



RENT STABILIZATION BOARD
Regular Meeting
Thursday, February 17, 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/83737919904?pwd=TlNmeTVrc0gvRFJ5ay9KQ1ZrVlg3Zz09>. 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 1-408-638-0968 and enter Meeting ID: 837 3791 9904 and Passcode: 919836. 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, email 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.

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Regular Meeting Minutes - *Approved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:06 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Lecky, Mueller, Williams

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

The Land Acknowledgement statement was read aloud.

3. **Approval of Agenda** – M/S/C (Alpert/Johnson) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ITEM 8.b. TO CONSENT. 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.

4. **Public Comment** – *Non*-agendized items. There were two speakers: Carole Marasovic spoke about the eviction moratorium and the Source of Income Discrimination Ordinance. Krista Gulbransen spoke about the new notification paperwork for the Fair Chance Ordinance.

5. **SPECIAL PRESENTATION**: “What Does Housing Have To Do With Race?” by Wilhelmenia Wilson, Executive Director, Healthy Black Families, Inc. – Ms. Wilson

presented to the Board.

6. CONSENT ITEMS

Item 8.b. was moved to consent by a prior vote of the Board.

- a. Approval of January 20, 2022 regular meeting minutes

M/S/C (Johnson/Chang) APPROVE ITEMS 6.a. AND 8.b. AS WRITTEN. 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.

7. **Public Comment** – Items on the agenda. There were no speakers.

8. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Item 8.b. was moved to Consent by a prior vote of the Board.

- a. Special Presentation on state housing legislation by Brian Augusta & Associates, Legislative Advocates – Mr. Augusta presented to and took questions from the Board.

(1) Discussion and possible action regarding the Board taking a position on state housing legislation (Chair Simon-Weisberg) – NO ACTION TAKEN.

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

Ministerial Waivers

Waiver No. Property Address

N/A	1433 Walnut St.
N/A	2610 College Ave.
N/A	1611 Scenic Ave.
N/A	2404 Cedar St.
N/A	1235 Talbot Ave.

Discretionary Waivers

Waiver No. Property Address

5019	1931 Fairview St.
5020	2235 Rose St.

MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

9. APPEAL – 8:00 p.m.**

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

Case No. T-5924 (2226 Durant Avenue, #104)

Tenant appeals a hearing decision ordering the landlord to refund a total of \$1,551.50 to tenant for security deposit return. On appeal, the tenant argues that the landlord has repeatedly lied and misrepresented the extent to which he made repairs in the subject unit and that the apartment was uninhabitable for the entirety of his very brief tenancy. He further claims that the hearing examiner did not give enough weight to his evidence and too much to the landlord's given the landlord's alleged deceit. He does not state explicitly in his appeal what remedy he seeks, but it can be presumed that he is requesting that the entirety of what he paid to the landlord (\$3,625) be returned to him. A review of the record and analysis of relevant board precedent and case law, however, establishes that the hearing examiner correctly ruled on the issue of return of the security deposit. For this reason, legal staff recommends that the Board affirm the hearing examiner's decision.

M/S/C (Alpert/Laverde) MOTION TO UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Alpert, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: Chang; ABSENT: None.
Carried: 8-0-1-0.

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 COMMENTS.**

- a. Update on restoring Commissioners' access to their Rent Board email accounts – *Verbal* (Chair Simon-Weisberg/Board Secretary)
- b. Update on the City's Website Reinvention Project timeline and the Rent Board's content migration – *Verbal* (Executive Director/Board Secretary)
- c. Monument to Extraction.org article by Kimberly Pack and Roalla Toy titled, "Codornices Village – Segregation and integration in World War II worker housing" (Chair Simon-Weisberg)
<https://monumenttoextraction.org/stories/worldwar2-housing/>
- d. Date to submit agenda topics/items for the March 17th Rent Board meeting: **Monday, March 7th at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced going forward.

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Selawsky, Chair) – Commissioner Chang was elected Committee chair at the last meeting. He asked that commissioners send him any items they would like to have considered in the budget process. Next regularly-scheduled meeting: Tuesday, February 15th at 5:30 p.m.

February 15th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair)
Next regularly-scheduled meeting: TBA
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley mentioned that the Committee discussed the keyless entry issue and will refer it to the 4 x 4 Committee.
Next regularly-scheduled meeting: Wednesday, March 9th at 5:00 p.m.

February 9th agenda

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reported that the tenant survey RFP was submitted.
Next regularly-scheduled meeting: Wednesday, February 16th at 5:00 p.m.

February 16th 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
(Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)
Next regularly-scheduled meeting: Wednesday, February 23rd at 3:00 p.m.
- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair) – The Board Secretary reported that the Committee is waiting for pricing information in order to draft a recommendation for the full Board.
Next meeting date: TBA

January 24th agenda

- h. Updates and Announcements
- i. Discussion of items for possible placement on future agenda

(1) Review of protocol and template for submittal of agenda items

12. **ADJOURNMENT** – M/S/C (Johnson/Laverde) MOTION TO ADJOURN. 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 9:28 p.m.