



RENT STABILIZATION BOARD
Regular Meeting
Thursday, January 18, 2024 – 7:00 p.m.
School District Board Room – 1231 Addison Street, Berkeley
Teleconference location: 1819 Addison Street, Unit 4, Berkeley

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/86351823870?pwd=6u9aivTslet7SqNRO_IBL3QRcsH57w.WN9X-NdkqPRvYdDc. 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: 863 5182 3870 and Passcode: 662299. 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.

RENT STABILIZATION BOARD

Regular Meeting

Thursday, January 18, 2024

7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

Teleconference location: **1819 Addison Street, Unit 4, Berkeley**

Minutes - *Approved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:11 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Kelley, Johnson, Marrero (via Zoom), Martinac, Mizell, Walker, Simon-Weisberg
Commissioners absent: None
Staff present: Brown, Cole, Dahl, Eberhart, Kim, 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 (Johnson/Alpert) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: TABLE CONSENT ITEM 5.c. AND ACTION ITEM 7.a.(3) TO THE NEXT MEETING. Roll call vote. YES: Alpert, Elgstrand, Kelley, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

4. **Public Comment** – No speakers.

5. **CONSENT ITEMS**

- a. Approval of the December 4, 2023 special meeting minutes
- b. Approval of the December 5, 2023 special meeting minutes
- c. Approval of the December 21, 2023 regular meeting minutes – TABLED TO THE NEXT MEETING 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 Manager)

Ministerial Waivers

Property Address

3131 COLLEGE
1426 ADDISON
1192 KAINS
945 HILLDALE
1234 EVELYN
2311 A 7TH
3028 REGENT
1614 63RD
1615 MCGEE

Discretionary Waivers

Waiver No. Property Address

W5109 1525 RUSSELL

M/S/C (Johnson/Elgstrand) APPROVE ALL CONSENT ITEMS AS WRITTEN EXCEPT FOR ITEM 5.c., WHICH WAS TABLED TO THE NEXT MEETING BY A PRIOR VOTE OF THE BOARD. 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.

6. APPEAL – Case No. T-6046 (2218 Durant Avenue, Unit 7)

Parties present: Charles Cook, Appellant

M/S/C (Simon-Weisberg/Johnson) REMAND TO THE HEARING EXAMINER TO HEAR FACTS ON WHETHER THERE WAS A LOSS OF SERVICES DUE TO LACK OF SECURITY. Roll call vote. YES: Alpert, Kelley, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: Elgstrand; ABSTAIN: None; ABSENT: None. Carried: 8-1-0-0.

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.

- a. Chair Update (Chair Simon-Weisberg)
 - (1) Demolition Ordinance Applications update (Be Tran, Associate Planner) – The Board discussed this item, but no action was taken.
 - (2) Update on the Empty Homes Tax Program (Executive Director) – The Executive Director gave a brief presentation and took questions from the Board. The Board discussed this item, but no action was taken.
 - (3) Recommendation to adopt 2024 Committee Assignments – TABLED TO THE NEXT MEETING BY A PRIOR VOTE OF THE BOARD.
- b. Presentation on the proposed California “Utility Tax” provision in Assembly Bill 205 by Igor Tregub, Strategic Partnerships Director and Senior Policy Advisor, Reimagine Power (Commissioner Martinac) – Igor Tregub presented and took questions from the Board.
- c. Recommendation to adopt Resolution 24-01 to oppose the proposed “Utility Taxes” that disproportionately harm renters, and transmit the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks; and to authorize Chair Simon-Weisberg to sign a coalition letter to the California State Legislature urging the repeal of the Public Utilities Code that has allowed these proposals to be considered (Chair Simon-Weisberg and Commissioner Martinac)

M/S/F (Kelley/Simon-Weisberg) MOTION TO TABLE THIS ITEM. Roll call vote. YES: Kelley, Walker, Simon-Weisberg; NO: Alpert, Elgstrand, Johnson, Marrero, Martinac, Mizell; ABSTAIN: None; ABSENT: None. Failed: 3-6-0-0.

M/S/C (Martinac/Elgstrand) APPROVE RESOLUTION 24-01 AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Kelley, Johnson, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.
- d. Recommendation to adopt Resolution 24-02 establishing a maximum expenditure level for the purchase of furniture and fixtures for the new Rent Board office space (Executive Director)

M/S/C (Kelley/Alpert) APPROVE RESOLUTION 24-02 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.

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. Update on the Rent Board office move to 2000 Center Street – *Verbal* (Executive Director/Board Secretary)
- c. Copy of the January 2024 Empty Homes Tax mailing sent to affected Berkeley property owners (Executive Director)
- d. Updated Commissioner attendance at Board and Committee meetings through December 2023 (Board Secretary)
- e. Deadline to submit agenda items/topics for February’s regular Rent Board meeting: **Friday, February 2nd by 5:00 p.m.** (Board Secretary)

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker reported that the Committee received updates on the office relocation and property file scanning project.
Next regularly-scheduled meeting: Thursday, February 8th at 5:30 p.m.

January 11th agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – Committee Chair Martinac updated the Board on items the Committee discussed, including the status of data collection, a potential Council item, and the utility tax.
Next regularly-scheduled meeting date: Wednesday, March 6th at 6:00 p.m.

January 10th agenda

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand reported that the Committee received an update on eviction activity and discussed its workplan.
Next regularly-scheduled meeting: Tuesday, February 13th at 6:00 p.m.

January 9th agenda

- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair) – Committee Chair Kelley said the Committee will likely start meeting again soon since the work of the Ad Hoc Committee is wrapping up.
Next regularly-scheduled meeting: To Be Announced (TBA)
- e. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert reported that the Committee discussed best practices for a language access policy and style guide.
Next regularly-scheduled meeting: Tuesday, February 20th at 6:00 p.m.

January 8th agenda

- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg mentioned the meeting is being scheduled and the Board’s proposed changes to the Rent Ordinance will be one of the items discussed.
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: TBA
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
(Commissioner Marrero) – Committee Chair Marrero mentioned the Committee will have a guest speaker at its next meeting.
Next meeting date: Monday, March 11th at 5:30 p.m.
- h. Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election (Commissioner Johnson, Chair)
Next meeting date: TBA
- i. Updates and Announcements – Commissioner Mizell announced he is sending a letter to the UC Chancellor and UCPD regarding conduct associated with creating a fence around People’s Park and the ability to access surrounding areas.
Commissioner Marrero announced she was appointed to the Commission on Disability. Executive Director Williams mentioned that a new staff person in the Finance unit will be formally introduced to the Board in February. Board Secretary Mueller let commissioners know that the new staff person is occupying the Board cubicle due to lack of space.
- j. Discussion of items for possible placement on future agenda – Commissioner Kelley requested an item concerning Berkeley Community Media and School District services for meeting technology and space.

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

Title: General Counsel

At the conclusion of the closed session, the Chair announced that no reportable action was taken.

11. ADJOURNMENT

M/S/C (Kelley/Martinac) ADJOURN THE MEETING. 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 11:45 p.m.