



RENT STABILIZATION BOARD

Regular Meeting

Thursday, December 21, 2023 – 7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

Teleconference location: 1137 Regiment Drive NW, Acworth GA, 30101

Teleconference location: 1033 Earmark Lane, Castle Rock, CO, 80104

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/81315510979?pwd=LytGV2RZUDNrNVI4NHRJWkhHcVhSUT09>. 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: 813 1551 0979 and Passcode: 101882. 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@berkeleyca.gov 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 4:00 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 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting at the posted location(s). 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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Minutes - Approved

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:24 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Johnson (via Zoom), Martinac, Mizell (via Zoom under the Just Cause provision of the Brown Act), Walker, Simon-Weisberg
Commissioners absent: Kelley, Marrero
Staff present: Brown, Bursell, Dahl, Fabish, Kim, Eberhart, Ehlinger, Mueller, Tran, 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. Approval of Agenda** – M/S/C (Alpert/Elgstrand) APPROVE THE AGENDA AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero.
Carried: 7-0-0-2.
- 4. Public Comment** – There were no speakers.
- 5. SPECIAL ORDER OF BUSINESS**

a. Election of Rent Board Chair:

The General Counsel conducted the election for the Board's Chair.

Commissioner Alpert nominated Commissioner Simon-Weisberg, who accepted. No other nominations were received.

ELECT LEAH SIMON-WEISBERG AS RENT BOARD CHAIR.

Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

b. Election of Rent Board Vice-Chair:

The newly-elected Chair conducted the election for the Board's Vice-Chair.

Commissioner Martinac nominated Commissioner Alpert, who accepted. No other nominations were received.

ELECT SOLI ALPERT AS RENT BOARD VICE-CHAIR.

Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

c. Comments from the newly-elected Chair and Vice-Chair: The Chair and Vice-Chair thanked the commissioners.

6. CONSENT ITEMS

a. Approval of the November 16th regular meeting minutes

b. Resolution 23-32 revising the Rent Board's Records Retention Schedule
(Executive Director)

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

Ministerial Waivers

Property Address

2715 GRANT
1417 PRINCE
2119 DELAWARE ST #B
1341 ASHBY
1619 FAIRVIEW
3042 - 3048 WHEELER
1202 CURTIS

1643 PRINCE
2541 DANA
2515 REGENT
2414 DWIGHT
1913 BERRYMAN
1782 UNIVERSITY
1480 10TH

Discretionary Waivers

Waiver No. Property Address

W5101	1865 EUCLID
W5102	3114-3120 MLK
W5103	3111 HARPER
W5104	1259 CARRISON
W5105	1313 MLK
W5106	1717 EUCLID
W5107	940 BANCROFT
W5108	2542 CHILTON

M/S/C (Elgstrand/Walker) APPROVE ALL CONSENT ITEMS AS WRITTEN.
Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker,
Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero.
Carried: 7-0-0-2.

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 – No speakers.

a. Chair Update (Chair Simon-Weisberg)

(1) Status Report on the City of Berkeley Demolition Ordinance:

Senior Planner Lief Bursell gave a presentation and took questions from the Board. No action was taken.

(2) New Rent Stabilization Ballot Measures Across the State:

The Chair and Vice-Chair gave an update on five new rent control ballot measures filed in California jurisdictions. No action was taken.

b. Recommendation to adopt Resolution 23-33 establishing the 2024 Regular Rent Board Meeting Schedule (Executive Director)

M/S/C (Alpert/Elgstrand) ADOPT RESOLUTION 23-33 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

Commissioners stated their availability for 2024 Regular Rent Board Meetings for the record as follows:

Chair Simon Weisberg: Unavailable July 18 and August 15.

Commissioner Walker: Unavailable June 20.

Commissioner Mizell: Unavailable July 18.

- c. Recommendation to adopt Resolution 23-34 authorizing the Executive Director or the Chair, in consultation with each other, to appeal decisions of the Zoning Adjustments Board or any Zoning Officer decision that allows for elimination of any residential rental units that are covered by rent stabilization or just cause for eviction (Chair Simon-Weisberg & Executive Director)

M/S/C (Elgstrand/Martinac) ADOPT RESOLUTION 23-34 WITH THE FOLLOWING AMENDMENT: IF THE BOARD'S MEETING SCHEDULE ALLOWS THE BOARD TO MEET BEFORE THE APPEAL DEADLINE PASSES, THEN THE FULL BOARD SHALL DECIDE WHETHER TO FILE AN APPEAL. IF THE DEADLINE REQUIRES THE CHAIR AND/OR EXECUTIVE DIRECTOR TO FILE THE APPEAL ON BEHALF OF THE BOARD BEFORE THE FULL BOARD CAN MEET, THE FULL BOARD SHALL CONSIDER THE DECISION AT THE MEETING FOLLOWING THE FILING AND CAN VOTE TO RATIFY OR WITHDRAW THE APPEAL. THE BOARD AUTHORIZED THE GENERAL COUNSEL TO CRAFT THE EXACT LANGUAGE AMENDING THE RESOLUTION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

- d. Discussion and possible action to request that the 4 x 4 Committee recommend that Council place various Rent Ordinance Amendments on the November 2024 general election (General Counsel and Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election)

The Legal Unit gave a presentation on the proposed amendments and took questions from the Board.

M/S/C (Alpert/Mizell) FORWARD THE PROPOSED LEGISLATION TO THE 4 X 4 FOR CONSIDERATION WITH THE RECOMMENDATION TO SEND IT TO COUNCIL FOR PLACEMENT ON THE 2024 BALLOT AND WITH THE FOLLOWING AMENDMENT: ON PAGE 21, STRIKE PARAGRAPH B STARTING WITH "PETITION FOR UNITS EXEMPT FROM..."; ON PAGE

26, STRIKE PARAGRAPHS B AND SUBSECTIONS (i), (ii), and (iii), STARTING FROM “THERE SHOULD NOT BE GROUNDS...” TO “...SAFETY CODES HAVE BEEN REMEDIED.”; AUTHORIZE THE CHAIR

AND LEGAL STAFF TO MAKE NON-SUBSTANTIVE CLARIFYING EDITS, LIKE ADDING SECTION HEADERS. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

8. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

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

- a. Eviction Moratorium update – *Verbal* (Public Information Unit Manager)
- b. Date to submit agenda topics/items for January’s regular Rent Board meeting:
Will be announced following adoption of the Board’s 2024 Regular Meeting Schedule (Board Secretary)

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – The committee met to review the General Counsel evaluation and is moving that process along. Next regularly-scheduled meeting: Thursday, January 11, 2024 at 5:30 p.m.

December 14th agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair)
Next regularly-scheduled meeting date: Wednesday, January 10, 2024 at 6:00 p.m.
- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)
Next regularly-scheduled meeting: Tuesday, January 9, 2024 at 6:00 p.m.
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair)
Next regularly-scheduled meeting: To Be Announced (TBA)
- e. Outreach Committee (Vice-Chair Alpert, Chair)
Next regularly-scheduled meeting: Monday, January 8, 2024 at 6:00 p.m.
- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg said the main item the committee will consider is the proposed legislation moved by the Board tonight, and may also hear a Demolition

Ordinance update.

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

Next regularly-scheduled meeting: Wednesday, January 24, 2024 at 3:00 p.m.

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero) – Chair Simon-Weisberg reported that the committee discussed hearing from the BUSD Family Engagement Coordinator on how the Rent Board can best ensure families know of its services. The committee also discussed the possibility of educating graduating seniors on tenant rights. Next meeting date: Monday, December 18th at 5:30 p.m.

December 18th agenda

- h. Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election (Commissioner Johnson, Chair) – Committee Chair Johnson had no additional updates to the work considered by the Board tonight. Next meeting date: TBA

December 12th agenda

- i. Updates and Announcements – The Chair asked commissioners to send her any requests for changes to committee membership before January 15.
- j. Discussion of items for possible placement on future agenda

10. CLOSED SESSION – Pursuant to California Government Code Section 54957(b)(1), the Board will also convene in closed session for a Public Employee Evaluation of Performance:

Title: General Counsel

CONTINUED TO A FUTURE MEETING.

11. ADJOURNMENT – M/S/C (Alpert/Elgstrand) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Elgstrand, Johnson, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Kelley, Marrero. Carried: 7-0-0-2.

The meeting adjourned at 10:09 p.m.