



**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, June 16, 2022**  
**7:00 p.m.**

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

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and City of Berkeley Rent Stabilization Board (Rent Board) Resolution 21-29, this meeting of the **Rent Board** will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions 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/89678068865?pwd=Tm9lc1pXWGJ3OXU3QjFmZmUxNlRzdz09>. 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: 896 7806 8865 and Passcode: 137020. 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, send it to [amueller@cityofberkeley.info](mailto: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.

**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, June 16, 2022**  
**7:00 p.m.**

**Minutes - *Approved***

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:03p.m.  
Aimee Muller called roll.  
Commissioners present: Alpert (logged on at 8:12 p.m., logged off at 10:30 p.m.), Chang (logged on at 7:11 p.m.), Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg.  
Commissioners Absent: None.  
Staff present: Brown, Bursell, Eberhart, 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 played aloud.

3. **Approval of Agenda**

M/S/C (Selawsky/Kelley) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEMS 8.d. AND 8.e. TO THE TOP OF THE ACTION CALENDAR. Roll call vote. YES: Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert, Chang. Carried: 7-0-0-2.

4. **Public Comment** – *non*-agendized items. Omowale Fowles spoke in support of preserving space near Ashby BART for the Berkeley Flea Market.
  
5. **Public Comment** – items on the agenda. Sylvia Chapman spoke in support of the Tenant Opportunity to Purchase Act (TOPA). Omowale Fowles spoke in support of

TOPA. Krista Gulbransen, Executive Director of the Berkeley Property Owners Association (BPOA), spoke of the difficulty of commenting on agenda items with no corresponding documents in the packet. Negeene Mosaed spoke in support of TOPA. “Della” spoke in support of TOPA.

**6. SPECIAL PRESENTATION: Update on the campaign to pass the Tenant Opportunity to Purchase Act (TOPA) by the Northern California Land Trust**

Hewot Shankute and Michael Trujillo of the East Bay Community Law Center (EBCLC), and Sarah Scruggs of the Northern California Land Trust presented and took feedback from the Board. Chair Simon-Weisberg announced she would be sending a letter to Council in support of TOPA.

**7. CONSENT ITEMS**

- a. Approval of the May 19, 2022 regular meeting minutes
- b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit staff)

**Ministerial Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
N/A	2501 HILGARD
N/A	1900 BERRYMAN
N/A	1628 TYLER
N/A	1526 JULIA
N/A	932 DELAWARE
N/A	2601 COLLEGE
N/A	1408 MILVIA
N/A	1760 UNIVERSITY
N/A	45 ALTA
N/A	2612 HILLEGASS

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
W5025	1313 CURTIS
W5026	2270 SHATTUCK
W5027	818 DELAWARE
W5028	2665 SHASTA
W5029	2914 ADELINE
W5030	2919 ACTON

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

## 8. **ACTION ITEMS**

*from Board Members, Committees, Executive Director or Staff*

**Public comment on action items:** Krista Gulbransen, Executive Director of the BPOA, thanked Anne Omura, Executive Director of the Eviction Defense Center (EDC), for her thoughtful work on obtaining rent relief for tenants and small property owners during the pandemic. “Della” conveyed her appreciation for the information conveyed this evening. Sylvia Chapman thanked EDC and EBCLC for their proactive work on TOPA, anti-displacement, and preserving affordable housing. Omowale Fowles commented on the Board stipend adjustment item.

***Items 8.d. and 8.e. were heard at the start of the action calendar and voted on together. Items 8.f., 8.g., 8.h., and 8.i. were heard and voted on together.***

- a. Discussion and possible action to adopt Resolution 22-12 revising Resolution 14-16 to increase Commissioners’ monthly stipend and to adjust this stipend on January 1 of each year beginning in 2023 in an amount based on the Consumer Price Index (Budget & Personnel Committee and Executive Director)

M/S/C (Kelley/Laverde) INCREASE THE BOARD’S MONTHLY STIPEND FROM \$500 TO \$1,384.10 BEGINNING IN JULY 2022. Roll call vote. YES: Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Selawsky, Simon-Weisberg; NO: Alpert; ABSTAIN: None; ABSENT: None. Carried: 8-1-0-0.

- b. Discussion and possible action to adopt Resolution 22-12 revising Resolution 14-16 to include a technology stipend for Commissioners every four years beginning July 1, 2022 and to adjust this stipend on a four-year cycle in an amount based on the Consumer Price Index (Budget & Personnel Committee and Executive Director)

M/S/C (Chang/Simon-Weisberg) ADOPT RESOLUTION 22-12 AS AMENDED BY AN EARLIER VOTE OF THE BOARD TO REVISE THE BOARD’S MONTHLY STIPEND AMOUNT FROM \$500 TO \$1,384.10 WITH ANNUAL CPI INCREASES STARTING ON JANUARY 1, 2023. Roll call vote. YES: Chang, Johnson, Kelley, Selawsky, Walker, Simon-Weisberg; NO: Alpert; ABSTAIN: Laverde, Mendonca; ABSENT: None. Carried: 6-1-2-0.

- c. Recommendation to adopt Resolution 22-13 approving the Rent Board’s Fiscal Year (FY) 2022-2023 Line-Item Budget, Staffing Model and Maximum Expenditure Level, following a presentation by staff (Budget & Personnel Committee and Executive Director)

Following a presentation by Lief Bursell, the Board took the following action:

M/S/C (Selawsky/Laverde) ADOPT RESOLUTION 22-13 AS WRITTEN. Roll call vote. YES: Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert.  
Carried: 8-0-0-1.

- d. Following a presentation by the Eviction Defense Center:  
Recommendation to adopt Resolution 22-14 authorizing the Executive Director to modify the contract with the Eviction Defense Center by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$435,500 for FY 2022-2023 (Eviction/Section 8/Foreclosure Committee and Executive Director) – *Items 8.d. and 8.e. were heard and voted on together at the start of the action calendar.*

Following presentations by Anne Omura of EDC and Meghan Gordon of EBCLC, the Board took the following action:

M/S/C (Laverde/Mendonca) ADOPT RESOLUTIONS 22-14 AND 22-15 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None; RECUSED: Selawsky\*. Carried: 8-0-0-0-1.

\*Commissioner Selawsky recused himself because his son works for EDC.

- e. Following a presentation by the East Bay Community Law Center: Recommendation to adopt Resolution 22-15 authorizing the Executive Director to modify the contract with the East Bay Community Law Center by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$432,500 for FY 2022-2023 (Eviction/Section 8/Foreclosure Committee and Executive Director) – *Items 8.d. and 8.e. were heard and voted on together at the start of the action calendar. See vote under item 8.d.*
- f. Recommendation to adopt Resolution 22-16 authorizing the Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy services by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$60,000 for FY 2022-2023 (Executive Director) – *Items 8.f., 8.g., 8.h., and 8.i. were heard and voted on together.*

M/S/C (Johnson/Chang) ADOPT RESOLUTIONS 22-16, 22-17, 22-18, AND 22-19 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- g. Recommendation to adopt Resolution 22-17 authorizing the Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Board meetings by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$22,000 for FY 2022-2023 (Executive Director) – *Items 8.f., 8.g., 8.h., and 8.i. were heard and voted on together. See vote under item 8.f.*
- h. Recommendation to adopt Resolution 22-18 authorizing the Executive Director to modify the contract with QuickCaption, Inc. for remote closed captioning of all televised Board meetings and informational webinars by extending the term through June 30, 2023, and increasing the contract by an amount not to exceed \$8,000 for FY 2022-2023 (Executive Director) – *Items 8.f., 8.g., 8.h., and 8.i. were heard and voted on together. See vote under item 8.f.*
- i. Recommendation to adopt Resolution 22-19 authorizing the Executive Director to increase the purchase order with ACRO Services Corporation for a total amount not to exceed \$30,000 to allow for full-time temporary support of the Registration Unit during the registration period from May 30, 2022, through August 31, 2022 (Budget & Personnel Committee and Executive Director) – *Items 8.f., 8.g., 8.h., and 8.i. were heard and voted on together. See vote under item 8.f.*
- j. Recommendation to adopt Resolution 22-20 adjusting General Counsel Matt Brown’s salary according to the terms of his existing employment agreement (Chair Simon-Weisberg & Vice Chair Alpert)

M/S/C (Chang/Kelley) ADOPT RESOLUTION 22-20 AS WRITTEN. Roll call vote. YES: Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert.  
Carried: 8-0-0-1.

After the motion on Resolution 22-20 was made, but before the vote, the following was stated for the record:

*A motion has been made and seconded regarding the modification of an existing employment agreement with Matt Brown, General Counsel of the Berkeley Rent Stabilization Board, by adopting Resolution 22-20.*

*Pursuant to Government Code 54953(c), a summary of compensation must be orally reported prior to taking final action. The proposed modification adjusts the General Counsel’s monthly salary of \$19,021.58 to \$19,592.21 effective during the pay cycle beginning in July of 2022 when the salary increase for the Staff Attorney III city classification is implemented. This salary adjustment is made pursuant to Paragraph 3 of Mr. Brown’s existing employment agreement, which articulates the parties’ intent to maintain his salary at least 15% above that of a Staff Attorney III. All other terms of the employment agreement will remain the same. A copy of the amendment to the employment agreement will be made*

*available once all the parties have signed the agreement.*

**9. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA**  
*from Board Members, Committees, Executive Director or Staff*

**THE CHAIR PROPOSED MOVING THE ITEMS BELOW TO THE NEXT MEETING WITHOUT OBJECTION.**

- a. Update on the annual registration process for fully-covered units and Measure MM units for FY 2022-2023 – *Verbal* (Executive Director)
- b. April 28, 2022 Owner Move-in Eviction Tracking Report (January 2019 - December 2021) (Eviction/Section 8/Foreclosure Committee & Executive Director)
- c. Rent Board’s participation in the 35<sup>th</sup> Annual Berkeley Juneteenth Festival on Sunday, June 19<sup>th</sup> from 11:00 a.m. to 7:00 p.m. – *Verbal* (Executive Director)
- d. Update on the Rent Board’s presentation at the May 20, 2022 “Rent Stabilization: Lessons Learned from Implementing Rent Stabilization Policies” webinar (Minneapolis/St. Paul) from 9:00 a.m. - 11:00 a.m. Pacific Time – *Verbal* (General Counsel)
- e. Date to submit agenda topics/items for June’s regular Rent Board meeting: **Monday, July 11<sup>th</sup> at 5:00 p.m.** NOTE: This is a hard deadline and will be enforced.

**10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

**THE CHAIR PROPOSED MOVING THE ITEMS BELOW TO THE NEXT MEETING WITHOUT OBJECTION.**

- a. Budget and Personnel Committee (Commissioner Chang, Chair)  
Next regularly-scheduled meeting: Monday, Sept. 12<sup>th</sup> at 5:30 p.m.  
  
June 6<sup>th</sup> agenda
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair)  
Next regularly-scheduled meeting: Thursday, June 23<sup>rd</sup> at 5:30 p.m.
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee)  
(Commissioner Kelley, Chair)  
Next regularly-scheduled meeting: TBA
- d. Outreach Committee (Commissioner Laverde, Chair)  
Next regularly-scheduled meeting: Wednesday, June 15<sup>th</sup> at 5:15 p.m.

June 15<sup>th</sup> 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 Task Force Committee on Housing: City Council/Rent Board (Mayor Arreguín and Chair Simon-Weisberg, Committee Co-Chairs)  
Next regularly-scheduled meeting: Monday, June 22<sup>nd</sup> at 3:00 p.m.
- g. Ad Hoc Committee on Rent Board Technology Issues (Commissioner Selawsky, Chair)  
Next meeting date: TBA

June 6<sup>th</sup> agenda

- h. Ad Hoc Committee on the Status of Virtual Meetings (Chair TBA)  
Next meeting date: TBA
- i. Updates and Announcements
- j. Discussion of items for possible placement on future agenda

**11. CLOSED SESSION: Public Employee Evaluation of Performance pursuant to California Government Code Section 54957(b)(1).**

Title: Executive Director

The Chair announced the Board would be convening in closed session pursuant to California Government Code Section 54957(b)(1) to discuss public employee evaluation and performance for the Executive Director.

Upon return to open session, the Chair announced the Board took no reportable action

**12. ADJOURNMENT**

M/S/C (Kelley/Johnson) ADJOURN THE MEETING. Roll call vote. YES: Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert. Carried: 8-0-0-1.

The meeting adjourned at 1:04 a.m.