RENTER STABILIZATION BOARD
Special 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 13, 2015
7:00 p.m.

1. Roll call – Chair Townley called the meeting to order at 7:08 p.m.
   Aimee Mueller called roll.
   Commissioners present: Chang, Dodsworth, Harr, Hunt, Laverde, Selawsky, Shelton, Soto-Vigil, Townley
   Commissioners absent: None
   Staff present: Brown, Kelekian, Mueller, Law (in audience)

2. Approval of Agenda M/S/C (Selawsky/Hunt) APPROVE AGENDA WITH THE
   FOLLOWING CHANGE: ADD INFORMATION ITEM 6.a.(1) TO ACTION ITEM 5.a.(2) SO
   BOTH ARE DISCUSSED TOGETHER. Voice vote. Carried: 9-0-0-0.

3. Public Forum – There were no speakers.

4. Approval of the June 15th Regular Meeting minutes M/S/C (Selawsky/Laverde) APPROVE
   MINUTES AS WRITTEN. Voice vote. Carried: 9-0-0-0.

5. Action Items

   a. From Board Members, Executive Director and Committees

      (1) Recommendation that the Board support the City Council’s recommendation on
      Short-Term Rentals policy and send a letter to the Planning Commission and
      Housing Advisory Commission (Chair Townley and Commissioner Harr)

      M/S/C (Harr/Selawsky) APPROVE RECOMMENDATION AND SEND A
      LETTER TO THE PLANNING COMMISSION AND HOUSING ADVISORY
      COMMISSION WITH THE FOLLOWING CHANGES TO THE PROPOSED
      LETTER:

      [Details of the recommendation and changes]
• In the first line of the letter, insert the word “generally” in between the words “Board” and “supports”.
• In the first paragraph of the Second Units section, in the last line, change the word “or” to “and” such that the phrase “separate bath or kitchen facility” reads, “separate bath and kitchen facility.”
• In the fifth paragraph of the Second Units section, in the last line, add the actual number of units referenced by the phrase “75 % of these duplexes”.

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

(2) **Discussion and possible action concerning Public E-mails** (Commissioners Chang and Hunt) – (15 min.)*

Prior to the vote below, there were several votes to extend discussion of this item beyond the initial time allotted.

M/S/C (Dodsworth/Harr) MOVE THIS SUBJECT TO THE OUTREACH COMMITTEE FOR DISCUSSION, SPECIFICALLY TO EXAMINE HOW THE RENT BOARD’S WEBSITE MIGHT BE MODIFIED TO DIRECT MEMBERS OF THE PUBLIC TO THE CORRECT E-MAIL RECIPIENTS FOR THEIR CONCERNS. Roll call vote. YES: Dodsworth, Harr, Laverde, Selawsky, Shelton, Townley; NO: Chang, Hunt, Soto-Vigil; ABSTAIN: None; ABSENT: None. Carried: 6-3-0-0.

(3) **Proposal to approve staff recommendation on the following request for waiver of late registration penalties** (Executive Director) – (15 min.)*

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<th>Ministerial Waivers</th>
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<tr>
<td>Waiver No.</td>
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<td>1701 Allston Way</td>
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<tr>
<td>4497</td>
<td>2135 Cedar Street</td>
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</table>

Commissioner Laverde pulled Waiver No. 4497 for discussion.

M/S/C (Soto-Vigil/Laverde) IMPOSE THE FULL PENALTY OF $1,120 DOLLARS (ONE THOUSAND, ONE HUNDRED AND TWENTY DOLLARS) FOR WAIVER NO. 4497. Roll call vote. YES: Chang, Dodsworth, Harr, Hunt, Laverde, Shelton, Soto-Vigil, Townley; NO: Selawsky; ABSTAIN: None; ABSENT: None. Carried: 8-1-0-0.

6. Information and Announcements

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

a. Reports from Board Members/Staff

(1) Background information on Commissioner e-mail addresses and protocol (Chair Townley) – (1 min.)* Discussed as part of Item 5.a.(2).

(2) June 15, 2015 e-mail communication from Chair Townley regarding new meeting process (Chair Townley) – (1 min.)* Discussed briefly.

(3) July 6, 2015 Memo regarding Efficient Use of Time (Commissioner Hunt) – (1 min.)* Mentioned.

(4) Copies of letters conveying the Board’s support for five pieces of housing-related legislation (Executive Director) – (1 min.)* Mentioned.

(5) Updated Commissioner Attendance records through the 2nd Quarter of 2015 (Executive Director) – (1 min.)* Staff clarified that, though these attendance records state they are through the second quarter of 2015 (which ends on June 30th), they actually reflect attendance only through June 20, 2015 because that is when the last pay period of June ended.

(6) Update on Annual Registration – Verbal (Executive Director) – (3 min.)* The Executive Director told the Board that this was the first year that we have exclusively used “new RTS” (Rent Tracking System). Thus far, it’s worked very well.

(7) Update on June 17th Small Property Owner seminar – “Landlord’s Toolkit: The Basics” (Executive Director) – (1 min.)* Brief update.

(8) Update on June 21st Juneteenth Festival outreach – Verbal (Executive Director) – (2 min.)* Brief update.

(9) June 22, 2015 communication from Commissioner Harr to City Council regarding their Item 46 and statistics on duplexes in Berkeley (Commissioner Harr) – (1 min.)* Commissioner Harr spoke briefly about this item.

(10) June 15, 2015 announcement from California Association of Housing Authorities regarding California Supreme Court ruling that cities and counties may require developers to provide below-market-rate housing as a condition of a building permit,
and linked article in the L.A. Times (Executive Director) – (2 min.)* Briefly discussed.

(11) **June 15, 2015 Supreme Court of California decision in California Building Industry Association v. City of San Jose and Affordable Housing Network of Alameda County et al.** (Executive Director) **ONLINE ONLY** – (2 min.)*

(12) April 13, 2015 *Contra Costa Times* article by Matthew Artz titled, “Soaring Bay Area rents spark growing calls for rent control” (Executive Director) – (1 min.)* In packet and self-explanatory.


(14) June 10, 2015 *The Daily Journal* article by Bill Silverfarb titled, “Amid recovery, county takes aim at poverty: Officials in the midst of establishing task forces on housing and minimum wage” (Executive Director) – (1 min.)* In packet and self-explanatory.


(16) June 17, 2015 *East Bay Express* article by Sam Levin titled, “How Oakland Landlords Prevail in Rent Disputes” (Commissioner Harr) – (1 min.)* Commissioner Harr explained how this article illustrated one of the primary differences between active enforcement and passive enforcement in rent control jurisdictions.

(17) June 17, 2015 *InsideBayArea.com* article by Judith Scherr titled, “Berkeley landlords plan coalition to challenge Rent Board” (Executive Director) – (1 min.)* In packet and self-explanatory.

(18) June 21, 2015 *DailyCal.org* article by Sonja Hutson titled, “City considers lifting restrictions on short-term rentals while practice abounds” (Commissioner Harr) – (1 min.)* In packet and self-explanatory.


(20) June 24, 2015 *International Business Times* article by Owen Davis titled, “Homeownership Drops to Lowest Level in Over 20 Years As Rental Costs Climb” (Executive Director) – (1 min.)* In packet and self-explanatory.

b. **Updates and Announcements regarding Committee/Board Meetings**
(1) **Budget and Personnel** – Committee Chair Selawsky said the Committee does not have a meeting set but will probably meet in August to discuss the Executive Director’s evaluation process and timeline.

(2) **Outreach** – Commissioners Laverde and Change commented on the Committee’s last meeting and expressed appreciation for Moni T. Law’s work.

a. June 23rd agenda

(3) **IRA, AGA and Registration** – Committee Chair Townley said the Committee met on July 10th and discussed proposed changes to Regulation 1003 which should go before the Board in August; as well as water sub-metering issues.

a. July 10th agenda

(4) **Eviction/Section 8/Foreclosure** – Committee Chair Harr said the Committee’s last meeting was a good one – and foreclosures are going down

a. June 19th agenda

(5) **Resilience and Sustainability** – Committee Chair Chang said the Committee cancelled their last meeting and will meet again when staff reports are ready.

a. May 14th minutes

(6) **Habitability** – Committee Chair Laverde said the Committee discussed anonymous fire safety complaints and the Rental Housing Safety Program.

a. June 16th agenda

(7) **4 x 4 City Council/RSB Housing Committee** – Next meeting is scheduled for September 10th

(8) **Ad Hoc Committee on Paperless Agendas** – Vice-Chair Soto-Vigil said the Committee plans to meet before the end of this month.

(9) **Ad Hoc Committee on Short-Term Rentals** – This Committee’s work is suspended until the 4 x 4 City Council/RSB Housing Committee meets in September.

(10) Future Special Meetings – (3 min.)*

c. Discussion of items for possible placement on future agenda – (5 min.)*

7. **Adjournment** – (1 min.)* M/S/C (Selawsky/Chang) THE BOARD ADJOURNED TO RECONVENE IN CLOSED SESSION AT 8:49 P.M. Voice vote. Carried: 9-0-0-0.
8. **CLOSED SESSION** – (15 min.)*
The Board will adjourn to reconvene in Closed Session for an update on litigation pursuant to Section 54956.9(d)(1) of the Government Code:

- **Case No. RG 13702962 – Mak v. City of Berkeley Rent Stabilization Board**

Following the Board’s return from Closed Session, the meeting was reconvened to announce that the Board took no action during Closed Session. The meeting adjourned at 9:14 p.m.