



**RENT STABILIZATION BOARD
Regular Meeting**

Thursday, May 18, 2023 – 7:00 p.m.

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/88524276546?pwd=bjBTVjNYcGtGbFQ3WlclOVUttK0hqUT09>. 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 1-669-444-9171 and enter Webinar ID: 885 2427 6546 and Passcode: 056490. 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 5:00 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.



COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at (510) 981-6418 (voice) or (510) 981-6347 (TDD) at least three (3) business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

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Thursday, May 18, 2023

7:00 p.m.

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94702**

Minutes - *Approved*

- 1. Roll call** – Prior to Roll call, Commissioner Walker announced that she would be participating remotely due to illness.
Chair Simon-Weisberg called the meeting to order at 7:22 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker (remote via Zoom), Simon-Weisberg
Staff present: Brown, Dahl, 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/Martinac) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: CONTINUE ITEM 7.b. TO A FUTURE MEETING; MOVE ITEMS 7.c. AND 7.e. TO CONSENT. 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 were no speakers.
- 5. Public Comment** – items on the agenda. There were no speakers.

6. CONSENT ITEMS

Action items 7.c. and 7.e. were moved to consent by a prior vote of the Board.

- a. Approval of the April 20th regular meeting minutes

M/S/C (Johnson/Elgstrand) APPROVE ALL CONSENT ITEMS AS WRITTEN, INCLUDING ITEMS 7.c. AND 7.e. 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.

7. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board's vote on each action item listed below – There were no speakers.

Action items 7.c. and 7.e. were moved to consent by a prior vote of the Board.

- a. Chair Update (Chair Simon-Weisberg) – No update.
- b. Discussion and possible action to recommend that the Board adopt Proposed Amendments to Regulations 525 [Procedure for Challenging Tenant in Occupancy Status], 1205 [Filing the Petition], and 1210 [Notices to Opposing Parties and Board] – First Reading (LIRA Committee) – CONTINUED TO A FUTURE MEETING BY A PRIOR VOTE OF THE BOARD.
- c. Discussion and possible action to recommend that the Board adopt Proposed Amendments to Regulations 883 [Waiver of Penalties and Interest on Delinquent Registration Fees] and 884 [Other Waiver Requests] to streamline the waiver process – Second Reading (LIRA Committee) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- d. Discussion and possible action to recommend that the Board send a letter of support for Assembly Bill 1218 (Lowenthal) - Development projects: demolition of residential dwelling units (LIRA Committee)

M/S/C (Simon-Weisberg/Marrero) DIRECT THE BOARD'S LEGISLATIVE ADVOCATE TO SEND A LETTER OF SUPPORT FOR AB 1218 TO THE AUTHOR. 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 23-12 authorizing the Executive Director to amend the staffing model to add an Assistant Management Analyst in the Finance Unit for the 2023-2024 fiscal year (Budget & Personnel Committee) – MOVED

TO CONSENT BY A PRIOR VOTE OF THE BOARD.

8. 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. Eviction Moratorium outreach update (Public Information Unit Manager)
- b. Copy of April Eviction Moratorium mailing to Berkeley property owners, managers, and tenants (Executive Director)
- c. Update on Rent Board staff outreach at the April 22nd Berkeley Bay Festival at the Berkeley Marina (Public Information Unit Manager)
- d. Copy of April 24, 2023 letter to Assemblymember Bonta conveying the Board's support for Assembly Bill 846 (Chair Simon-Weisberg)
- e. May 10, 2023 *Berkeleyside* article by Supriya Yelimeli titled, "Berkeley's eviction moratorium is ending. Here's what you need to know" (Executive Director)
<https://www.berkeleyside.org/2023/05/10/berkeleys-eviction-moratorium-is-ending-heres-what-you-need-to-know>
- f. Date to submit agenda topics/items for June's regular Rent Board meeting: **Monday, June 5th by 5:00 p.m.** (Board Secretary)

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker gave an overview of items covered at the Committee's last meeting, including a software demonstration, a staffing model discussion, and budget update.
Next regularly-scheduled meeting: Thursday, June 1st at 5:30 p.m.

May 4th agenda
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)
Next regularly-scheduled meeting: Tuesday, June 13th at 6:00 p.m.
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Commissioner Alpert, who chaired the last LIRA Committee in Committee Chair Kelley's stead, highlighted discussions on legislative bills, and possible Ordinance and regulation changes to impose penalties for failing to turn in a tenant's information as required.

Next regularly-scheduled meeting: Tuesday, June 6th at 5:30 p.m.

May 2nd agenda

- d. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert reported that the Committee discussed a more robust outreach plan, and the Committee anticipates discussing the tenant survey results soon.
Next regularly-scheduled meeting: Monday, June 12th at 5:30 p.m.

May 8th agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg reported on the Committee’s discussion about possible changes to the City’s Emergency Ordinance, and provided a Demolition Ordinance update. (Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: TBA

May 2nd agenda packet

- f. Ad Hoc Committee on Environmental Sustainability (Commissioner Martinac, Chair) – Committee Chair Martinac reported that the Committee discussed the purpose and scope of its work.
Next meeting date: Wednesday, June 7th at 5:30 p.m.

May 3rd agenda

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – The meeting was cancelled due to the lack of a quorum.
Next meeting date: Monday, May 15th at 5:30 p.m.

May 15th agenda

- h. Updates and Announcements – Commissioner Elgstrand reported that on May 1st the Land Use Committee considered the Tenant Habitability Plan. On June 6, Council will vote on a referral to the City Manager and City Attorney’s Office to create the Tenant Habitability Plan. Commissioner Kelley highlighted a budget referral to provide money to the Health, Housing, and Community Services Department to write a comprehensive plan on how to fund Berkeley’s affordable housing goals, and encouraged commissioners to show support for funding this referral in the City’s upcoming budget cycle.
- i. Discussion of items for possible placement on future agenda

10. ADJOURNMENT

M/S/C (Alpert/Kelley) Adjourn in honor of Mother’s Day and all mothers who work.

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.

The meeting adjourned at 8:29 p.m.