



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting Minutes
(Approved)

Maudelle Shirek Building
2134 Martin Luther King Jr. Way
Council Chambers, Second Floor
Broadcast Live on KPFB – 89.3 and BTV Cable Channel 33
Live Webcasting at www.cityofberkeley.info/rent

Monday, July 21, 2014
7:00 p.m.

1. **Roll call** – Chair Stephens called the meeting to order at 7:09 p.m.
Aimee Mueller called roll.
Commissioners present: Blake (arrived 7:22), Dodsworth, Harr, Hunt, Shelton, Soto-Vigil (arrived 7:10), Townley, Webster, Stephens
Commissioners absent: None
Staff present: Brown, Kelekian, Mueller, Law (in audience)
2. **Approval of Agenda** M/S/C (Hunt/Webster) APPROVE AGENDA AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Blake.
3. **Public Forum** – Chair Stephens later re-opened the Public Comment to allow Robert Diener, Esq., attorney for William Blagborne (see Item 5. below), to address the Board. Mr. Diener said he thought the Rent Board hearing examiner did an excellent job being independent and fair-minded in making a very balanced decision in this case. He also thanked the Board for their efforts to uphold the Berkeley Rent Stabilization Ordinance in prior proceedings concerning Mr. Blagborne.
4. **Approval of prior meeting minutes:**
 - a. **June 9th Special Meeting Minutes** – M/S/C (Harr/Hunt) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Blake.
 - b. **June 16th Regular Meeting Minutes** – M/S/C (Townley/Webster) APPROVE MINUTES WITH THE FOLLOWING AMENDMENTS:
 - Item 8.a.(4) – The last sentence should read: “Matt Brown clarified that it’s the 6-month CD rate that the Board uses to calculate interest on security deposits.”
 - Item 8.a.(8) – Correct the last sentence that was cut off.

- Item 8.a.(10) – Commissioner Hunt would like the last sentence corrected to read: “She said that this information is important for balance because affordable housing affects homeowners and renters alike.

Voice vote. Carried: 8-0-0-1. ABSENT: Blake.

5. **Appeal** – Update on Appeal **Appeal T-5379** (3030 College Avenue)

The tenant passed away. The landlord withdrew his appeal and the tenant’s representative raised no objection to the withdrawal. Staff has dismissed the case because no outstanding issues of law remain to be decided in the instant case.

Though there was no appeal to be heard, the Board moved to adjourn tonight’s meeting in honor of the tenant in this case, Mr. William Blagborne, who recently passed away.

6. **Action Items**

a. From Board Members, Executive Director and Committees

- (1) Recommendation to reconsider Board support of Assembly Bill 2565 (Muratsuchi) concerning electric vehicle charging stations

M/S/C (Blake/Harr) SEND A LETTER CONVEYING THAT THE BOARD RESCINDS ITS SUPPORT FOR AB 2565 (MURATSUCHI) AND IS TAKING NO POSITION AT THIS TIME SOLELY BECAUSE THE BILL EXCLUDES RENT-CONTROLLED PROPERTIES. Carried: 6-0-3-0. ABSTAIN: Hunt, Soto-Vigil, Townley*

**Commissioner Townley stated for the record that the sole reason he abstained is that he does not want to vote against electric vehicle charging stations.*

- (2) Discussion and possible action regarding Assembly Bill 1513 (Fox) regarding Residential property: possession by declaration (Vice Chair Harr and Commissioner Dodsworth)

M/S/C (Townley/Harr) DIRECT STAFF TO UPDATE THE BOARD ON THE STATUS OF THIS BILL AT THE AUGUST BOARD MEETING AND INCLUDE A COPY OF THE BOARD’S CORRESPONDENCE ABOUT THIS BILL IN THE AUGUST BOARD PACKET. Voice vote. Carried: 8-1-0-0. NO: Hunt.

- (3) Discussion and possible action regarding the feasibility of entering a Joint Powers Agreement with the City of Richmond to implement the “Richmond CARES” program in Berkeley (Commissioner Soto-Vigil and Vice Chair Harr)

M/S/C (Townley/Soto-Vigil) REQUEST THAT THE RENT BOARD EXECUTIVE DIRECTOR ANALYZE THE LEGALITY, FEASIBILITY AND RISKS OF THE BERKELEY RENT STABILIZATION BOARD ENTERING INTO A JOINT POWERS AGREEMENT WITH THE CITY OF RICHMOND TO IMPLEMENT THE “Richmond CARES” PROGRAM IN BERKELEY; AND ASK THAT THE EXECUTIVE

DIRECTOR REPORT BACK TO THE EVICTION/SECTION 8/FORECLOSURE COMMITTEE REGARDING THE TIMELINE FOR COMPLETION OF THIS REQUEST.

Roll call vote. YES: Dodsworth, Harr, Hunt, Shelton, Soto-Vigil, Townley, Webster;
NO: Blake; ABSTAIN: Stephens; ABSENT: None. Carried: 7-1-1-0.

7. Information and Announcements

Please Note: The Board may move Information Items to the Action Calendar.

a. Reports from Board Members/Staff

- (1) Clarification of the term “Time Certain” on Rent Board agendas (Chair Stephens)
- (2) Rent Board Meeting Procedures (Chair Stephens)
- (3) Update on Council action related to Imposing Fees When Multifamily Properties are Destroyed Due to Fault of Property Owner (Chair Stephens)

M/S/C (Blake/Webster) MOVE THIS ITEM TO ACTION. Voice vote.
Carried: 9-0-0-0.

M/S/C (Blake/Soto-Vigil) Direct staff to investigate the Board’s legal standing in the event that the City Council takes an action that poses a threat to affordable housing stock by potentially changing the Demolition Ordinance (which originated as a part of the Neighborhood Preservation Ordinance) in such a way as to remove the requirement of one-to-one replacement of demolished units, and whether the Rent Board could bring legal action against the City at that point.

Voice vote. Carried: 9-0-0-0.

- (4) Update on Council action related to supporting selected NAACP Housing Recommendations (Chair Stephens) Discussed.
- (5) July 8, 2014 Council Item by Planning Department Director Eric Angstadt titled, “Addressing the Presence of Mold in Residential Buildings” (Vice Chair Harr and Chair Stephens) Discussed.
- (6) Discussion of changes to the Rent Board’s Compensation Policy (Chair Stephens) During discussion of this item, Chair Stephens reminded the Board that the Budget & Personnel Committee would be taking up this issue at their next meeting and the suggestions made by Commissioners would be considered during the Committee’s discussion.
- (7) Board and Committee Attendance Records for the 2nd Quarter of 2014 (Executive Director)

- (8) Update on Annual Registration (Executive Director) – *Verbal*
- (9) Update on the Rent Tracking System (RTS) database project (Executive Director) – *Verbal*
- (10) Update on the Staffing Model (Executive Director) – *Verbal*
- (11) Update on wireless network connectivity and Board Member e-mail accounts (Executive Director) – *Verbal*
- (12) Update on Registration Fee Overpayment/Credit by property rather than by owner (Executive Director) – *Verbal*
- (13) Update on charts and tables reflecting annual budgets and staffing levels for Berkeley and other cities (Commissioner Hunt) Commissioner Hunt distributed copies of these charts/tables which she had updated.
- (14) March 24, 2014 CBSLocal.com article by Barbara Taylor titled, “Rent Board Report: San Francisco Demolition Eviction Up 300 Percent” (Vice Chair Harr)
- (15) June 2014 Rental Housing cover article by Ron Kingston titled, “Rental Housing and the Sharing Economy – Why East Bay property owners should pay attention to the Airbnb controversy in San Francisco” (Vice Chair Harr)
- (16) June 19, 2014 S.F. Examiner article by Joshua Sabatini titled, “Some tenants face monthslong waits for Rent Board case review” (Vice Chair Harr)
- (17) July 2014 Rental Housing Magazine article by Jenny McNulty titled, “A Model of Preservation and Resilience – Berkeley prepares for an earthquake by mandating retrofits of soft story buildings” (Executive Director)
- (18) July 7, 2014 Oakland Tribune article by Tom Barnidge titled, “Richmond City Council – Chance to finally put an end to mortgage scheme rejected” (Commissioner Hunt)
- (19) July 9 and July 11, 2014 Business Insider articles by Sam Colt regarding a protest of a real estate firm accused of trying to evict a 98-year-old woman from her San Francisco home under the Ellis Act (Executive Director)
- (20) July 10, 2014 Bay Area News Group article by Doug Oakley titled, “City orders homeless camp cleaned up” (Commissioner Hunt)
- (21) July 14, 2014 Daily Californian editorial titled, “Berkeley housing vote is a step in the right direction, but there are miles still to go” (Executive Director)
- (22) July 16, 2014 Mercury News article by Pete Carey titled, “Bay Area apartment rents continue relentless rise on tight supply” (Executive Director)

At this point, the Board moved to table Committee Updates so they could commence with Closed Session. With the exception of a brief update from the Safe & Sustainable Housing Committee Chair, the remaining Committee updates were not heard.

b. Updates and Announcements regarding Committee/Board Meetings

(1) Budget and Personnel

a. July 23rd agenda

(2) Outreach

a. June 20th agenda

b. July 18th agenda

(3) IRA/AGA and Habitability

(4) Eviction/Section 8/Foreclosure

a. June 6th minutes

b. July 10th agenda

(5) Safe & Sustainable Housing – Committee Chair Townley mentioned that he and Commissioner Dodsworth have been doing a lot of outreach and have attended meetings of the Disaster & Fire Safety Commission and the Housing Advisory Commission (HAC). He said that he and Commissioner Dodsworth would be returning to the HAC to discuss the pilot program of the Multi-Unit Housing Emergency Preparedness Program.

a. April 10th minutes

b. June 26th agenda

(6) Waivers Committee

(7) 4 x 4 City Council/RSB Housing Committee

(8) Future Special Meetings

c. Discussion of items for possible placement on future agenda

(1) Request for Soft Story update from the Planning Department (Harr)

(2) Request that Item 7.a.(13) be carried over to the next regular Board meeting (Hunt)

Chair Stephens announced that the Board would now adjourn to reconvene in Closed Session, and informed the public that the Board would adjourn tonight's meeting in honor of Mr. William Blagborne.

8. **CLOSED SESSION** – The Board will adjourn to reconvene in Closed Session for an update on litigation pursuant to Section 54956.9 of the Government Code:
- a. Case No. RG 14730761 – City of Berkeley Rent Stabilization Board v. Lekas
 - b. Case No. RG 13702962 – Mak v. City of Berkeley Rent Stabilization Board

Upon the Board's return from Closed Session, Chair Stephens announced that the Board took no action.

9. **Adjournment** M/S/C (Blake/Hunt) ADJOURN THIS MEETING OF THE RENT STABILIZATION BOARD IN HONOR OF MR. WILLIAM BLAGBORNE. Voice vote. Carried: 9-0-0-0. The meeting was adjourned at 10:50 p.m.

Attest: _____
Jay Kelekian, Executive Director