



Rent Stabilization Board

**RENT STABILIZATION BOARD
Regular Meeting and Public Hearing
Thursday, March 16, 2023
7:00 p.m.**

**Berkeley Unified School District Board Room
1231 Addison Street, Berkeley, CA 94702**

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/87985893082?pwd=MC9pZ1ljNmJ0WGt3OHE4aHNncVdOZz09>. 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: 879 8589 3082 and Passcode: 917780. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit a written communication for the Board's consideration and inclusion in the public record, please email amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 12:00 p.m. on the day of the meeting in order to be included.**

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

This meeting will be conducted in accordance with Government Code Section 54953, 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 (981-RENT). The Rent Board may take action related to any subject listed on the Agenda.

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Thursday, March 16, 2023
7:00 p.m.
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Minutes - *Approved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:10 p.m.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg
Staff present: Brown, Bursell, Eberhart, Ehlinger, Mueller, Williams
2. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878 and since the Rent Stabilization Board’s creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

The Land Acknowledgment Statement was read aloud.

3. **Approval of Agenda**

M/S/C (Alpert/Martinac) APPROVE THE AGENDA AS WRITTEN EXCEPT MOVE DISCRETIONARY WAIVER W5078 FROM CONSENT TO ACTION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

4. **Public Comment** – *non*-agendized items. There was one speaker. Paola Laverde congratulated the Board for prevailing in recent litigation case.
5. **Public Comment** – items on the agenda. There were no speakers.

6. CONSENT ITEMS

Discretionary Waiver W5078 was moved to action by an earlier vote of the Board.

- a. Approval of the February 16th regular meeting minutes
- b. Recommendation to adopt Resolution 23-04 authorizing the Executive Director to execute a contract modification with Goldfarb & Lipman LLP through June 30, 2023, in an amount not to exceed \$20,000 (General Counsel)
- c. Recommendation to adopt Resolution 23-05 authorizing the Executive Director to execute a contract modification with Sloan Sakai Yeung & Wong LLP through June 30, 2023, in an amount not to exceed \$80,000 (General Counsel)
- d. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

18 THE UPLANDS
2022 VIRGINIA ST
2915 HARPER
2124 PRINCE
1032 CRAGMONT
2614 WARRING
2237 ROOSEVELT
939 ADDISON
2117-2119 ASHBY
3014 COLLEGE
1455 GRIZZLY

Discretionary Waivers

Waiver No. Property Address

W5075	2716 DURANT
W5076	2443 SPAULDING
W5077	1300 DELAWARE
W5078	1951 CHESTNUT

M/S/C (Alpert/Johnson) APPROVE ALL CONSENT ITEMS AS WRITTEN EXCEPT DISCRETIONARY WAIVER W5078 WHICH WAS MOVED TO ACTION BY A PRIOR VOTE OF THE BOARD. Voice vote. Carried: 9-0-0-0.

7. **PUBLIC HEARING ON PROPOSED INCREASE TO THE ANNUAL REGISTRATION FEES FOR FISCAL YEAR (FY) 2023-2024**

- a. Staff presentation on the proposed increase to the FY 2023-2024 Annual Registration Fees – Lief Bursell presented, and he and Executive Director Williams responded to questions from the Board.
- b. Public Comment – There were no speakers.
- c. Comments from the Board – The Commissioners offered comments and observations about the proposal.

8. **ACTION ITEMS**

From Board Members, Committees, Executive Director or Staff

Public comment heard prior to the Board’s vote on each action item listed below: There were no speakers.

Discretionary Waiver W5078 was moved to Action by an earlier vote of the Board.

Discretionary Waiver W5078: M/S/C (Simon-Weisberg/Johnson) CONTINUE DISCRETIONARY WAIVER W5078 TO THE NEXT MEETING SO THAT STAFF CAN INVESTIGATE OWNERSHIP. Voice Vote. Carried: 9-0-0-0.

- a. Chair Update (Chair Simon-Weisberg) – No update.
- b. Recommendation to adopt Resolution 23-06 setting the FY 2023-2024 annual registration fee for fully-covered units (due July 3, 2023) at \$290 per unit (Budget & Personnel Committee and Executive Director)

M/S/C (Simon-Weisberg/Alpert) APPROVE RESOLUTION 23-06 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- c. Recommendation to adopt Resolution 23-07 setting the FY 2023-2024 annual registration fee for partially-covered Measure MM units (due July 3, 2023) at \$178 per unit (Budget & Personnel Committee and Executive Director)

M/S/C (Simon-Weisberg/Walker) APPROVE RESOLUTION 23-07 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- d. Recommendation to adopt Resolution 23-08 setting the FY 2023-2024 annual registration fee for partially-covered Measure MM units in affordable housing

projects (due July 3, 2023) at \$37 per unit (Budget & Personnel Committee and Executive Director)

M/S/C (Simon-Weisberg/Marrero) APPROVE RESOLUTION 23-08 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- e. Recommendation to adopt Resolution 23-09 setting the Summer Rental Period registration fee for fraternities and sororities for FY 2023-2024 (due July 3, 2023) at \$70 per unit (Budget & Personnel Committee and Executive Director)

M/S/C (Simon-Weisberg/Mizell) APPROVE RESOLUTION 23-09 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- f. Discussion and possible action to send a letter of support for Senate Bill (SB) 460 (Wahab): Fair Chance Housing (Chair Simon-Weisberg & Commissioner Johnson)

M/S/C (Johnson/Marrero) SEND A LETTER OF SUPPORT FOR SB 460. Voice vote. Carried: 9-0-0-0.

- g. Discussion and possible action to send a letter of support for SB 466 (Wahab): Costa-Hawkins Rental Housing Act: rental rates (Commissioner Elgstrand, Chair Simon-Weisberg & Commissioner Kelley)

M/S/C (Elgstrand/Kelley) SEND A LETTER OF SUPPORT FOR SB 466. Voice vote. Carried: 9-0-0-0.

9. 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 Council's recent action on the City's Eviction Moratorium – Verbal (General Counsel) – The General Counsel presented and responded to questions from the Board.
- b. Update on limited post-emergency options for remote participation in Board and Committee meetings (General Counsel) – The General Counsel presented and responded to questions from the Board.

- c. Owner Move-in Eviction Tracking Report (January 2020 - December 2022) (Eviction/Section 8/Foreclosure Committee) – Staff Attorney Ehlinger presented on the report and owner-move in eviction provisions proposed in Council’s recent action on the City’s Eviction Moratorium.
- d. Date to submit agenda topics/items for April’s regular Rent Board meeting is **Monday, April 10th by 5:00 p.m.** (Board Secretary)

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Walker, Chair)
Next regularly-scheduled meeting: Thursday, April 6th at 5:30 p.m.

February 22nd agenda
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)
Next regularly-scheduled meeting: Tuesday, April 11th at 6:00 p.m.

March 8th agenda
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair)
Next regularly-scheduled meeting: TBA
- d. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert reported on discussions concerning outreach related to the proposed changes to the Eviction Moratorium, and the status of the Tenant Survey.
Next regularly-scheduled meeting: Monday, April 10th at 5:30 p.m.

March 9th agenda
- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board (Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: TBA
- f. Ad Hoc Committee on Environmental Sustainability (Chair TBA)
Next meeting date: TBA
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA)
Regularly-scheduled meeting date: TBA
- h. Updates and Announcements – Chair Simon-Weisberg reported that she and Commissioner Walker are participating in an art exhibition at Yerba Buena about imagining new Constitutional rights on Sunday, March 19 at 2:00 p.m.

- i. Discussion of items for possible placement on future agenda

11. ADJOURNMENT

M/S/C (Alpert/Kelley) ADJOURN THE MEETING. Voice vote. Carried: 9-0-0-0.

The meeting adjourned at 9:42 p.m.