credit Card Fees (30-51): The Board incurs service fees charged by banks so that owners may pay their registration fees with a credit card. Staff is projecting a total expenditure of \$25,000 for this line item in FY 2021/22 and recommends the Board maintain this allocation for FY 2022/23. **Total request = \$25,000**

Professional Dues and Intern Fees (40-10): Consistent with City practice, the Program pays for the dues/fees that we require incumbents of a position to hold. The most common are bar dues, but the agency has also paid for other dues such as those for Notary Public Certification in the past. This item also included previous Cal in Local Government charges, which the Board has not participated in recently due to Covid-19 safety concerns. **Total request = \$2,000.**

Telephones (40-31): Includes charges for mobile devices (cell phones) and phones housed in our offices. This also includes charges for wireless connectivity. We estimate FY 2021/22 expenditures will be approximately \$7,000 and do not anticipate this will change in FY 2022/23. **Total request = \$7,000**

Printing and Binding (40-50): Includes charges for the printing of all postcards and newsletters, the annual report, large mailings (like the AGA and ALRC mailings to owners and tenants), and the Guide to Rent Control. Staff proposes to reduce this allocation by \$5,000 for the next fiscal year since there will not be the need for as many focused mailings to Measure MM units. **Total request = \$30,000**

Transportation & Commercial Travel (40-61 & previously 40-64): These line items were combined when the City moved to its new cloud-based financial software system ERMA in October 2018. Due to the ongoing COVID-19 concerns, this allocation has once again all but gone unused in FY 2021/22. We recommend maintaining this allocation of \$3,000 in case staff need to travel to an in-person event at some point next fiscal year. **Total request = \$3,000**

Meals and Lodging (40-62): This line item is for the cost of food and/or lodging when on Rent Board business out of town. As we explained for the previous items, the amount of travel staff has decreased significantly due to ongoing COVID-19 concerns. Since the allocation is small, staff recommends leaving it at \$1,000. **Total request = \$1,000**

Training and Registration Fees (40-63): For the past several years, the majority of this allocation covers MCLE (ongoing legal training) and fees for professional conferences or trainings attended by staff or the Board. Three years ago, the Board increased the allocation for this item by \$10,000 to accommodate for additional recurring professional trainings of interest to Program staff and Board members, as appropriate. **Total request = \$12,000**

Advertising/Public Access (40-70): The total amount budgeted for these services in FY 2021/22 is \$45,000. The majority of these costs are associated with making the activities and proceedings of the Board accessible and transparent to the public. Major expenditures include cable coverage on BCM, closed captioning of our meetings, and webcasting of our meetings. Other typical costs in this category include PTA directory advertisements, Rent Board magnets, the design of newsletters, the publishing of legal notices, and attendance at community events. Staff recommends increasing this allocation by \$6,600 for FY 2022/23 to ensure sufficient funding for additional outreach efforts next fiscal year. **Total request = \$50,600**

Books and Publications (40-80): These charges are almost exclusively for legal books or subscriptions for online legal research. This line item also pays for our RealQuest property records subscription. The amount budgeted in FY 2021/22 was \$13,000, and most of this allocation will be spent. Staff recommends that the Board continue with the same allocation for FY 2022/23. **Total request = \$13,000**

Rental of Land/Buildings (50-10): This charge covers the costs of renting the agency's office space on Center Street and any costs to keep the building open additional "after" hours once a week. In FY 2018/19, we renegotiated the lease and extended the lease term through February 29, 2024. The monthly rent has increased significantly under the current lease. At the beginning of fiscal year 2019 (July 2018), the monthly rent was \$20,423, increasing to 27,916 as of March 1, 2019. This year's rent will average \$28,893 per month. Some of this allocation is also available for rental of the Berkeley Unified School District Board Room to allow Board meetings to resume in person, if necessary, later this fiscal year. **Total request = \$370,000**

Postage (51-10): This line item covers the costs for all day-to-day operational mailing needs (Hearings and Admin units, VR mailings, exemption verification), all seasonal mailings (registration, ALRC notices), and also the costs for mailing postcards and newsletters to owners and tenants. Staff recommends this allocation be reduced from \$40,000 to \$35,000 as physical mailings should be reduced now that most Measure MM properties have registered with the Board. **Total request = \$35,000**

Messenger/Delivery (51-20): The majority of this line item reflects charges related to the delivery of agenda packages. Due to the continued use of Federal Express to deliver time-sensitive contract amendments packages, staff recommends an allocation for this line item be maintained at \$500 for FY 2022/23. **Total request = \$500**

Office Supplies (55-11): The agency has been able to reduce expenditures in this line item in each of the past several years after moving toward a paperless agenda system. Staff recommends maintaining the allocation for this item at \$13,500. **Total request = \$13,500**

Food and Water (55-50): Previously, when the Board had early or contiguous in-person meetings (a closed session leading directly into a Board meeting), some food was provided to commissioners. However, historically, the largest portion of this expenditure is for drinking water for staff and the public (per a long-standing Board resolution). This line item also reflects food for meetings hosted by the Board or staff. Staff recommends this allocation be maintained at \$1,000 for FY 2022/23. **Total request = \$1,000**

Office Equipment and Furniture (70-41): Staff intends to reconfigure office space on the first floor to increase the number of workspaces and better allow for social distancing. The proposed budget recommends maintaining this allocation at \$5,000 to ensure sufficient funding is in place to pay for these improvements. **Total request = \$5,000**

Computers, Printer, Software (70-44): This line item is used for any additional computer or printers purchased, which is not part of the PC Replacement (75-25) below. Staff anticipates purchasing six additional laptops for staff next fiscal year, and this line item now includes. This line item has also placed \$30,000 of funding for the new commissioner technology stipend. This addition raises the total recommended allocation to \$45,000. **Total request = \$45,000**

PC Replacement Contribution/City Software Licenses (75-25): All of the agency's computers have an assumed life span and are rotated out at the end of that assumed cycle. The agency pays

a fixed cost into a recurring fund based upon the number of computers we have and the estimated replacement cost. The City's IT Department also provides other hardware, including servers, and we have subscriptions to many citywide software licenses. There have been ongoing negotiations with the City's IT Department on what the Rent Board's recurring IT costs are. To this point, the Rent Board has only agreed to pay for clear added costs that the City of Berkeley incurs for our hardware and citywide software licenses used by agency staff. These costs have remained the same for FY 2021/22 at \$74,305. **Total request = \$74,305**

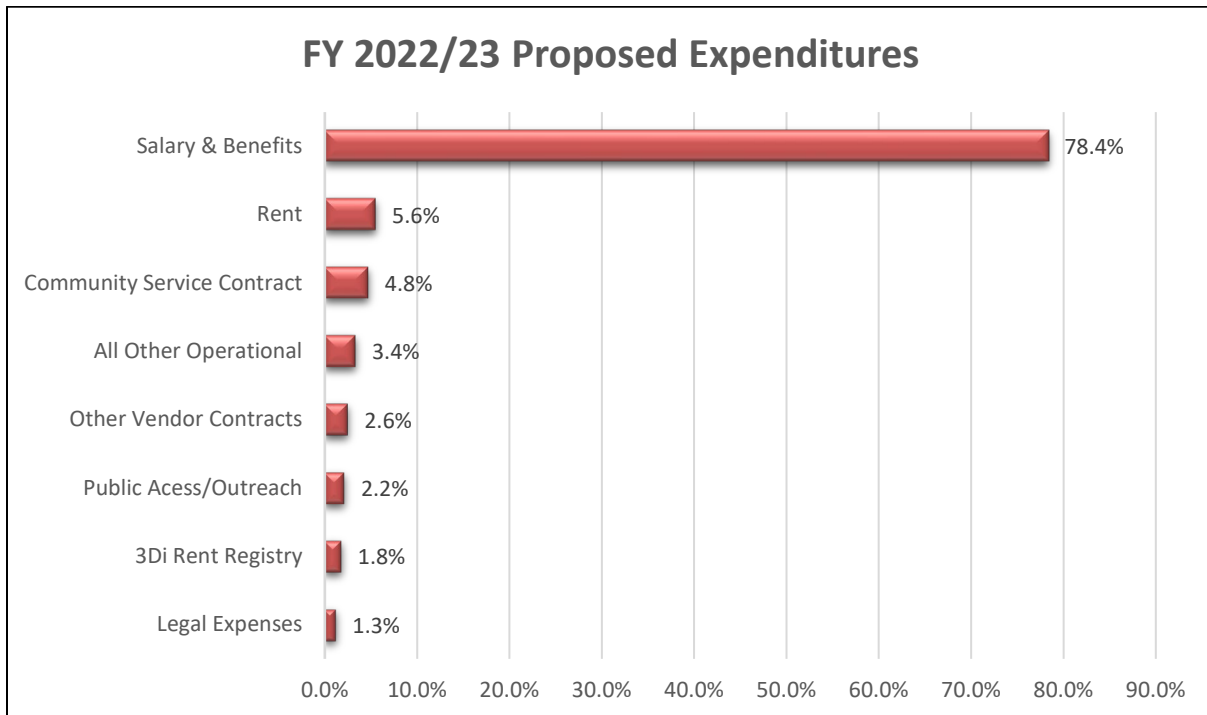
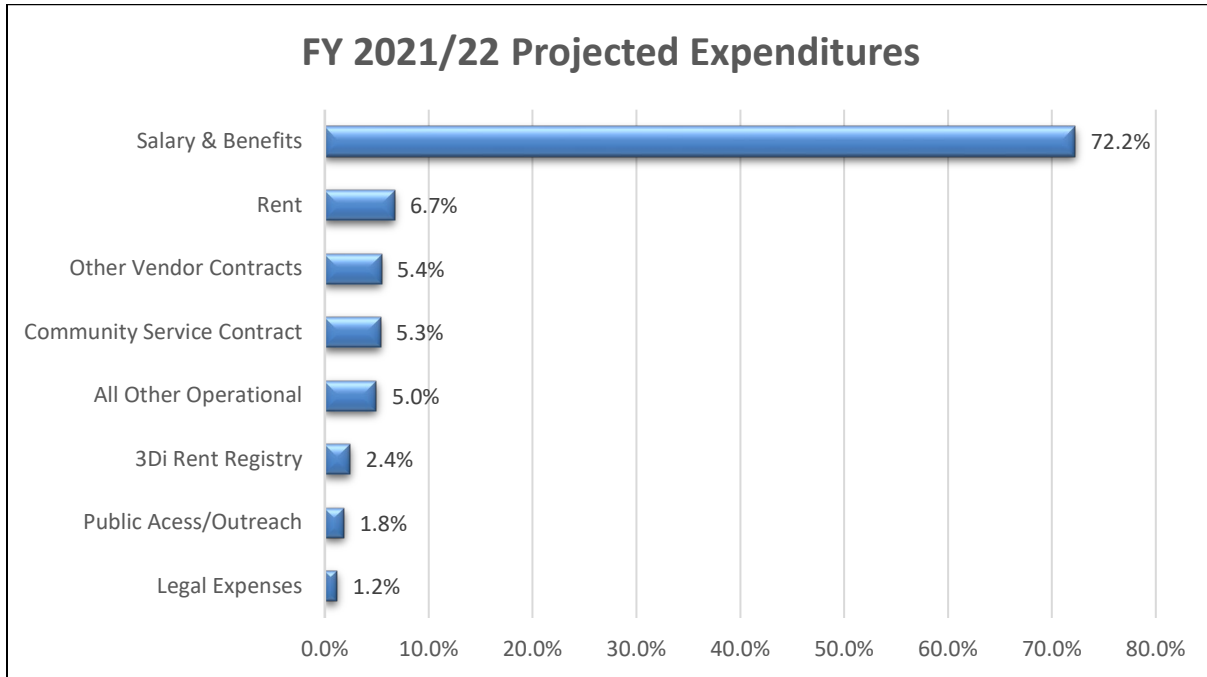
Mail Services (76-35): This is a charge from the City, assessed to all departments, to cover the cost of the employee who sorts and delivers the mail. The charge remains unchanged from FY 2021/22. **Total request = \$3,600**

City Vehicle / Fuel & Maint. (75-50): This charge is also from the City, assessed to the agency for the use of three off-street parking spaces used by Program staff. The charge remains the same for FY 2022/23. **Total request = \$1,500**

Capital Expenditures: Capital expenditures for the current year are projected to be \$252,650 by year-end; the majority of these expenditures are for the new 3Di Rent Registry system. For FY 2022/23, staff recommends setting aside \$80,000 for staff and Board trainings, \$40,000 to complete the Fall of 2022 tenant survey, \$20,000 for a consultant to support the annual evaluations of both the Executive Director and General Counsel, and \$5,000 for IT support of agency's previous RTS database, which needs to be archived before it is then decommissioned. The Board's contract with 3Di also calls for a total of \$122,750 in payments for system development and support in FY 2022/23. **Total request = \$267,750**

Annual Capital Reserve: The proposed budget recommends reducing the Board's capital reserve by around \$160,000. Any amount not spent on these projects will revert to the Capital Reserve for future allocation. The annual capital reserve was created so the Board could set aside an annual amount for future capital expenditures. Given the Board's desire to avoid raising the full-covered registration fee as the economy recovers from the COVID-19 pandemic, staff does not recommends allocating additional funds to the capital reserve this year. The Board's capital reserve is projected to be just under \$200,000 at the end of FY 2022/23. **Total Estimated Cost = \$0.**

Graphic Overview of Changes in Rent Board Expenditures The graphics below compare, in broad categories, how the Board budget was allocated in the current fiscal year and how it is allocated in the proposed budget.



Attachments:

1. Proposed FY 2022/23 Line-Item Budget with 3/4th-year FY 2022 Update and Final Year-end FY 2021 actuals

2. Proposed FY 2022/23 Position Detail sorted by classification only
3. Proposed FY 2022/23 Position Detail grouped by unit, classification, and job duty
4. Resolution 22-13 authorizing FY 2022/23 Expenditure Authorization and Staffing Model

**Rent Stabilization Program
FUND 440
FY 2022 3-4ths Year Budget Update with Proposed FY 2023 Budget**

Code	Description	Actual Year-End FY 2021	Adopted FY 2022	3/4ths FY 2022	Projected Year-End FY 2022	Proposed FY 2023
11-01	Monthly Employees	2,325,298	2,850,000	1,643,520	2,350,000	3,015,000
11-03	Hourly Employees	0	0	0	0	0
13-01	Overtime	477	2,000	476	1,000	1,000
27-20	Benefits	1,550,686	1,800,000	1,065,944	1,625,000	2,075,000
30-12	Stipends	51,800	53,500	39,900	53,500	92,000
30-23	Misc. Legal Expenses	225,683	20,000	10,692	65,000	85,000
30-36	Temp. Agency Employees	801	5,000	14,804	30,000	25,000
30-38	Misc. Professional Services	336,739	410,000	359,954	565,188	378,500
30-42	Office Equip. Mtc. Svcs. / Furniture	6,796	13,000	9,896	13,000	13,000
30-43	Bldg. & Structures Mtc. Svc.	392	500	313	500	500
30-51	Bank Credit Card Charges	7,615	25,000	10,314	25,000	25,000
40-10	Professional Dues & Intern Fees	2,060	3,000	139	2,000	2,000
40-31	Telephones	7,292	5,000	6,658	7,000	7,000
40-50	Printing and Binding	24,798	35,000	15,547	27,500	30,000
40-62	Meals & Lodging	0	1,000	0	1,000	1,000
40-63	Registration Fees/Training	0	12,000	693	3,000	12,000
40-61/64	Transportation & Commercial Travel	12	3,000	73	3,000	3,000
40-70	Advertising/public access	33,720	45,000	27,775	45,000	50,600
40-80	Books & Publications	13,207	13,000	10,157	13,000	13,000
50-10	Rental of Land / Buildings	336,232	375,000	287,454	375,000	370,000
51-10	Postage	26,798	40,000	4,764	30,000	35,000
51-20	Messenger / Delivery	0	500	0	500	500
55-11	Office Supplies	12,346	13,500	9,666	13,500	13,500
55-50	Food and Water	704	1,000	645	1,000	1,000
70-43	Office Equipment and Furniture	0	5,000	0	5,000	5,000
70-44	Computers, Printers, Software	2,767	12,000	29,408	35,000	45,000
75-25	PC Replacement/City Software Licences	50,709	74,305	55,728	74,305	74,305
75-35	Mail Services	3,600	3,600	2,700	3,600	3,600
75-50	City Vehicle / Fuel & Maint.	1,500	1,500	0	1,500	1,500
	Expenditure Subtotal**	5,019,751	5,822,405	3,618,019	5,369,093	6,378,005
	Special Projects (RTS Upgrade, online registration, training)	37,019	453,130	21,380	252,650	257,750
	Annual Capital Reserve	0	0	0	0	0
	Total Authorized Fund Expenditures*	5,056,770	6,275,535	3,639,399	5,621,743	6,635,755
	Fully-covered Unit Revenue		5,000,000	4,941,308	4,950,000	4,950,000
	Measure MM Revenue		350,000	644,584	650,000	685,000
	Fair Chance Ord. Administration		115,850	0	40,000	50,000
	Misc. (Project review, Settlements, Admin. Fees)		50,000	1,717	2,000	2,000
	Total Authorized Fund Revenue*	4,998,518	5,515,850	5,587,609	5,642,000	5,687,000
	Annual Surplus/Shortfall	(58,252)	(759,685)	1,948,210	20,257	(948,755)
	<i>Previous FY Carryover Expenditures</i>			52,083	52,083	
	FUND BALANCE (cash basis)	1,444,749	685,064	2,633,273	1,465,006	516,251
	FUND BALANCE (accrual basis)	1,392,666	632,981	2,581,190	1,465,006	516,251
	TOTAL UNCOMMITTED OPERATIONAL FUND BALANCE	897,166	355,981	2,085,690	1,105,156	319,151

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

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

Rent Board Position Detail
Sorted by Classification

Classification Title	Adopted FY 21/22	Proposed FY 22/23
Accounting Office Specialist III	1.00	1.00
Associate Management Analyst	1.00	1.00
Associate Planner	1.00	1.00
Associate Planner (Temporary)	0.50	0.00
Community Service Specialist II	7.00	7.00
Community Service Specialist III	0.80	1.00
Deputy Director	1.00	0.00
Executive Director	1.00	1.00
General Counsel	1.00	1.00
Office Specialist II	4.00	4.00
Office Specialist III	1.00	1.00
Legal Secretary	1.00	1.00
Policy Director	0.00	1.00
Senior Hearing Examiner	1.00	1.00
Senior Management Analyst	0.75	1.00
Senior Planner	1.00	1.00
Staff Attorney II	2.00	2.00
TOTAL FTE:	25.05	25.00

Changes in FY 2023 include the following:

- Create a 1.0 FTE Policy Director (Authorized by Board Resolution 22-03)
- Eliminate a 1.0 FTE Deputy Director (Authorized by Board Resolution 22-03)
- Increase Senior Management Analyst to 1.0 FTE
- Increase Community Services Specialist III to 1.0 FTE

RENT BOARD POSITION DETAIL

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

FY 2022 Adopted		FY 2023 Proposed	
Administration / Policy Unit		Administration / Policy Unit	
Executive Director	1.00	Executive Director	1.00
Deputy Director	1.00	Deputy Director	0.00
Policy Director	0.00	Policy Director	1.00
Community Services Specialist II	1.00	Community Services Specialist II	1.00
Associate Management Analyst	1.00	Associate Management Analyst	1.00
Senior Planner	0.70	Senior Planner	0.70
Associate Planner (Temporary)	0.50	Associate Planner (Temporary)	0.00
Associate Planner (Permanent)	1.00	Associate Planner (Permanent)	1.00
Office Specialist II	1.00	Office Specialist II	1.00
Subtotal for FTE	7.20	Subtotal for FTE	6.70
Salary/Benefit Total = \$1,250,000		Salary/Benefit Total = \$1,428,000	
Legal Unit		Legal Unit	
General Counsel	1.00	General Counsel	1.00
Staff Attorney II	1.60	Staff Attorney II	1.60
Legal Secretary	0.50	Legal Secretary	0.50
Subtotal for FTE	3.10	Subtotal for FTE	3.10
Salary/Benefit Total = \$600,000		Salary/Benefit Total = \$882,000	
Hearings Unit		Hearings Unit	
Senior Hearing Examiner	1.00	Senior Hearing Examiner	1.00
Staff Attorney II	0.20	Staff Attorney II	0.20
Legal Secretary	0.50	Legal Secretary	0.50
Subtotal for FTE	1.70	Subtotal for FTE	1.70
Salary/Benefit Total = \$331,000		Salary/Benefit Total = \$400,000	
Registration Unit		Registration Unit	
Senior Management Analyst	0.75	Senior Management Analyst	1.00
Community Services Specialist II	1.00	Community Services Specialist II	1.00
Accounting Office Specialist III	1.00	Accounting Office Specialist III	1.00
Office Specialist III	1.00	Office Specialist III	1.00
Office Specialist II	2.00	Office Specialist II	2.00
Senior Planner	0.15	Senior Planner	0.15
Staff Attorney II	0.10	Staff Attorney II	0.10
Subtotal for FTE	6.00	Subtotal for FTE	6.25
Salary/Benefit Total = \$900,000		Salary/Benefit Total = \$1,021,000	
Public Information Unit		Registration & Public Information Units	
Community Services Specialist III	0.80	Community Services Specialist III	1.00
Community Services Specialist II	5.00	Community Services Specialist II	5.00
Office Specialist II	1.00	Office Specialist II	1.00
Senior Planner	0.15	Senior Planner	0.15
Staff Attorney II	0.10	Staff Attorney II	0.10
Subtotal for FTE	7.05	Subtotal for FTE	7.25
Salary/Benefit Total = \$1,160,000		Salary/Benefit Total = \$1,330,000	
Total RSB Staff	25.05	Total RSB Staff	25.00

Board Approved Changes in FY 2022 include the following:

Create a 1.0 FTE General Counsel
Eliminate a 1.0 FTE Staff Attorney III
Create a 1.0 FTE Associate Planner Position
Reduce 1.0 FTE Temporary Associate Planner Position to 0.5 FTE

Changes in FY 2023 include the following:

Create a 1.0 FTE Policy Director (Authorized by Board Resolution 22-03)
Eliminate a 1.0 FTE Deputy Director (Authorized by Board Resolution 22-03)
Increase Senior Management Analyst to 1.0 FTE
Increase Community Services Specialist III to 1.0 FTE

RESOLUTION 22-13

**ADOPTING THE FISCAL YEAR 2022-2023 BUDGET, STAFFING MODEL POSITION
DETAIL, AND THE MAXIMUM EXPENDITURE LEVEL**

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

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

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

WHEREAS, the Budget and Personnel Committee met six times in fiscal year 2021-22 to monitor the budget and the Program's progress in meeting the goals established by the Board; and

WHEREAS, on April 21, 2022, after reviewing the available reserves and considering the economic stress caused by the global COVID-19 pandemic, the Board voted to maintain the annual registration fee for full-covered units at \$250 per unit and to maintain the Measure MM fee at \$150 per unit; and,

WHEREAS, on June 6, 2022, the Budget and Personnel Committee and the Executive Director met and discussed a line-item operating budget and staffing model for FY 2023 for the Board's review and consideration; and,

WHEREAS, the proposed operating budget (including contracts) for FY 2022-2023 authorizes new expenditures totaling \$6,635,755, which includes both recurring operational and capital needs; and

WHEREAS, the proposed budget for FY 2022-2023 includes up to \$122,750 in previously authorized expenditures from the capital reserve for the creation of an integrated database solution to replace the Program's existing rent tracking and case management databases; and

RESOLUTION 22-13

**ADOPTING THE FISCAL YEAR 2022-2023 BUDGET, STAFFING MODEL POSITION
DETAIL, AND THE MAXIMUM EXPENDITURE LEVEL (Page 2)**

WHEREAS, the proposed budget for FY 2022-2023 also includes up to \$40,000 in authorized expenditures from the capital reserve to pay for a tenant survey in the Fall of 2022; and

WHEREAS, after reviewing the current workload and filled positions along with the goals and objectives for FY 2022-2023 articulated by the Board, the Executive Director, and the Budget and Personnel Committee, the Board believes that it is necessary to maintain a staffing level of at least 25.0 career Full-Time Equivalents (FTE's).

NOW, BE IT RESOLVED that an overall spending level totaling \$6,635,755 (\$6,289,405 in recurring operational and special projects and \$162,750 in funding from the capital reserve) and a staffing level of 25.0 FTE's is hereby adopted for the Fiscal Year 2022-2023.

Dated: June 16, 2022

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board

DATE: June 16, 2022

TO: Honorable Members of the Rent Stabilization Board

FROM: Honorable Members of the Eviction/Section 8/Foreclosure Committee
By: DeSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolutions authorizing the Executive Director to execute a contract modification with the Eviction Defense Center in an amount not to exceed \$435,500 and the East Bay Community Law Center in an amount not to exceed \$432,500 for the 2022/23 fiscal year

Recommendation:

That the Board adopt Resolutions 22-14 and 22-15 authorizing the Executive Director to execute a contract modification with the Eviction Defense Center (EDC) in an amount not to exceed \$435,500 and the East Bay Community Law Center (EBCLC) in an amount not to exceed \$432,500 for the 2022/23 fiscal year.

Background and Need for Rent Stabilization Board Action:

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

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

Since 1999 the Board has annually authorized funding for the EDC and the EBCLC. Last year's funding was \$150,000 for each provider. For the current 2022/23 fiscal year both providers have submitted proposals seeking an increase to cover the cost of living increases. The EDC is requesting an increase of \$10,5000 and the EBCLC an increase of \$7,500. Funding increases over the years have been minimal. The last increase for the EDC was in 2019 and for the EBCLC in 2018.

Both providers have committed to providing the same level of services under the Rent Board contract as last year with an understanding that with the continuation of Covid-19, eviction moratoriums, the creation of a Tenant Relief Fund that is currently being administered by both providers and an anticipation of a spike in eviction activity once the courts re-open, that both providers will have the flexibility to adjust their scope of services as needed based on the ongoing crisis.

The proposals from both providers are attached.

The work performed by the EDC and EBCLC is critical to the core purpose of the Ordinance. These organizations help to preserve community diversity and prevent mass displacement of vulnerable tenants. On April 28th, 2022, representatives from the EDC and the EBCLC attended the Eviction/Section 8/Foreclosure Committee and presented their proposals, which were approved by the committee with Commissioner Selawsky abstaining. While the motion made by the committee was to forward the matter to the Budget & Personnel Committee for further review due to an increase in funding, time constraints require that the matter be presented directly to the Board from the Eviction/Section 8/Foreclosure Committee.

City Council Funding

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

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

On July 23, 2019, the City Council adopted a resolution authorizing the transfer of \$550,000 to the Rent Board for fiscal years 2020 and 2021 respectively to amend their contracts with the providers to provide services similar to the initial prior two-year cycle. On June 1, 2021, Council authorized the expenditure of \$275,000 to both the EDC and the EBCLC to continue their anti-displacement efforts. At their May 10, 2022 meeting, City Council approved funding in the amount of \$275,000 for both the EDC and the EBCLC to continue their ongoing Anti-Displacement Programs.

Financial Impact:

The funding request from each agency is \$435,500 for the EDC and \$432,500 for the EBCLC for a total of \$868,000. Based upon the proposed budget included elsewhere in your agenda package, there will be sufficient funds in the Fiscal Year 2022/2023 budget to cover these contract amounts.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

Attachments:

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

Collective Legal Services
THE EVICTION DEFENSE CENTER
A Nonprofit Law Corporation
350 Frank H. Ogawa Plaza, Suite 703
Oakland, CA 94612
510-452-4541 (voice) 510-452-4875 (fax)

April 14, 2022

Matthew Siegel
Staff Attorney
Berkeley Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

re: 2022/2023 work plan and budget, summary of services

Dear Mr. Siegel:

Enclosed, please find our 2022-2023 work plan and funding request to continue providing services under contract with the Berkeley Rent Board. The work plan assumes funding at the same level from both the Rent Board and City Council, with a small cost of living increase from the Rent Board. Despite a tremendous increase in the number of tenants served and the time spent on Berkeley cases these past two pandemic years, we are not requesting an increase in funding beyond the cost of living increase. We have not had an increase in our Rent Board funding since July of 2019.

As you know, the Covid-19 pandemic completely changed the nature of services we provided to Berkeley tenants in the past two grant cycles. In response to an increased demand for services, the EDC never closed its doors and has stayed open, in person, for the entire duration of the pandemic. We continue to see clients on site, but we have also invested in more technology to interface with clients remotely and transmit documents. We saw a dramatic shift in services as the demand skyrocketed for legal consultations regarding issues such as: Covid-19 displacement protections for Berkeley tenants; lease terminations; rental assistance issues; housing stabilization plans; roommate replacement issues; and nonpayment of rent. Conversely, in the first year of the pandemic, the need for unlawful detainer defense dwindled as the courts closed in response to the moratoriums. Now in the second year of the pandemic, our unlawful detainer and pre-litigation numbers have

steadily begun to climb as the courts have re-opened for Health and Safety evictions and eviction activity has increased in anticipation of loosening Covid-19 moratorium restrictions.

Every year, the EDC anticipates serving 400 unduplicated Berkeley tenants. In the 2020-2021 grant cycle, we served 998 unduplicated clients. With a little over two months left on our 2021-2022 contract, we have already served over 1026 unduplicated tenants. We are on pace to serve close to 1200 tenants in this grant cycle, which is literally three times the anticipated amount. We have already met our target Direct Representation numbers, and our Limited Scope numbers are on pace to be five times more than what we anticipated. All of these considerable increases have resulted in an overall increase in the amount of time spent on Berkeley cases.

	TARGET NUMBER	CLIENTS SERVED THRU 3/31/22
1) Brief Legal Services	120	104
2) Limited Scope Services	180	776
3) Direct Legal Services	120	124

In the past ten months we have continued to make home visits to Berkeley clients who are too elderly or disabled to make it into our office. Although we put a hold on cleaning hoarder homes during the height of the pandemic, we are back to cleaning and maintaining homes for elderly and disabled clients who have excessive belongings. We handled 17 TPO cases, 4 of which are "graduating" to litigation in this grant cycle. Our BAD (Berkeley Anti-Displacement Funding) has kept 17 tenants in their homes by paying for overdue utility bills and other small items to avoid displacement. (The BAD grant focuses on elderly tenants, disabled tenants, and single-parent households with young children.) We have provided Housing Stabilization Plans to hundreds of tenants impacted financially by Covid-19 who are struggling with past due rental payments.

In summary, although it has been an insanely busy and somewhat overwhelming year, the EDC was able to rise to the occasion and meet the immense rise in demand for anti-displacement services. We would not have been able to do that without our funding from the Rent Board and the City of Berkeley. We truly appreciate this funding as it has allowed us to provide critical anti-displacement services during a time of

crisis for Berkeley tenants.

Attached please find our proposed Work Plan and Scope of Services for the 2022-2023 grant cycle. While it is hard to predict anything in this new pandemic world, we are anticipating a sharp increase in the need for all legal services once the local state of emergency is lifted and Covid-19 moratorium restrictions begin to loosen. We have hired additional staff in anticipation of what we foresee will be a flurry of displacement activity. We hired a new Staff Attorney, Adam Bentley, who has already appeared at two rent board hearings. In addition, we hired a new intake specialist and retained veteran tenant attorney Phil Rapier for additional tenant counseling and Berkeley outreach.

Because the requested level of funding is remaining the same except for a small cost of living increase, our proposal is basically the same with one revision: In mid-2021, the City of Berkeley requested that the EDC draft guidelines for flexible funding to assist tenants facing displacement. As a result, the EDC received a grant from the City of Berkeley to disburse \$250,000 of anti-displacement funds. The EDC modeled the guidelines for this funding on the \$20,000 BAD grant funded by the City Council. The EDC anticipates that this funding may be renewed in the 2022-2023 fiscal year, which would largely replace the need for the current \$20,000 BAD fund. The EDC proposes that this funding instead be used for Housing Stabilization Plans. In this new housing crisis where tenants are struggling more than ever to keep food on the table and a roof over their heads, the EDC has found that Housing Stabilization Planning is a vital and growing area of practice. The need for this type of service has grown rapidly in light of increased financial strain on tenants and the various state, city, and private rental assistance programs. I have included a more in-depth description in our proposed work plan.

Please do not hesitate to contact me if you require any further information.

Yours truly,

Anne Tamiko Omura

Anne Tamiko Omura, Esq.
Executive Director

Work Plan/Scope of Services 2022-2023

Berkeley Rent Board/Berkeley City Council mixed funding \$160,500
Rent Board & \$150,000 City Council (\$310,500 total)

With continued funding from the Berkeley Rent Board and the Berkeley City Council,¹ the Eviction Defense Center will provide eviction prevention/anti-displacement services to a minimum of 400 tenants each year.

Of those 400 tenants, at least 120 will receive in-depth, direct representation in unlawful detainer proceedings or ongoing legal services/representation which requires extensive counseling, negotiation, and "wrap-around" services to resolve issues such as threats of eviction and displacement, ongoing harassment and/or retaliation.

At least 180 of the 400 tenants will receive limited scope services. These services can best be categorized as eviction/anti-displacement advice and counseling on a lesser level than full-on representation. We believe these cases are mostly between one to four visits/interactions between us and the client and would normally not exceed more than fifteen hours of staff time.

Roughly 100 of the proposed 400 tenants served shall receive Brief Legal Services. These are services to be provided via tenants' rights seminars, small group seminars, and one time legal consultations.

At least 300 of the 400 tenants served annually will be "low income" as defined as a household having annual income less than 50% of the median household income for Alameda County.

¹ In 2017, the EDC received the first round of funding from City Council in the amount of \$150,000.00 to provide more "in depth" services to Berkeley tenants under the existing contract with the Rent Board, as well as to extend services to tenants exempt from the Berkeley Rent Ordinance and higher income tenants. In 2019, the EDC submitted a proposal for \$125,000.00 of additional City Council funding to provide new "add-on" services. Because the first City Council funds were given to support existing services provided under the Rent Board contract, and the second City Council funds were given to support expanded and new programs, this grant proposal separates the two rounds of funding.

The remaining 100 clients may be below 80% ami and/or in units exempt from the Berkeley Rent Ordinance, including but not limited to tenants with issues pertaining to:

- *Section 8
- *subsidized housing
- *cooperative housing
- *TPO or Tenant Buy Out issues
- *Tenants being displaced by short term rentals

In addition to the above services, the EDC will continue to maintain a Berkeley Hotline number specifically for Berkeley tenants; will maintain the Berkeley mobile office to do home visits for disabled and elderly clients; and we will continue to hold outreach seminars at different locations in Berkeley.

The EDC is requesting a 7% (\$10,500) cost of living increase from the Berkeley Rent Board. The EDC has not had an increase in funding for three years since July 1, 2019.

Work Plan/Scope of Services 2021-2022
Berkeley City Council, \$125,000.00

With the \$125,000.00 from the City Council for additional services, the Eviction Defense Center will continue to provide the following services.

- 1) **Outreach \$20,000:** From what our agency has seen over the past 25 years, the number one threat of displacement in Berkeley is the lack of education and knowledge of resources in the most vulnerable tenant communities. Constant community outreach is the best prevention to displacement. Too often we hear stories from our clients about their neighbors who just "got scared" and moved out of their Berkeley homes. Our office would like to continue with the following:

- *300 direct mailings a month to at risk tenants in larger properties, with the ability to send attorneys to speak at properties where there are large scale evictions being threatened.

- *Attorney outreach and onsite counseling at a minimum of

four Food Pantry events every month. (This is an increase from two monthly events)

*Direct outreach at high risk buildings - we have continued to do this type of research with mainly outdoor activities.

*Adding additional outreach at Berkeley Community events. We have been doing outreach at the Ashby Bart Community Health and Housing Fairs.

- 2) ~~**Berkeley Anti-Displacement Fund \$20,000:**~~
Berkeley Housing Stabilization Plans \$20,000: In a time when tenants are being crushed financially by the Bay Area rental market and the ongoing pandemic, Housing Stabilization Planning has become a critically important tool in the anti-displacement battle. In the 2021-2022 grant cycle, the EDC facilitated rental assistance for over 400 Berkeley tenants through the City of Berkeley and the County of Alameda. Under the Berkeley Rent Board/Berkeley City Council grant, the EDC began providing Housing Stabilization Planning to more than half of these tenants. The primary and most important goal of a Housing Stability Plan [HSP] is to maintain permanent housing for the foreseeable future. The secondary goal is to create a relationship with the tenant and counsel/educate them so that they know to contact our agency immediately should their tenancy be threatened in any way. The tenant meets with a certified paralegal, case manager, or attorney to identify the main barriers to housing. Once barriers are identified, staff works with the tenant to create an action plan with goals and appropriate referrals. HSPs can include assistance with budgeting, financial planning, and employment goals. Frequently, these HSP interviews result in the opening of a legal case if there are other issues affecting the tenancy that are uncovered. The EDC would like to continue this important work going forward.

- 3) **Hoarder Project \$20,000.00:** The EDC would like to continue the Hoarder Anti-Displacement Project. Through this project, our attorneys oversee management, ongoing maintenance, and cleaning of hoarder tenant homes in Berkeley.

Hoarding is an ongoing problem in Berkeley that threatens a very unique and vulnerable subset of at-risk Berkeley tenants. With this project, we hope to merge direct representation and advocacy with actual on-site assistance that makes a difference in keeping these tenants housed and ensuring the maintenance and cleanliness of the unit, thus providing goodwill and a benefit to not just the tenant but the property owner as well.

- 4) **TPO Enforcement \$65,000**: Ongoing harassment by landlords is one of the most effective means of displacement. Tenants either become exhausted by feeling like they are living in a battle zone and give up, or are unaware of legal resources and are intimidated into leaving.

We propose to continue our current TPO project which entails: direct representation for at least twelve cases a year with a least four cases resulting in a lawsuit being filed. As outlined in our TPO presentation, successful outcomes of TPO cases send a very real message to landlords that their harassing behavior is actionable. It further gives the EDC and other legal service providers a credible threat of litigation if letters, phone calls, and rent board petitions don't work to curb harassing behavior. The ultimate goal in enforcement of the TPO is to protect vulnerable communities from displacement through harassment.

Since the inception of the TPO Enforcement Project almost 3 years ago, we have handled 58 TPO cases, with 16 graduating into lawsuits. Of those 16, thus far 6 have settled (One settled for **\$100,000** on April 13, 2022 after the TPO presentation to the Eviction Prevention Committee! That case was for an elderly long term tenant who was being harassed by her landlord with warning notices)

We are very excited about the continued success of our TPO project, and would love to continue to enforce the ordinance.



April 22, 2022

Matthew Siegel
City of Berkeley Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

Dear Mr. Siegel,

The East Bay Community Law Center (EBCLC) would like to express our appreciation to the Rent Board and City Council for their ongoing commitment to ensuring the housing stability, health, and wellbeing of all Berkeley residents. We reaffirm our dedication to providing vital services to low-income community members through the provision of holistic legal and social services designed to create long-term stability for tenants, including families with children, the elderly, people of color, and individuals with health and social service needs. Overall, Berkeley residents, especially people with very low or no income, continue to need access to holistic legal and social services. We deeply value our partnership with the Rent Board and City Council, and look forward to continuing our work with you to create an equitable and inclusive city and community.

EBCLC respectfully requests \$157,500 from the Rent Board and \$275,000 from City Council funds for fiscal year 2022-2023 to support our attorneys and our social worker in delivering urgent services to tenants and communities in Berkeley.

The work of EBCLC's Housing Program employs high-impact strategies to fight displacement, including eviction defense services, rent board petitions, and subsidized housing hearings. In the past two years, we expanded our advocacy to include holistic social work services designed to support tenants receiving direct representation, which built on our decades-long advocacy work aimed at stabilizing communities at high risk of displacement. In our day-to-day work with all clients, as well as our evaluation of the impact of our services over the years, we continue to see the additional services and support that our social workers (including our Masters of Social Work interns) provide as pivotal to long-term housing, health, and community stability for individuals and families.

Context: EBCLC's COVID-19 Response Service Delivery

During the first year of the pandemic, EBCLC's Housing Team focused on successfully advocating for some of the strongest eviction moratoria in the Country, while simultaneously transitioning to exclusively remote direct services and providing essential rental assistance to Berkeley tenants through the Housing Retention Program. In the following year, EBCLC gradually resumed in-person client services on a limited basis. This hybrid model of services has



allowed staff to accommodate community members who struggle to engage with services on a remote basis.

In addition to scaling up in-person legal services, in November 2021, EBCLC partnered with the Alameda County Department of Health to host a Community Health Day at our Adeline office. During this event, EBCLC hosted a mobile COVID-19 vaccination unit on-site, while also providing free legal services for community members to promote wellness and family resilience of women of color in our networks. This event was a huge success and followed up with subsequent vaccination events.

EBCLC's Advocacy in Defense of Local Eviction Moratoria

The City of Berkeley's eviction moratorium, along with other local eviction moratoria, has and continues to save lives, likely preventing thousands of tenants from economic ruin and homelessness. This is particularly true due to the delays in the distribution of vital rental assistance by the state.

As of April 13, 2022, according to data provided by [PolicyLink](#), of the 558,492 Emergency Rental Assistance Program (ERAP) applications received:

- 251,321 (45%) were pending review
- 122,868 (22%) were approved; however, 89,358 (16%) of those reapplied for additional support
- 27,924 (5%) were approved and pending payment
- 67,019 (12%) were denied

While it is clear that eviction protections need to remain in place to allow tenants and landlords to move through the rental assistance process, attacks on eviction moratoria have increased over the past year. EBCLC continues to collaborate with our sister organizations to advocate for sustained protections that allow for the time necessary to obtain financial rental assistance. These advocacy efforts at the state and local level are essential to reducing the disastrous impact of the end of eviction protections, especially in light of the current economic climate.

EBCLC's Housing Team also continues to lead a working group of tenant and landlord attorneys in regular meetings with the head housing judge in Department 511 of the Alameda County Superior Court. These meetings allow advocates to share concerns about the status of unlawful detainer proceedings, provide input in remote and in-person services, and ensure that the court is complying with all relevant eviction moratoria.

While preservation of eviction moratoria is one of EBCLC's highest priorities, the Housing Team is also creating contingency plans to shift our service model once the local eviction moratoria lifts. We anticipate a significant increase in the number of new eviction cases that will



far exceed the capacity of tenants' rights attorneys in Alameda County. As a result, EBCLC will likely shift to focusing on preventing default judgments by launching in-person and remote clinics focused on assisting tenants in filing their initial pleadings in eviction cases.

Litigation Challenges During the Pandemic

While the eviction moratoria have dramatically reduced the number of new eviction cases filed, those cases that proceed are often legally and factually more complex. Frequently, housing attorneys are required to spend five to 10 times the number of hours to prepare and litigate these cases, as compared to pre-pandemic cases. We have also noticed a trend of landlords filing dual legal proceedings, often filing restraining orders and eviction cases concurrently, in an effort to overwhelm and pressure tenants to vacate. As a result, while our eviction caseloads remain lower than pre-pandemic levels, our staff are working harder than ever before to keep up with the increased demands of each case.

Expanded Scope of Full Representation

Unfortunately, due to the strength of the local eviction moratoria, landlord harassment is at an all-time high. Tenants are reporting threats of extra-judicial evictions, discrimination, retaliation, unlawful rent increases, and extensive violations of the warranty of habitability. As a result, EBCLC's Housing Team has expanded the number of full representation cases we take on for tenants in these circumstances. For example, we have increased assistance for tenants in subsidized housing proceedings, rent board hearings, requests for repairs, temporary relocations, and harassment. Due to the incredible hardships faced by so many low-income tenants in our community, these cases have also been incredibly complex—often requiring collaboration with our social workers, other legal divisions within EBCLC, sister organizations, and government officials. The marginalized communities we serve are often on the brink of complete socio-economic collapse, which has required our advocates to think creatively to attempt to address tenant concerns in a time where resources are incredibly sparse.

COVID-19 Pandemic Impact on Social Work Services

For the past two years during the COVID-19 pandemic, EBCLC has been providing critical social work support to some of Berkeley's most vulnerable residents. While we have seen a decrease in demand for certain types of legal services, there has been a significant increase in the need for wrap-around social work services. The COVID-19 pandemic brought on or exacerbated existing issues for tenants related to basic needs such as food insecurity; loss of employment or income; inability to access critical medical or behavioral health services; and threats of displacement. As the pandemic stretches past its second year, there continues to be strains on many of the systems our clients routinely rely upon. These strains are coupled with a higher demand for services and a scarcity of resources. We have also seen low-income Berkeley households continue to struggle for financial security. Severe inequities in the Bay Area have led

to community members in Berkeley, particularly seniors, to become stripped of protective services that help them maintain secure housing. The availability of Section 8 housing and affordable housing stock has also decreased in Berkeley, pushing families out of Berkeley and often out of Alameda County altogether.

This year, our lead social worker provided critical advocacy on behalf of tenants to ensure that they can access vital systems, services and resources, and remain housed in Berkeley. She has regularly assisted clients in applying for and accessing public benefits such as CalWORKS, Medi-Cal, and CalFresh; accompanying clients to doctor's appointments; supporting clients in reengaging with medical and mental health providers; addressing food insecurity; and helping clients access housing and employment opportunities. Our social worker has also been instrumental in helping many of our clients access both the COVID-19 vaccine and booster shots over the course of the last twelve months, providing education around the vaccine, making vaccination appointments, and removing barriers to access.

Recognizing that this work cannot be done alone, the lead social worker has also formed strong working relationships with many of our community partners to ensure that the needs of our clients are met. For example, she has collaborated closely with Berkeley Housing Authority resident services, Berkeley Senior Services, Berkeley Food and Housing, BACS, the Berkeley Unified School District, and Lifelong Medical Care. Our lead social worker, along with other EBCLC staff, has helped connect our clients to critical resources and services from other community-based organizations. Our team members have been fearless advocates in helping our clients nimbly navigate complex safety net systems so that they can stay afloat.

EBCLC has also seen an upward trend over the last year in eviction cases stemming from domestic violence as a "Health and Safety" exception to local eviction moratoria. Not only have many Berkeley families had to shelter in place with their abusers during the COVID-19 pandemic, but more recently, these vulnerable families have been threatened with displacement due to noise complaints or destruction of property caused by domestic violence. Our lead social worker has stepped in to work with these Berkeley families, providing vital support and helping them work towards achieving safety, including obtaining restraining orders, trauma-informed therapeutic services, and safe housing.

As a part of EBCLC's holistic model, our lead social worker worked closely with Housing Program attorneys whose tenants were struggling with non-legal issues. Our lead social worker also supported tenants while they attended virtual hearings, assisted them to prepare for court hearings, and provided emotional support when they felt overwhelmed by the process. By incorporating our lead social worker into our legal work, EBCLC was able to problem-solve more creatively around settlement agreements, view our clients more holistically, and better understand both their legal and non-legal needs as we worked to help them preserve their tenancy and achieve stability. Partnering our lead social worker with attorneys has allowed us to



better engage some of our most marginalized community members in tackling complex barriers to housing stability as they access other non-legal, community-based supportive services.

Services to Date

Since the COVID-19 pandemic began, we provided a total of 481 unduplicated tenants with a variety of legal services as follows: 228 tenants received limited scope services, including but not limited to individual tenants' rights appointments and pro per assistance; 67 unduplicated tenants with complex direct representation services; and continued representation of approximately 28 cases filed prior to the pandemic. We have provided 96 tenants with only pre-litigation services, as we usually take on most of those tenants for more in-depth services. Our capacity to provide legal services at the onset of the pandemic through February 2021 was impacted by the high volume of first and second round COVID-19 Housing Retention Program applications we processed for tenants eligible to receive multiple months of rental assistance. EBCLC fielded approximately 800 calls between March and December 2020 from Berkeley tenants interested in this program. By February 2021, our Housing Team processed approximately 170 applications and distributed \$545,540 in rental assistance funds to 100 tenants who received an average of four to six months of rental assistance, which prevented displacement during the height of the pandemic. We are grateful that the Rent Stabilization Board's support allowed us to cover some of the administrative costs to manage this rental assistance program for the City of Berkeley. Additionally, the eviction lawsuits we accepted and continue to accept are far more complex and thus require a great deal of staff time. Our Social Work program continues to thrive, and to date, we have provided 32 unduplicated clients with extensive ongoing social work services and provided 32 unduplicated consultations for legal clients in need of wrap-around services.

A complete scope of services is included below, and proposed budget documents are enclosed.

RENT BOARD and CITY COUNCIL REQUESTS

EBCLC proposes to provide legal services to **at least 406** low-income Berkeley tenants per year and social work services to 38 tenants/clients who have an annual income less than 80% of the median household income for Alameda County.

Section I: Rent Board, Proposal for Fiscal Year 2022-2023

Proposed services include:

Rent Board \$157,500

Legal Services

- 180 Pre-Litigation services*
- 36 Limited Scope/Pro Per Assistance**
- 18 Direct Representation**



EBCLC will complete an intake that establishes the tenant's eligibility for services under this contract prior to providing in-depth legal representation and will keep the intake form in the client file if services are provided. We will maintain a record of all inquiries for advice or assistance that includes the date, address of the tenant's rental unit, the presenting problem, and the service provided.

Per the established schedule, EBCLC will submit a quarterly invoice along with a statistical report indicating the number of tenants served for the quarter with a breakdown of issues presented.

Scope of Services

The Housing Program at EBCLC offers low-income tenants multiple levels of assistance depending on need. These services will be delivered by staff attorneys, a staff social worker, intake coordinators, a housing project manager, and our graduate-level law and social work interns who undergo intensive clinical training in delivering legal and social services. Our services are also linguistically responsive: at each service delivery level, we can serve clients in English, Spanish, Cantonese, and Mandarin. For clients who require language services beyond the capacity of staff and volunteers, EBCLC regularly uses a variety of interpretation services to provide translation and interpretation. At this time, we have resumed in-person services on an as-needed basis in accordance with our established COVID-19 protocols. Once our reopening plan is finalized, we will inform all funders.

Pre-Litigation Services

All Berkeley tenants who contact EBCLC for housing-related services are extensively screened for eligibility and need. The Housing Program has three full-time Intake Coordinators who take housing-related phone calls and meet face-to-face with tenants when safe and appropriate. They provide brief advice, newly created know-your-rights handouts and template letters, information and referrals, as well as triage tenants for the Tenant Rights Workshop appointments, limited scope assistance, and direct representation.

Limited Scope Assistance

Tenants' Rights Workshops

Tenants (who become EBCLC clients) with non-urgent legal questions are generally scheduled for individual Tenants Rights appointments. The Housing Program will continue to provide individual Tenants' Rights appointments remotely until our office fully reopens. Pre-pandemic, we usually offered an evening Tenants Rights Workshop each week for nine months out of the year at EBCLC's Adeline Street office. While our offices are currently closed, the Housing Program still provides information, advice, and counsel on an individual basis via phone to low-



income tenants who seek assistance with a range of housing issues including rent increases, repairs, security deposits, and subsidized housing. Additionally, under the supervision of EBCLC staff attorneys, law students will provide consultation to clients and write demand/dispute/cease and desist/reasonable accommodation letters and make phone calls on behalf of the client, as well as assist with completion of applications and gathering documentation, as needed. If it is determined that a client needs more extensive services, EBCLC may provide other limited scope or direct representation services if there is capacity. Otherwise, referrals are provided to ensure all of the tenant's needs are met.

Limited Scope/Pro Per Appointments

Tenants who have more urgent legal needs, including eviction lawsuits, rent board petitions, public housing authority hearings, and other urgent matters are scheduled for an appointment with an attorney or law student during normal business hours. At these appointments, tenants receive legal services such as responsive pleadings, motions, letters, petitions, and phone calls to landlords or their attorneys. In addition, cases are evaluated for further representation. Tenants who have current litigation or administrative proceedings are referred for direct representation.

Direct Representation and Holistic Social Work Services

EBCLC provides holistic interdisciplinary representation to low-income Berkeley tenants who are defendants in unlawful detainer actions, have legal issues to be resolved before the Berkeley Rent Board or the Berkeley Housing Authority, or who otherwise require further direct legal representation in negotiating a legal issue with their landlord. Tenants are represented by staff attorneys and certified law students supervised by staff attorneys and receive additional assistance, as needed, through our Social Work program and the rental assistance program. In addition, tenants may be referred to another EBCLC program for assistance with legal issues such as immigration, consumer debt, or public benefits.

Social workers at EBCLC provide ongoing case management, crisis intervention, system navigation, and supportive advocacy to clients throughout the agency. For our Housing Program, one social worker will be designated to work with tenants/clients who receive direct representation services. She will assist tenants/clients in accessing public benefits and identify appropriate supportive services for tenants/clients, including mental health, substance use, and medical providers. She will also advocate for tenants/clients around disability-related needs, drafting reasonable accommodation requests, and working to ensure that our disabled tenants are being treated fairly by landlords and local housing authorities. Our social worker will also accompany tenants/clients to court and appointments in the community, enabling tenants/clients to form relationships with key stakeholders such as Section 8 representatives, community-based mental health providers, property managers, and medical professionals whose support has proven beneficial in resolving legal matters. EBCLC's social workers are invaluable to our attorneys as they are equipped to provide other services, such as crisis intervention, evaluation of other needs beyond legal advocacy, and can provide additional referrals; this only strengthens



our legal representation. With both a lawyer and social worker on a team, we are able to problem-solve more creatively around settlement agreements, view our tenants/clients more holistically, and better understand both their legal and non-legal needs as we work together to help them preserve their tenancy and achieve stability.

Section II: City Council, Proposal for Fiscal Year 2022-2023

EBCLC's Scope of Work for the City Council and Rent Board are the same, with the following exceptions:

1. City Council funding will support the following deliverable outputs (see below for description); and
2. EBCLC is proposing that the City Council continue to fund a portion of the time of one staff social worker to provide supportive and holistic services to tenants, as outlined in more detail below. Our Housing Program is currently planning for the inevitable increase in demand for tenant legal and advocacy services once the local moratoria are lifted.

City Council \$275,000

Legal Services

- 20 Pre-Litigation services*
- 120 Limited Scope/Pro Per Assistance**
- 32 Direct Representation**

*Note: These tenants will only receive pre-litigation services.

**Note: These tenants will also receive pre-litigation services but will only be counted in these categories if their situation escalates to a higher level of service.

Social Work Services

- 20 Social work consultations
- 18 Holistic social work services to clients receiving direct representation

Social Work Consultations

An EBCLC social worker will provide consultation to staff attorneys and intake coordinators as they work with Berkeley tenants. This will include, but is not limited to, conducting brief tenant needs assessments, providing referrals and resources for tenants to access community-based services, and working with staff around engagement with tenants, particularly those that have a mental health diagnosis.

Impact: Client Stories

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

Ms. Z is a survivor of domestic violence, and single mother of two, who fell behind in rent after her abuser left her. When Ms. Z contacted our office, she had already lost her eviction case, and had a Sheriff's Notice to Vacate on her door threatening to have her removed from her home immediately. EBCLC staff attorneys immediately took on her case, were able to reverse the judgment, and eventually had the matter dismissed after thoroughly litigating the matter and filing a dispositive motion against her landlord. Ms. Z was not only able to save her long-term rent-controlled home, but our legal team also got her landlord to make long-needed repairs, and assist her in applying for much needed rental assistance. Ms. Z and her children remain in their home to this day.

Mr. A was referred to EBCLC by the Berkeley Rent Stabilization Board after he learned his landlord sought to raise his rent in his life-long home by thousands of dollars. EBCLC advocates filed Rent Board petitions on behalf of Mr. A and represented him in his case for months, which ultimately settled with a six-figure relocation payment after extensive negotiations. Mr. A received full payment under the agreement and was able to secure alternate housing, assisted by the settlement funds.

Ms. Q contacted our office the day before the Sheriff was set to evict her from her family home she has lived in for many years. EBCLC's intake team leapt into action, and not only ensured that Ms. Q received legal assistance to file the necessary paperwork to delay the Sheriff, but also connected assisted the tenant with obtaining \$6,000 in rental assistance necessary to delay the eviction for 30 days. Remarkably, our intake team was able to secure legal assistance and funding in one day, which bought Ms. Q and her family the essential time needed to seek additional legal advice and counsel.

Mr. R, an elderly Berkeley Section 8 Shelter Care Plus tenant with Alzheimer's, was illegally displaced by his landlord after a fire in his apartment building. Following the fire, Mr. R's landlord moved him into an illegal rental unit, which subsequently jeopardized his Section 8 voucher. Shortly before the holidays, Mr. R's Section 8 voucher was terminated, and he was at risk of homelessness. For Mr. R, whose disabilities make it such that he requires daily assistance to live independently, homelessness would have put his health and overall wellbeing at risk.

Recognizing this, Mr. R's interdisciplinary legal and social work team at EBCLC jumped into action and helped him obtain funding for an emergency hotel stay through our partner organization, the Eviction Defense Center. The EBCLC social worker helped Mr. R apply for and access CalFresh, and in collaboration with Mr. R's EBCLC attorney, successfully advocated with Berkeley Housing Authority to reinstate his Section 8 voucher. Once his voucher was restored, the EBCLC social worker and attorney advocated for a live-in aide to assist him. The



team also advocated for an expanded two-bedroom voucher so he could live independently and receive In-Home-Health-Support (IHSS). Just recently, Mr. R was able to move into permanent housing once again with in-home support in place, and has begun to connect back to the community providers he had before the disaster.

Ms. C is a survivor of domestic violence and the mother to two young children residing in Berkeley in federally subsidized housing. She and her family were facing eviction due to the actions of her perpetrator who repeatedly broke into the family home to inflict harm upon Ms. C despite a restraining order having been put in place to protect the family. When Ms. C reached out to EBCLC for help, she and her children were sleeping in their car to avoid the violence in their home. The EBCLC attorney and social worker helped Ms. C request a safety transfer under the Violence Against Women Act (VAWA) and the social worker connected Ms. C to a domestic violence case manager at the Family Justice Center and supportive services, including rental assistance and housing navigation, at Ruby's Place. The social worker also advocated for Ms. C's children to receive support under BUSD's McKinney Vento program. Most recently, due to the advocacy of the interdisciplinary EBCLC team, Ms. C is awaiting the issuance of an Emergency Section 8 Voucher which will enable her to safely relocate with her children to a home outside of Alameda County and away from her perpetrator.

We are so very grateful for the ongoing support of the Berkeley Rent Board and City Council in meeting the needs of Berkeley's low-income community members. We look forward to continuing to strengthen our partnership and working on creative solutions to achieve long-term housing stability for Berkeley tenants.

If you have any questions or would like more information, please do not hesitate to contact Cristiana Baik, our Director of Development and Communications, at cbaik@ebclc.org.

Kind regards,

Zoë Polk

Zoë Melissa Polk
Executive Director
East Bay Community Law Center
zpolk@ebclc.org

East Bay Community Law Center
 FY22-23 BUDGET: July 1, 2022 - June 30, 2023
 Eviction Defense and Housing Legal Services, Berkeley Rent Board

Personnel Expense	Annual Salary (100% FTE)	\$/hr	Total Program Budget % FTE	Salary
Program co-Director	105,000	57.69	10%	10,500
Program Deputy Director	91,000	50.00	5%	4,550
Staff Attorney 1	106,000	58.24	10%	10,600
Staff Attorney 2	84,000	46.15	30%	25,200
Staff Attorney 3	76,000	41.76	30%	22,800
Intake Coordinator	63,000	34.62	30%	18,900
Contracts Officer	96,000	52.75	3%	2,880
Subtotal Salaries			118%	95,430
Payroll Taxes @ 7.65%				7,300
Fringe Benefits @ 15%				14,315
Subtotal Taxes & Benefits				21,615
Total Personnel Expense				117,045
Direct Operating Expenses				
Litigation Expenses				10,368
Shared Operating Expenses	10% of direct salaries			9,543
Total Direct Operating Exp				19,911
Indirect Expenses @ 15%				20,544
Total Expense				157,500

East Bay Community Law Center
 FY22-23 BUDGET: July 1, 2022 - June 30, 2023
 Eviction Defense and Housing-Related Services, Berkeley City Council Funds

Personnel Expense	Annual Salary (100%		Total Program Budget	
Position	FTE)	\$/hr	% FTE	Salary
Program co-Director (Housing)	101,000	55.49	10%	10,100
Program Director (Social Work)	99,000	54.40	10%	9,900
Program Dep Director (Housing)	92,000	50.55	5%	4,600
Staff Attorney 1	86,000	47.25	35%	30,100
Staff Attorney 2	76,000	41.76	35%	26,600
Staff Attorney 3	94,000	51.65	35%	32,900
Staff Attorney 4	106,000	58.24	10%	10,600
Social Worker	78,000	42.86	40%	31,200
Intake Coordinator 1	65,000	35.71	25%	16,250
Contracts Officer	96,000	52.75	3%	2,880
Subtotal Salaries			208%	175,130
Payroll Taxes @ 7.65%				13,397
Fringe Benefits @ 15%				26,270
Subtotal Taxes & Benefits				39,667
Total Personnel Expense				214,797
Direct Operating Expenses				
Litigation Expenses				6,820
Shared Operating Expenses	10% of direct salaries			17,513
Total Direct Operating Exp				24,333
Indirect Expenses @ 15%				35,870
Total Expense				275,000

RESOLUTION 22-14

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2023 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$435,500 FOR FISCAL YEAR 2022/23

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

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

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

WHEREAS, the Board first contracted with the Eviction Defense Center (EDC) in 2001 to provide services to lower-income Berkeley tenants, and the Board has extended the contract with amendments each fiscal year thereafter; and

WHEREAS, the Board's contract with the EDC is scheduled to expire on June 30, 2022, and a need continues to exist for providing services to lower-income Berkeley tenants on matters dealing with their tenancies; and

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

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, allocated \$300,000 per year to these services in the 2017-2018 and 2018-2019 Biannual Budgets; and

WHEREAS the Berkeley City Council authorized the transfer of \$550,000 for fiscal years 2020 and 2021, respectively, to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

RESOLUTION 22-14

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2023 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$435,500 FOR FISCAL YEAR 2022/23 (Page 2)

WHEREAS, the Berkeley City Council authorized the transfer of \$550,000 for fiscal year 2021/22 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

WHEREAS, the need for these additional services is urgent due to the ongoing housing crisis; and

WHEREAS, per Council's request, the Board agreed that the most expeditious way to ensure prompt delivery of these additional services was via an amendment to the existing Rent Board contracts with East Bay Community Law Center and Eviction Defense Center; and

WHEREAS, through Resolutions 17-17, 18-10, 19-14, 20-08, and 21-14, the Board authorized the Executive Director to amend the EDC contract for Fiscal Year 2017/18, 2018/19, 2019/20, 2020/21, 2021/22; and

WHEREAS, because the need for these services continues to increase, the Board issued a request for proposal to continue these essential services for an additional year; and

WHEREAS, the EDC responded to the RFP and has requested a continuance of funding to provide services in Fiscal Year 2022/23; and

WHEREAS, testimony was presented to the Eviction Committee about the ongoing vulnerability of low-income tenants in today's unbalanced housing market; and

WHEREAS, the members of the Eviction Committee and the Executive Director recommended that the Board approve funding for this organization; and

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

RESOLUTION 22-14

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2023 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$435,500 FOR FISCAL YEAR 2022/23 (Page 3)

WHEREAS, at the request of City Council, the scope of services under the contract with EDC was expanded, utilizing the additional funding provided by Council; and

WHEREAS, the proposed City Council and Rent Board budgets allocated \$275,000 (General Fund) and \$160,500 (Rent Board Fund) respectively to continue funding the services provided by this contract;

NOW, THEREFORE BE IT RESOLVED that the Rent Stabilization Board authorizes the Board's Executive Director to modify the contract with the EDC to extend its term through June 30, 2023, and increase the contract in an amount not to exceed \$435,500 (275,000 from City Council General Fund) for services provided under this contract in FY 2022/23. The total amount payable under this contract shall not exceed \$2,449,750.

Dated: June 16, 2022

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

RECUSED:

Leah-Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director

RESOLUTION 22-15

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2023 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$432,500 FOR FISCAL YEAR 2022/23

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

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

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

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

WHEREAS, the Board's contract with East Bay Community Law Center (EBCLC) is scheduled to expire on June 30, 2022 and a need continues to exist for providing services to lower-income Berkeley tenants on matters dealing with their tenancies; and

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

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, allocated \$300,000 per year to these services in the 2017-2018 and 2018-2019 Biannual Budgets; and

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2023 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$432,500 FOR FISCAL YEAR 2022/23 (Page 2)

WHEREAS the Berkeley City Council authorized the transfer of \$550,000 for fiscal years 2020 and 2021 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

WHEREAS, the Berkeley City Council authorized the transfer of \$550,000 for fiscal year 2021/22 respectively to the Berkeley Rent Board to amend its existing contracts with the EDC and EBCLC for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants; and

WHEREAS, the need for these additional services is urgent due to the ongoing housing crisis; and

WHEREAS, per Council's request, the Board agreed that the most expeditious way to ensure prompt delivery of these additional services was via an amendment to the existing Rent Board contracts with East Bay Community Law Center and Eviction Defense Center; and

WHEREAS, through Resolution 17-17, 18-11, 19-14, 20-09 and 21-15, the Board authorized the Executive Director to amend the EBCLC contract for Fiscal Years 2017/18, 2018/19, 2019/20, 2020/21 and 2021/22; and

WHEREAS, because the need for these services continues to increase, the Board issued a request for proposal to continue these essential services for an additional year; and

WHEREAS, EBCLC responded to the RFP and has requested a continuance of funding to provide services in Fiscal Year 2022/23; and

RESOLUTION 22-15

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH

EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2023 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$432,500 FOR FISCAL YEAR 2022/23 (Page 3)

WHEREAS, testimony was presented to the Eviction Committee about the ongoing vulnerability of low-income tenants in today's unbalanced housing market; and

WHEREAS, the members of the Eviction Committee and the Executive Director recommended that the Board approve funding for this organization; and

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

WHEREAS, at the request of City Council, the scope of services under the contract with EBCLC was expanded, utilizing the additional funding provided by Council; and

WHEREAS, the proposed City Council and Rent Board budgets allocated \$275,000 (General Fund) and \$157,500 (Rent Board Fund) respectively to continue funding the services provided by this contract;

NOW, THEREFORE BE IT RESOLVED, that the Rent Stabilization Board authorizes the Board's Executive Director to modify the contract with the EBCLC to extend its term through June 30, 2023 and increase the contract in an amount not to exceed \$432,500 (\$275,000 from City Council General Fund) for services provided under this contract in FY 2022/23. The total amount payable under this contract shall not exceed \$2,417,000.

RESOLUTION 22-15

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2023 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO

EXCEED \$432,500 FOR FISCAL YEAR 2022/23 (Page 4)

Dated: June 16, 2022

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

RECUSED:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board

DATE: June 16, 2022

TO: Honorable Members of the Rent Stabilization Board

FROM: DéSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolution 22-16 authorizing the Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy in an amount not to exceed \$60,000 for the 2022/2023 fiscal year

Recommendation:

That the Board adopt Resolution 22-16 authorizing the Acting Executive Director to execute a contract extension with Legislative Advocate Brian Augusta & Associates for the term through June 30, 2023, in an additional amount not to exceed \$60,000 for the 2022-2023 fiscal year.

Background and Need for Rent Stabilization Board Action:

Since 1984, the Rent Stabilization Board has contracted for legislative advocacy services in Sacramento. Such services relate to potential and proposed legislative measures that affect Berkeley's Rent Stabilization Ordinance as well as coordination of rental housing related legislative issues.

Christine Minnehan & Associates provided the Rent Board extraordinary legislative advocacy for nearly two decades. In 2013, Ms. Minnehan reduced her day-to-day activities as a legislative advocate and took on the role of senior advisor and consultant. For nearly a decade, Brian Augusta worked closely with Ms. Minnehan and Minnehan & Associates and the Rent Board staff. In 2014, the Rent Board hired Brian Augusta & Associates to take over Ms. Minnehan's role as the Board's legislative advocate and he has done an excellent job.

The current contract with Mr. Augusta is for \$5,000 per month or \$60,000 a year. The contract also calls for reimbursement of associated expenses. The reimbursement is not automatic and would be paid only for costs actually incurred and documented. The additional amount set aside for these documented costs was \$1,000, for a total contract amount not to exceed \$61,000 for fiscal year 2021/2022. This year there is no need to set aside an additional amount for reimbursement of associated expenses in FY 2022/2023 because there are still funds left in the current contract to cover these costs.

Mr. Augusta's firm will continue to provide the following types of services for the Rent Board:

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

By far the most time consuming and important part of legislative advocacy is the detail work in Sacramento with legislators and their staff members on proposed legislation.

Financial Impact:

Based upon the proposed budget included elsewhere in your agenda package, there will be sufficient funds in the Fiscal Year 2022/2023 budget to cover this contract amount.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368



Brian Augusta & Associates

1107 9th Street, Suite 1011
Sacramento, California 95814
baugusta@housingadvocates.org

May 12, 2022

DéSeana Williams, Executive Director
City of Berkeley Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

Re: Contract Renewal for Fiscal Year 2022-2023

Dear Ms. Williams:

The purpose of this letter is to request the renewal of the annual contract with the City of Berkeley Rent Stabilization Board at the monthly rate of \$5000, plus additional amounts deemed reasonable by the Board to cover reimbursement of out-of-pocket expenses incurred while on Board business, not to exceed \$1000. The renewal would cover the period from July 1, 2022 to June 30, 2023.

Since 1984, the Rent Board has retained a legislative advocate in Sacramento. The advocate's responsibilities, which we propose to continue, have been to monitor, support and oppose legislation in conformance with the purposes of the Rent Stabilization and Eviction for Good Cause Ordinance. Thus, we propose to advocate for legislation and policies consistent with the Ordinance's purposes, as laid out in Section 13.76.030:

1. to regulate residential rent increases in the city of Berkeley.
2. to protect tenants from unwarranted rent increases and arbitrary, discriminatory, or retaliatory evictions, in order to help maintain the diversity of the Berkeley community.
3. to ensure compliance with legal obligations relating to the rental of housing.
4. to address the City of Berkeley's housing crisis.
5. to preserve the public peace, health and safety.
6. to advance the housing policies of the city with regard to low and fixed income persons, minorities, students, handicapped, and the aged.

In addition, to ensure the continued ability of the City and Board to regulate residential rent increases, we propose to defend the Ordinance from attacks and initiatives to outlaw, pre-empt or limit local residential rent control at the state level.

Given the continuing opposition to rent control in general, we closely monitor any efforts to erode

or eliminate rent control and propose to continue to do so. Given the on-going COVID-19 crisis and its impact on renters, we will also closely monitor efforts to provide relief to tenants and landlords in response to the economic impacts of the crisis.

Please let us know if there is any further information that we can provide. Thank you.

Sincerely,


Brian Augusta

cc: Aimee Mueller

RESOLUTION 22-16

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT MODIFICATION WITH BRIAN AUGUSTA & ASSOCIATES THROUGH JUNE 30, 2023 IN AN AMOUNT NOT TO EXCEED \$60,000 FOR FISCAL YEAR 2022/2023

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City of Berkeley Rent Stabilization Board that the Executive Director is hereby authorized to extend the contract with Brian Augusta & Associates to represent the City of Berkeley Rent Stabilization in Sacramento on rent control issues through June 30, 2023, in an amount not to exceed \$60,000. The new total amount payable under this contract shall not exceed \$488,000.

Dated: June 16, 2022

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board

Item 8.g.

DATE: June 16, 2022

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: DéSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolution 22-17 authorizing the Executive Director to modify the contract with Berkeley Community Media to capture telecast all Board meetings by increasing the contract amount by a total not to exceed \$22,000 for fiscal year (FY) 2022-23

Recommendation

That the Board adopts Resolution 22-17 authorizing the Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Rent Board meetings through June of 2023, for an additional amount not to exceed \$22,000 for FY 2022-23.

Background and Need for Board Action

The Board has maintained a contract with Berkeley Community Media (BCM) since June 5, 1995, for live broadcast of regularly scheduled Rent Stabilization Board (RSB) meetings, periodic special meetings, and other services. For FY 2022/2023, BCM is proposing to continue to broadcast live, gavel-to-gavel coverage for a total of 15 RSB meetings and to rebroadcast all RSB meetings and four special programs for \$22,000. This amount also includes equipment for taping all RSB meetings, special programs, and incidental supplies.

BCM's proposed contract terms are identical to the terms adopted for FY 2021/2022. BCM also maintains mobile recording equipment that enables them to provide remote broadcasts of off-site Board meetings at an additional cost. The cost proposed for this additional service is \$400 per off-site meeting. BCM also offers to produce a half-hour quarterly news program at BCM facilities at a rate of \$500 per program.

Staff recommends that the Board extend the current contract for these services totaling \$22,000. The BCM proposal for the 2022/2023 fiscal year is attached for your review.

Financial Impact

Based upon the proposed budget included elsewhere in your agenda package, there will be sufficient funds in the Fiscal Year 2022/2023 budget to cover this contract amount.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368



**BERKELEY
COMMUNITY MEDIA**

www.bcmtv.org - 2239 MLK Jr. Way, Berkeley, CA 94704 - 510-848-2288

Board of Directors:

Winston Burton Board Chair

Harold Adler Vice Chair

Cristina Trujillo Treasurer

Katie Burge
Secretary

David Lavine

Ken Osborn

Barbie Penn

Sam Speilman

Randall Thieben

Helen Walsh

May 5, 2022

To: Aimee Mueller, Berkeley Rent
Stabilization Board

From: David Flores, Berkeley Community
Media (BCM)

Berkeley Community Media looks forward to continuing our production and cablecast of the Rent Stabilization Board meetings on B-TV

Channel 33. The contract terms in the attached proposal will begin on July 1st, 2022 and run through June 30th 2023.

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

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

David Flores
Executive Director
Berkeley Community Media

BERKELEY RENT STABILIZATION BOARD
MEETING COVERAGE PROPOSAL – FISCAL YEAR 2022-2023

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

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

Services Provided Quantity Amount

Live, gavel to gavel coverage of all regularly scheduled RSB meetings from the BUSD Board Room	Up to 15 per year	\$12,000
Telecast and webcast meetings and special programs via B-TV Channel 33	Up to 25 per year	\$10,000
DVD Media and Incidental supplies	various	Included
TOTAL:		\$22,000

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

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

RESOLUTION 22-17

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH BERKELEY COMMUNITY MEDIA (BCM) BY EXTENDING THE CONTRACT THROUGH JUNE 30, 2023 AND INCREASING THE CONTRACT BY AN ADDITIONAL AMOUNT NOT TO EXCEED \$22,000 FOR FISCAL YEAR 2022/2023

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the City of Berkeley Rent Stabilization Board that the Executive Director is hereby authorized to extend the contract through June 30, 2023, increasing the contract by an additional amount not to exceed \$22,000 to telecast live, gavel-to-gavel, every regularly-scheduled meeting and up to three special Rent Stabilization Board meetings, to assist in producing and telecasting Rent Board special programs, to rebroadcast all RSB meetings and special programs, and to assist the Board in producing public information materials as needed for the 2021/2022 fiscal year, with the total amount payable under this contract not to exceed \$145,500.

Dated: June 16, 2022

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

- YES:
- NO:
- ABSTAIN:
- ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board

DATE: June 16, 2022

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: DéSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolution 22-18 authorizing the Executive Director to modify the contract with QuickCaption, Inc. for remote closed captioning of all televised Board meetings and informational webinars by an amount not to exceed \$8,000 for fiscal year (FY) 2022-2023

Recommendation:

That the Board adopt Resolution 22-18 authorizing the Executive Director to modify the contract with QuickCaption, Inc. for closed captioning of all televised Board meetings and informational webinars by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$8,000 for FY 2022-2023.

Background and Need for Board Action:

The Americans with Disabilities Act (ADA) requires the Rent Board to caption its televised meetings. Accordingly, the Board began captioning its meetings in January 2005. At that time, the Board adopted Resolution 05-01 authorizing the Executive Director “to enter into a contract or otherwise make the necessary arrangements to have televised broadcasts of Board meetings captioned.” In this resolution, the Board also stated that “[s]ubsequent funding for captioning services [was to] be reviewed and approved by the Board.”

In 2005, following review of the results of the City Clerk’s Request for Proposal (RFP) for closed captioning services, the Board entered into a contract with Theresa B. Darrenougue to provide real-time captioning services of all televised Rent Board meetings. Ms. Darrenougue provided excellent captioning services to the Board for nearly eleven years.

On August 1, 2014, following the City Clerk’s RFP for real-time closed captioning services, QuickCaption, Inc. was selected to provide captioning of Berkeley City Council and ZAB meetings at the time, Rent Board staff have spoken with City staff who work closely with QuickCaption and received very positive reports about QuickCaption staff and the quality of their captioning. In June of 2016, the Board approved a one-year contract in an amount \$7,000. The term of that contract was extended and the initial funding of \$7,000 has lasted nearly two years, but is about to run out after this month. Staff has been pleased with the quality of the

Recommendation to modify contract with QuickCaption Inc.

Page 2

work as well as the willingness of QuickCaption's staff to work collaboratively with Rent Board and Berkeley Community Media's (BCM) staff and recommend that the current contract be extended through the end of FY 2022.

QuickCaption currently charges an hourly rate of \$135.00 for real-time remote closed captioning services of all televised Rent Board meetings broadcast by BCM, as well as informational webinars conducted by Rent Board staff. The current hourly rate is significantly less than the Board's rate under the prior captioning contract.

Financial Impact:

Based upon the proposed budget included elsewhere in your agenda package, there will be sufficient funds in the FY 2022-2023 budget to cover this contract amount.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

Attachments:

1. QuickCaption contract proposal for FY2022-23
2. Resolution 22-18



4927 Arlington Avenue
Riverside, California 92504
951-779-0787
951-779-0980 (Fax)
www.QuickCaption.com

May 4, 2022

Aimee Mueller
City of Berkeley
Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

Re: Proposal for Fiscal Year 2022-2023

Aimee,

Following is our proposal for fees and terms for the FY July 1, 2022 through June 30, 2023:

- \$135.00 per hour (all-inclusive with unedited transcript)
- Active assignments are invoiced with a two-hour minimum; Invoiced in 30-minute increments thereafter
- Scheduled assignment encoder connections initiated 15 minutes prior to an event, no additional charge
- Scheduled assignment encoder connections in excess of 15 minutes to be invoiced
- Events rescheduled or canceled more than 48 business hours in advance - no charge
- Events rescheduled or canceled 48 business hours or less in advance - invoiced at two hours
- Addition of a meeting with more than 48 business hours' notice - no additional charge
- Addition of a meeting with 48 business hours or less notice - surcharge 20%
- No additional charges for evening or weekend meetings/assignments
- No additional charges for extended meetings
- No additional charge for pre-event preparatory or post-event editing
- Note: Business hours are Monday through Friday, 6:30 am to 8:30 pm PST, except government holidays

Please don't hesitate to contact me should you have any questions or concerns or need anything additional.
Have a GREAT day!

A handwritten signature in black ink that reads "Antha A. Ward".

Antha A. Ward
President

AAW/jp

RESOLUTION 22-18

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH QUICKCAPTION, INC. FOR CAPTIONING SERVICES OF TELEVISED BOARD MEETINGS AND INFORMATIONAL WEBINARS FOR FISCAL YEAR 2023 BY INCREASING THE CONTRACT BY AN ADDITIONAL AMOUNT NOT TO EXCEED \$8,000

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

WHEREAS, the Rent Stabilization Board has elected to caption its televised meetings to comply with the Americans with Disabilities Act; and

WHEREAS, QuickCaption, Inc. has provided quality captioning for the City since August 1, 2014, at a rate that is representative of the current rate for real-time captioning services; and

WHEREAS, Board staff, after speaking to several City staff who relayed that they were extremely pleased with QuickCaption, Inc., recommended that the Board enter into a contract for services with QuickCaption, Inc.; and

WHEREAS, on June 20, 2016, through Resolution 16-05, the Board authorized the Executive Director to negotiate a contract for services with QuickCaption, Inc in an amount not to exceed \$7,000; and

WHEREAS, the Board authorized the Executive Director to extend the contract with QuickCaption, Inc. and increase the contract amount on May 7, 2018, through Resolution 18-04, by an additional amount of \$7,000; and

WHEREAS, the Board authorized the Executive Director to increase the contract amount on November 21, 2019, through Resolution 19-24, by an additional amount of \$10,000; and

WHEREAS, the Board authorized the Executive Director to extend the contract with QuickCaption, Inc. and increase the contract amount on June 17, 2021, through Resolution 21-18, by an additional amount of \$7,000; and

RESOLUTION 22-18

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH QUICKCAPTION, INC. FOR CAPTIONING SERVICES OF TELEVISED BOARD MEETINGS AND INFORMATIONAL WEBINARS FOR FISCAL YEAR 2023 BY INCREASING THE CONTRACT BY AN ADDITIONAL AMOUNT NOT TO EXCEED \$8,000 (Page 2)

WHEREAS, the Board authorized the Executive Director to increase the contract amount on October 21, 2021, through Resolution 20-30, by an additional amount of \$10,000; and

WHEREAS, the Board and staff are pleased with the excellent services provided by QuickCaption, Inc. and wish to continue having QuickCaption, Inc. provide captioning services at Board meetings; and

WHEREAS, there were unanticipated increases to captioning costs in fiscal year 2021/21 due to the need for captioning of Rent Board informational webinars; and

WHEREAS, the cost of captioning a televised Board meeting will generally range from \$300 to \$600 depending on the length of the meeting; and

WHEREAS, sufficient funds are available in the fiscal year 2021/22 budget to cover the cost of captioning the Board's televised meetings.

NOW, THEREFORE, BE IT RESOLVED that the Berkeley Rent Stabilization Board authorizes the Executive Director to modify the contract for captioning services to be provided by QuickCaption, Inc., by increasing the contract by an additional amount not to exceed \$8,000. The total amount payable under this contract shall not exceed \$49,000.

RESOLUTION 22-18

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH QUICKCAPTION, INC. FOR CAPTIONING SERVICES OF TELEVISED BOARD MEETINGS AND INFORMATIONAL WEBINARS FOR FISCAL YEAR 2023 BY INCREASING THE CONTRACT BY AN ADDITIONAL AMOUNT NOT TO EXCEED \$8,000 (Page 3)

Dated: June 16, 2022

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board
Office of the Executive Director

DATE: June 16, 2022

TO: Honorable Members of the Rent Stabilization Board

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

SUBJECT: Proposal to adopt Resolution 22-19 authorizing the Executive Director to increase the purchase order with ACRO Services Corp. to extend and increase the hours for existing temporary staff to assist the Registration Unit with the registration of fully-covered and Measure MM units

Background:

For the first time this May, the Board will bill both fully-covered and partially covered Measure MM rental units out of the same database. The migration of over 40 years of rental history data was completed in December 2021. The data migration process created multiple data cleanup projects that required a temporary employee to take on and was completed in May of 2022.

The FY 2023 registration period will require additional staff capacity to register Measure MM units and fully-covered units in the new 3Di system and time to assist property owners with fully-covered units that are working within 3Di's system for the first time. Staff and Budget & Personnel Committee and the Board authorize the extension and hourly increase to full-time of the existing temporary employee to assist the Registration Unit with the necessary customer service and data entry work associated with registration between May 30th and August 31st, 2022.

Financial Impact

Staff project that the extension of time and change from part-time to a full-time temporary worker for the fiscal year (FY) 2023 registration period will not exceed an additional \$30,000. Prior to this, the Executive Director's spending authority was used to cover invoices beginning February 7th through August 31st, 2022. There are sufficient funds in the FY 2022 budget and the proposed FY 2023 budget to cover this cost.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

RESOLUTION 22-19

AUTHORIZING THE EXECUTIVE DIRECTOR TO INCREASE THE PURCHASE ORDER WITH ACRO SERVICES FOR A TEMPORARY WORKER TO PROVIDE FULL-TIME ASSISTANCE TO THE REGISTRATION UNIT DURING THE REGISTRATION PERIOD FROM MAY 30, 2022, THROUGH AUGUST 31, 2022

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

WHEREAS, Measure MM, which was placed on the general election ballot by the Berkeley City Council on July 30, 2020, and subsequently passed by the voters on November 3, 2020, now requires the Board to register certain partially-covered rental units, including rented single-family homes, condominiums, and newly-constructed units; and

WHEREAS, on December 17, 2020, by Resolution 20-17, the Rent Stabilization Board, approved the implementation of registration for partially-exempt units due to the amendments to the Rent Stabilization Ordinance mandated by Measure MM; and

WHEREAS, the Registration Unit hired a temporary worker to support the unit during the fiscal year 2022 registration period; and

WHEREAS, registration of both Measure MM and fully covered units will take place in the same database for the first time; and

WHEREAS, the registration of fully covered units will take place in a new software database, and it will require additional staff time to assist clients as they learn how to use this new system; and

WHEREAS, the Registration Unit will need additional assistance during the registration period from May 30, 2022, through August 31, 2022; and

WHEREAS, the City of Berkeley currently utilizes ACRO Services Corporation to provide temporary personnel when needed;

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley Rent Stabilization Board hereby authorizes the Executive Director to increase the purchase order with ACRO Services Corporation for a total amount not to exceed \$30,000 to allow for full-time temporary support of the Registration Unit during the registration period from May 30, 2022, through August 31, 2022.

RESOLUTION 22-19

AUTHORIZING THE EXECUTIVE DIRECTOR TO INCREASE THE PURCHASE ORDER WITH ACRO SERVICES FOR A TEMPORARY WORKER TO PROVIDE FULL-TIME ASSISTANCE TO THE REGISTRATION UNIT DURING THE REGISTRATION PERIOD FROM MAY 30, 2022, THROUGH AUGUST 31, 2022
(Page 2)

Dated: June 16, 2022

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



Rent Stabilization Board
Rent Board Chair

DATE: June 16, 2022

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Leah Simon-Weisberg, Chair
Soli Alpert, Vice-Chair

SUBJECT: Adjusting General Counsel Matt Brown's Salary According to Terms of Existing
Employment Agreement

On September 24, 2021, the Board, by formal motion, created a General Counsel position and appointed Matt Brown to it. This position reports directly and solely to the elected Commissioners of the Rent Stabilization Board. Any salary increase, even one required by contract, must be implemented by a vote of the majority of the Board affirming such pay adjustment.

Paragraph 3 (Compensation and Benefits) of General Counsel Matt Brown's Employment Agreement provides that his compensation shall remain at least 15% above that of the Staff Attorney III classification. The contract the Board executed with Mr. Brown last year establishes his initial salary at exactly 15% above that of the Staff Attorney III classification. City employees, including the Staff Attorney III classification, are set to receive a 3% salary increase in July pursuant to the terms of the MOU signed last year establishing City employees' salary adjustments for the coming years.

The attached Resolution 22-20 simply adjusts Mr. Brown's salary in line with the terms of his existing Employment Agreement with the Board.

RESOLUTION 22-20

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

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

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

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

WHEREAS, the Board adopted Resolution 21-20 and signed a contract with General Counsel, Matt Brown, that makes clear that the Board intends that Mr. Brown’s salary shall remain at least 15% above that of a Staff Attorney III classification; and

WHEREAS, Mr. Brown’s salary was initially established at exactly 15% more than the salary for Staff Attorney III classification; and

WHEREAS, the Staff Attorney III classification will receive a 3% salary increase in July of 2022 in line with other City of Berkeley employees; and

WHEREAS, the Board would like to adjust Mr. Brown’s salary according to the terms articulated in Paragraph 3 (Compensation and Benefits) of the Employment Agreement dated September 24, 2021, and executed at the September 23, 2021 Board meeting.

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley Rent Stabilization Board hereby authorizes its Executive Director and Board Chair to execute appropriate contract amendments to the existing employment agreement of Matt Brown that will increase his salary from \$109.740 per hour to \$113.032 per hour (annual salary adjusted from \$228,259.00 to \$235,106.56) which represents a 3% increase; and

RESOLUTION 22-20

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

BE IT FURTHER RESOLVED that this adjustment will maintain Mr. Brown's salary at 15% more than the Staff Attorney III classification which is in line with the requirements articulated in Paragraph 3 (Compensation and Benefits) of the existing Employment Agreement between Board and Mr. Brown; and

BE IT FURTHER RESOLVED that the salary adjustment to Mr. Brown's contract will take effect during the pay cycle beginning in July when the salary increase for the Staff Attorney III classification is implemented; and

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

BE IT FURTHER RESOLVED that the contract will be made available for public inspection once all parties have signed the amendments articulated herein.

Dated: June 16, 2022

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DeSeana Williams, Executive Director



Rent Stabilization Board

MEMORANDUM

DATE: April 28, 2022

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

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

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

BACKGROUND

I. Measure Y

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

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

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

II. Measure AA

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

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

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

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

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

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

COVID-19 SHELTER-IN-PLACE & EVICTION MORATORIUM

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

STAFF MONITORING

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

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

OMI NOTICES AND RELOCATION ASSISTANCE PAYMENTS

Notices Filed with the Rent Stabilization Program

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

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

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

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

Relocation Assistance⁵

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

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

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

NARRATIVE DATA FROM STAFF RESEARCH

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

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

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

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

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

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

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

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

OWNERSHIP HISTORY PRIOR TO OMI FILING

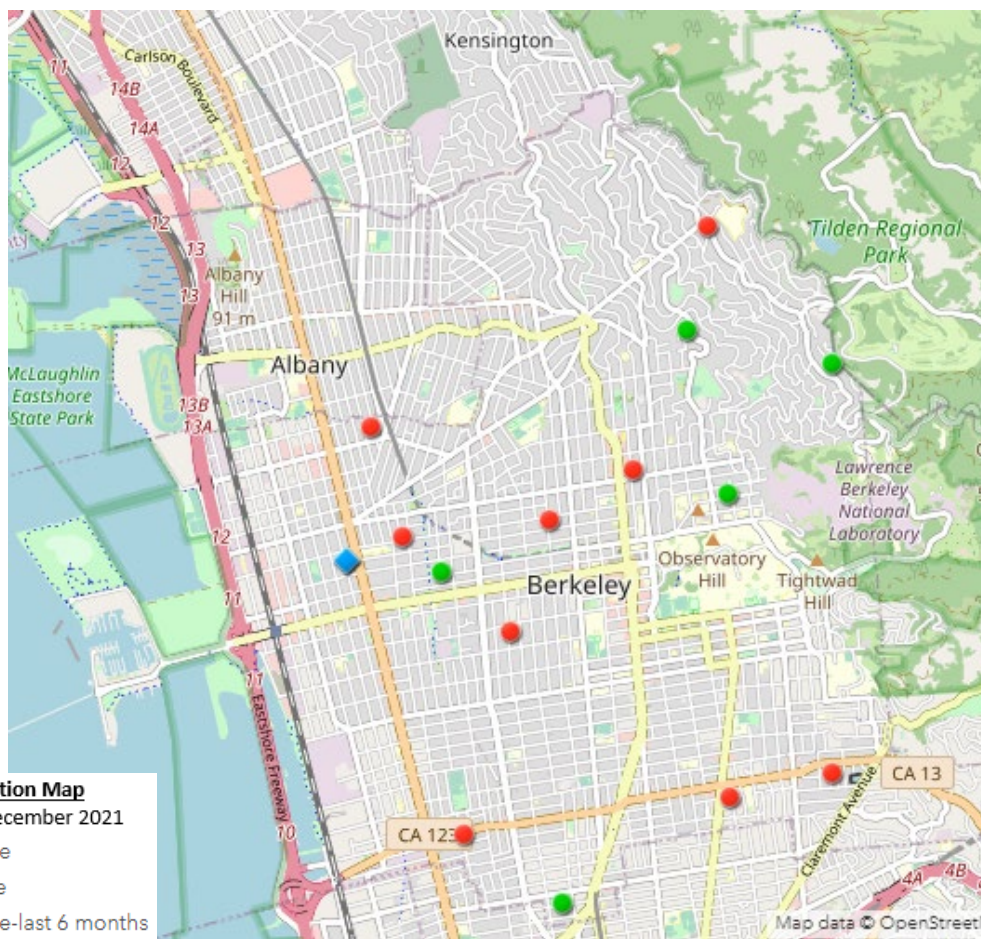
Previously, the committee requested data showing how long a landlord owned the property prior to filing an OMI notice.⁶

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

LOCATION OF OMI PROPERTIES

General Distribution

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



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

Geographic Location and Market Area

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

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

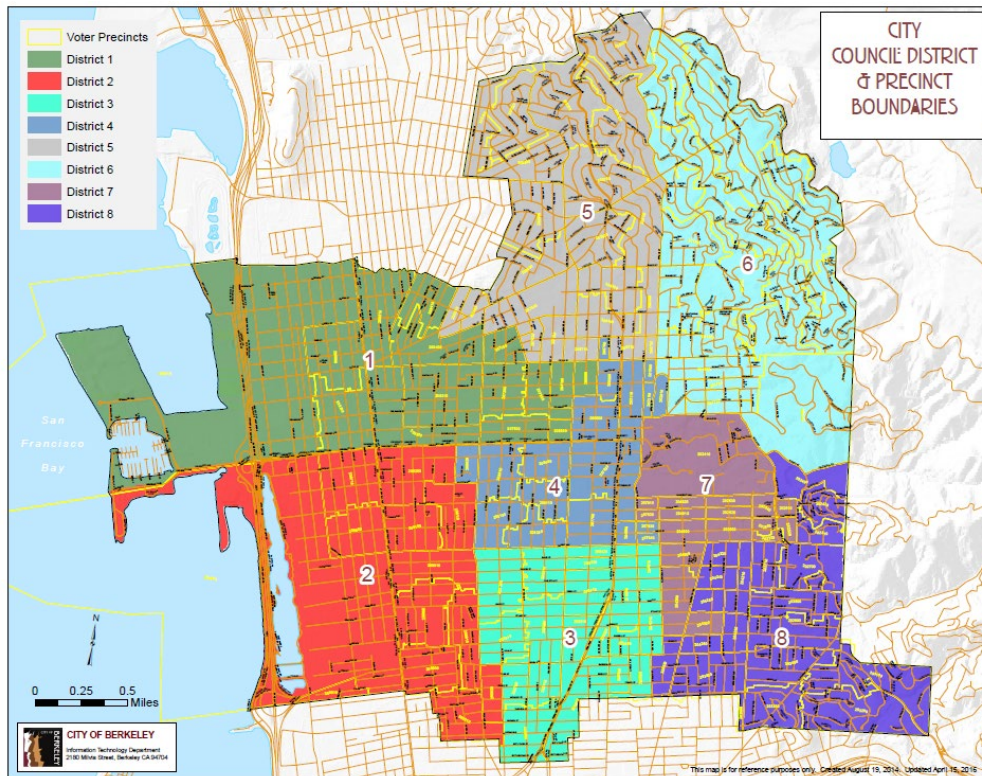
City of Berkeley Census Tract Map & Market Areas



Number of OMI Notices by Council District

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

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



CONCLUSION

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

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

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

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

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

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

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

ATTACHMENT 1

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



Rent Stabilization Board

March 24, 2022

Current Occupants/ [REDACTED]

[REDACTED]
Berkeley, CA 94702

RE: Owner Move-in eviction at [REDACTED]

Dear Occupant:

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

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

\$3087.79

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

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Siegel". The signature is fluid and cursive.

Matthew Siegel
Staff Attorney

ATTACHMENT 2

Geographic Location and Market Area of Properties Subject to OMI Notices

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

ATTACHMENT 3

OMI Eviction Notices Filed With Berkeley Rent Board

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

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

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

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



RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Monday, June 6, 2022

6:00 p.m.

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/82010761328?pwd=YXhCTThFcWdQelVtbFNydW5TYmplZz09>. 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: 820 1076 1328 and Passcode: 659667. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during Public Comment, email amueller@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR BUDGET & PERSONNEL COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 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 will apply for meetings conducted by teleconference or videoconference.

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



RENT STABILIZATION BOARD

BUDGET & PERSONNEL COMMITTEE MEETING

Monday, June 6, 2022 – 6:00 p.m.

AGENDA

1. Roll Call
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-Chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of agenda
4. Public Comment
5. Approval of May 17, 2022, meeting minutes (attached to agenda)
6. Discussion and possible action on Rent Board Commissioner CPI stipend increase (See attached Report)
7. Discussion, and Possible Action regarding Recommendation to full Board to Adopt Fiscal Year (FY) 2022/23 Line-Item Budget, Staffing Model & Expenditure Level (See Attached Staff Report).
8. CLOSED SESSION: Public Employee Evaluation of Performance pursuant to California Government Code Section 54957(b)(1).

Title: Executive Director
9. Scheduling of next meeting
10. Adjournment

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



**RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING**

Wednesday, June 15, 2022

5:15 p.m.

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/82233857823?pwd=SHhmcjFXLzM3U0VkZUxXTU9lQ1lLdz09>. 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, enter Webinar ID: 822 3385 7823 and Passcode: 680342. If you wish to comment during the Public Comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during Public Comment, email mLaw@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR OUTREACH COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:15 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 other rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

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



Rent Stabilization Board

RENT STABILIZATION BOARD OUTREACH COMMITTEE MEETING

Wednesday, June 15, 2022 – 5:15 p.m.

AGENDA

1. Roll call (2 min)
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of the Agenda (2 min)
4. Approval of the Minutes of the May 18, 2022 Meeting (5 min)
5. Public Comment (5 min)
6. Discussion/possible action regarding Tenant Survey: Update from Staff (5 min)
 - Review Questions from 2009
 - Discuss List of Potential Additional Questions for 2022 (15 min)
7. Discussion/possible action regarding new Website and 3di (10 min)

8. Discussion/possible action regarding Coordinating Rent Board Outreach with Below Market/Inclusionary Housing, Berkeley Housing Authority, Senior Social Services, and Shelter Care Plus

“Multi-Department Info Fair” in the Park (October 15th) (10 min)

9. Staff Report: Recent and Upcoming Webinars, Workshops (15 min)
 - a. Fair Chance Ordinance (focus on tenants in July with JustCities)
 - b. <https://berkeleyjuneteenth.org/> (Sunday, June 19th 11am- 6pm; Juneteenth; Rent Board tent near main stage)
 - c. National Night Out, Block Party (August 2nd 3pm- 7pm)

10. Schedule Next Meeting Date: July 20, 2022 at 5:30 p.m. (2 min)

11. Future Agenda Items (5 min)

12. Adjournment (2 min)

STAFF CONTACT: Moni T. Law, Housing Counselor (510) 981-4906
COMMITTEE: James Chang, Andy Kelley, Paola Laverde (Chair), Mari Mendonca



RENT STABILIZATION BOARD
AD HOC COMMITTEE ON RENT BOARD TECHNOLOGY ISSUES MEETING

Monday, June 6, 2022

5:00 p.m.

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

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

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To join by phone: Dial 1-408-638-0968, enter Webinar ID: 881 1969 5928 and Passcode: 326905. 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 a public comment, please email it to amueller@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR AD HOC COMMITTEE ON TECH. ISSUES". 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 3:00 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 other rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

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



Rent Stabilization Board

RENT STABILIZATION BOARD

AD HOC COMMITTEE ON RENT BOARD TECHNOLOGY ISSUES MEETING

Monday, June 6, 2022 – 5:00 p.m.

AGENDA

1. Roll call
2. Approval of the agenda
3. Public Comment
4. Discussion and possible action regarding a Rent Board Commissioner technology stipend for purchase of hardware and peripherals
5. Future agenda items
6. Schedule next meeting date
7. Adjournment

STAFF CONTACT: Aimee Mueller, Associate Management Analyst (510) 981-4932

COMMITTEE: John Selawsky (Chair) and Leah Simon-Weisberg