

**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &  
COMMUNITY COMMITTEE  
REGULAR MEETING**

**Monday, September 23, 2019  
10:00 AM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Rashi Kesarwani, Ben Bartlett, and Sophie Hahn

**Roll Call:** 10:01 a.m. All present.

**Public Comment on Non-Agenda Matters** – 2 speakers

## **Minutes for Approval**

*Draft minutes for the Committee's consideration and approval.*

### **1. Minutes - September 9, 2019**

**Action:** M/S/C (Bartlett/Kesarwani) to approve the minutes of September 9, 2019.

**Vote:** All Ayes.

## **Committee Action Items**

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.*

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

## Committee Action Items

### 2a. Recommendations Related to Code Enforcement Actions and Leonard Powell Fact Finding

**From: Housing Advisory Commission**

**Referred: June 11, 2019**

**Due: November 26, 2019**

**Recommendation:** On June 11, 2019, the City Council referred the two Commission items to the Health, Life Enrichment, Equity & Community Committee to:

1. Create a policy that receivership should only be used when the property is a danger to the public, and as a last resort, and only upon approval of the Council.
2. Request an analysis of receivers and conservators by the City.
3. Send representatives from the City to the fairness hearing for Mr. Powell to raise concerns.

The original recommendation from the Housing Advisory Commission is as follows: Establish policies that will provide housing stability for homeowners and tenants. The City Council should set in place clear, objective, and equitable standards for conducting code enforcement actions and ensure that due process rights of affected homeowners and/or tenants are preserved. Commission a formal fact-finding process to ascertain what occurred in the matter of Mr. Leonard Powell. It should also refer this matter to the City Auditor. The fact finding should, among other things, focus on any actions taken by the Receiver in the case of Mr. Powell and any communications that the City has had with the Receiver. The HAC recognizes that additional steps may be necessary in regard to this matter, and may forward additional recommendations to the City Council at a later date.

**Financial Implications:** Staff time

Contact: Mike Uberti, Acting Commission Secretary, HHCS (510) 981-5114

### 2b. Recommendation to Bring Justice to Mr. Leonard Powell and to Change Certain Policies to Ensure Housing Stability for Homeowners and Tenants

**From: Peace and Justice Commission**

**Referred: June 11, 2019**

**Due: November 26, 2019**

**Recommendation:** On June 11, 2019, the City Council referred the two Commission items to the Health, Life Enrichment, Equity & Community Committee to:

1. Create a policy that receivership should only be used when the property is a danger to the public, and as a last resort, and only upon approval of the Council
2. Request an analysis of receivers and conservators by the City
3. Send representatives from the City to the fairness hearing for Mr. Powell to raise concerns.

The original recommendation from the Peace and Justice Commission is as follows: The Peace and Justice (PJC) recommends that the Berkeley City Council take the following actions:

Send a letter to the Superior Court Judge overseeing Mr. Leonard Powell's receivership case thanking him for the fairness and justice of his decision to deny the Bay Area Receivership Group's ongoing requests to sell Mr. Powell's home, and allowing Mr. Powell and his friends and family time to make the necessary financial arrangements.

## Committee Action Items

PJC also recommends to the Berkeley City Council that it set in place the following policies that would provide housing stability for homeowners. In particular, when legal action is being attempted by the City as a result of code enforcement violations, the following practices should be put into place:

1. Punitive actions such as eviction, substantial fines, or placing an individual into legal guardianship, or receivership that are likely to result in the permanent displacement of a homeowner or their low-income tenants presently occupying or renting their home is the very last resort that city staff should take. It should only be conducted if all other attempts to resolve the situation have been unsuccessful; and should only be a response to severe code enforcement violations that cause immediate danger to life safety or have been determined by a quasi-judicial body (e.g., Zoning Adjustments Board, City Council) to endanger the health and safety of the immediate neighbors.
2. The Mayor, and Councilmember representing the district of the address in question, and Housing Advisory Commission are notified of their constituent's name (if allowed by applicable privacy laws), address, the nature of the alleged code violations, and a report detailing the status of the matter and any past, ongoing, and anticipated future attempts to resolve the matter; and
3. The City shall explore the use of anti-displacement funds to assist low-income homeowners and/or tenants residing on the premises with legal matters of forced relocation, expenses, and/or other needs as applicable and appropriate.
4. Establish a policy that code enforcement should aim to improve the safety and security of the property for its current residents and their neighbors.
5. "Reimburse" Mr. Powell, Friends of Adeline and NAACP by placing an amount not to exceed \$68,000 raised privately to pay for Receivers legal and administrative fees. These parties may collectively determine how to best use these funds.

**Financial Implications:** See report

Contact: Bre Slimick, Commission Secretary, (510) 981-7000

### 2c. **Information on the City's Existing Code Enforcement Practices for Residential Properties**

**From: Councilmember Kesarwani**

**Recommendation:** Request that the City Manager provide a brief report or presentation on the City's code enforcement practices for residential properties for the purposes of educating the City Council and the public on current practices.

**Financial Implications:** Staff time

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

### 2d. **Draft Plan for Public Meeting on Receivership**

**From: Councilmember Bartlett**

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

**Action:** 5 speakers. Discussion held. The Committee discussed the format for a Worksession presentation devoted to Berkeley's code enforcement practices and how they were utilized in the Leonard Powell case. Clerk staff will send information to Committee members regarding the process for scheduling.

## Committee Action Items

Additionally, the Committee would like an all-day (6-8 hour) Special Council meeting. The format would include a film (most likely outside the meeting time), a presentation from staff on the Powell case, expert panel testimony and public testimony. Councilmember Bartlett's office will handle the logistics. Clerk staff will communicate with the Committee the options to request a special meeting.

Item continued to next meeting of October 28, 2019.

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

- **None**

## Items for Future Agendas

- **Discussion of items to be added to future agendas**
- **Discussion of future hearings and open forums**

## Adjournment

Adjourned at 11:33 a.m.

I hereby certify that this is a true and correct record of the Health, Life Enrichment, Equity & Community Committee meeting held on September 23, 2019.

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April Richardson, Assistant City Clerk

## Communications

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.*