



RENT STABILIZATION BOARD
Regular Meeting
Thursday, December 16, 2021
7:00 p.m.

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

Pursuant to Government Code Section 54953(e) and City Council Resolution 70,030-N.S., this meeting of the City of Berkeley Rent Stabilization Board (Rent Board) 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/86048784326?pwd=WVdsOTRhVVhnYWtkWXZKS3FCUlpidz09>. 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: 860 4878 4326 and Passcode: 379605. 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 (joined at 7:20 p.m.), Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg
Staff present: Brown, Lecky, Mueller, Siegel, Williams

2. **Approval of Agenda**
M/S/C (Mendonca/Selawsky) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE CONSENT ITEMS 6.b. AND 6.c. TO ACTION.
Roll call vote. YES: Alpert, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.

3. **Public Comment** – for items on the agenda: No speakers.

4. **Public Comment** – for non-agendized items: No speakers.

5. **SPECIAL ORDER OF BUSINESS**
 - a. **Election of Rent Board Chairperson:**
General Counsel Matt Brown opened the floor for nominations. Commissioner Kelley nominated Commissioner Simon-Weisberg, who accepted.

ELECT COMMISSIONER LEAH SIMON-WEISBERG AS RENT BOARD CHAIRPERSON.
YES: Alpert, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg;
NO: None; ABSTAIN: None; ABSENT: Chang.

Commissioner Simon-Weisberg was elected Chair by a vote of 8-0-0-1.

 - b. **Election of Rent Board Vice-Chairperson:**
Chair Simon-Weisberg opened the floor for nominations. Commissioner Selawsky nominated Commissioner Alpert, who accepted.

ELECT COMMISSIONER SOLI ALPERT AS RENT BOARD VICE-CHAIRPERSON.
YES: Alpert, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg;
NO: None; ABSTAIN: None; ABSENT: Chang.

Commissioner Alpert was elected Vice-Chair by a vote of 8-0-0-1.

 - c. **Comments from the newly-elected Chair, Vice-Chair and Commissioners**
Chair Simon-Weisberg and Vice-Chair Alpert thanked their fellow Board members for the opportunity and acknowledged the Board and staff’s work over the past year.

Chair Simon-Weisberg also encouraged all commissioners to take some time to meet with new Executive Director Williams.

6. CONSENT ITEMS

Items 6.b. and 6.c. were moved to Action by a prior vote of the Board.

- a. November 18th regular meeting minutes
- b. Recommendation to adopt Resolution 21-31 authorizing modification of the contract with Kinnectics, LLC to increase the amount by \$20,000 for Fiscal Year (FY) 2022 (Executive Director) – MOVED TO ACTION BY A PRIOR VOTE OF THE BOARD.
- c. Recommendation to adopt Resolution 21-32 authorizing modification of the contract with It’s Personnel to increase the amount by \$10,980 for FY 2022 (General Counsel) – MOVED TO ACTION BY A PRIOR VOTE OF THE BOARD.
- d. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director & Registration Unit staff)

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
5012	1260 Burnett Street
5014	2640 Dwight Way
5015	1401 Prince Street
5017	1913 Francisco Street

M/S/C (Johnson/Selawsky) MOTION TO APPROVE CONSENT ITEMS 6.a. AND 6.d AS WRITTEN. Roll call vote. YES: Alpert, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.

7. APPEAL – Case No. **RWN-1649 (1905 Essex St.)**

Parties present:
Chuck Alfonzo on behalf of Appellant.

M/S/C (Laverde/Mendonca) MOTION TO AFFIRM 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: 8-0-0-1.

8. Public Comment – for Action Items: No speakers.

9. ACTION ITEMS

Consent items 6.b. and 6.c. were moved to Action by a prior vote of the Board.

Item 6.b. M/S/C (Johnson/Kelley) MOTION TO ADOPT RESOLUTION 21-31, AUTHORIZING MODIFICATION OF THE CONTRACT WITH KINNECTICS, LLC TO INCREASE THE AMOUNT BY \$20,000 FOR FISCAL YEAR (FY) 2022, 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.

Item 6.c. M/S/C (Simon-Weisberg/Chang) MOTION TO APPROVE RESOLUTION 21-32, AUTHORIZING MODIFICATION OF THE CONTRACT WITH IT'S PERSONNEL TO INCREASE THE AMOUNT BY \$10,980 FOR FY 2022, AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Selawsky, Simon-Weisberg; NO: Kelley, Laverde, Mendonca, Walker; ABSTAIN: None; ABSENT: None. Carried: 5-4-0-0.

a. From Board Members, Committees, and Executive Director

- (1) Recommendation to adopt proposed amendments to Regulation 801 [Proper Filing of Rent Registration Statement] – *First reading* (IRA/AGA/Registration Committee)

M/S/C (Alpert/Johnson) MOTION TO ADOPT PROPOSED AMENDMENTS TO REGULATION 801 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.

- (2) Recommendation to adopt proposed amendments to Regulation 1311 [Alleging Compliance in Complaint] – *First reading* (IRA/AGA/Registration Committee)

M/S/C (Alpert/Johnson) MOTION TO ADOPT PROPOSED CHANGES TO REGULATION 1311 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.

- (3) Discussion and recommendation to set the Regular Board Meeting Schedule for 2022 (Executive Director)

M/S/C (Alpert/Chang) MOTION TO ADOPT THE PROPOSED 2022 REGULAR BOARD MEETING SCHEDULE 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.

Commissioners stated their unavailability for the record as follows:

Laverde – unavailable for August meeting
Selawsky – unavailable for September meeting
Mendonca – unavailable for July meeting

Simon-Weisberg – unavailable for August meeting
Chang – unavailable for May meeting
Johnson – unavailable for July meeting

- (4) Recommendation to adopt Resolution 21-33 acknowledging State Attorney General Rob Bonta for his efforts to enforce tenant protections (Chair Simon-Weisberg & Vice-Chair Alpert)

Item 9.a.(4) was heard after the Consent items.

M/S/C (Alpert/Walker) MOTION TO ADOPT RESOLUTION 21-33 AS REVISED AND SEND A COPY OF THE SIGNED RESOLUTION TO ATTORNEY GENERAL ROB BONTA, DEPUTY ATTORNEY GENERALS JOSEPH RAGAZZO AND SUSAN SAYLOR. Roll call vote. YES: Alpert, Chang, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None; RECUSED: Kelley*
Carried: 8-0-0-0-1.

*Commissioner Kelley recused himself because his landlord is named in the Resolution.

10. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

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

a. Reports from Board Members/Staff

- (1) Update on Commissioner access to their Rent Board email accounts – *Verbal* (Executive Director)
- (2) Update on the City’s Website Reinvention Project timeline and the Rent Board’s portal – *Verbal* (Executive Director & Board Secretary)
- (3) Owner Move-in Eviction Tracking Report updated through June 2021 (Executive Director)
- (4) December 8, 2021 State of California Department of Justice press release titled, “Attorney General Bonta Announces Judgment Against Real Estate Investment Company for Unlawfully Evicting Tenants from Foreclosed Properties” (Chair Simon-Weisberg)
<https://oag.ca.gov/news/press-releases/attorney-general-bonta-announces-judgment-against-real-estate-investment-company>
- (5) Confirmation of the date to submit agenda topics/items for the January 2022 Rent Board meeting (Board Secretary)

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Selawsky, Chair)
Next regularly-scheduled meeting: TBA
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) Committee Chair Mendonca highlighted the Owner Move-in Eviction report presented to the Board, and expressed interest in having the Eviction Defense Center and East Bay Community Law Center present to the Board at an upcoming meeting.

Next regularly-scheduled meeting: TBA

(1) December 9th agenda

- c. IRA/AGA/Registration Committee (Commissioner Kelley, Chair) – Committee Chair Kelley reported that the regulation amendments presented to the Board tonight reflect the Committee’s recent work.

Next regularly-scheduled meeting: Wednesday, January 12, 2022 at 5:00 p.m.

(1) December 8th agenda

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reported that the Committee received updates on the website, the Fair Chance Ordinance, and state rental assistance funds.

Next regularly-scheduled meeting: TBA

(1) December 15th 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 reported that, in the new year, the Committee will be presenting a proposal around habitability plans, and will receive a presentation from the Anti-Eviction Mapping Project. Vice-Chair Alpert clarified that the December meeting had to be cancelled, and the Committee will also consider the Relocation Ordinance in January.

Committee Co-Chairs: Mayor Arreguín and Chair Simon-Weisberg

Next regularly-scheduled meeting: Tuesday, January 11, 2022 at 3:00 p.m.

- g. Ad Hoc Committee on RSB Technology Issues (Chair TBA)
Next meeting date: TBA

- h. Updates and Announcements

- i. Discussion of items for possible placement on future agenda – Presentation to the Board from anti-displacement/eviction defense providers in January or February (Mendonca); land acknowledgement language (Laverde).

12. ADJOURNMENT

M/S/C (Kelley/Mendonca) 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 10:11 p.m.