



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, April 2, 2012
7:00 p.m.

1. **Roll call** – Vice Chair Blake called the meeting to order at 7:09 p.m.
Aimee Mueller called roll.
Commissioner present: Blake, Dodsworth, Drake, Harr, Shelton, Townley, Tregub, Webster (arrived 7:11)
Commissioners absent: Stephens
Staff present: Barton, Brown, Kelekian, Law, Mueller, Siegel

Vice Chair Blake moved to hear Item 4. (Public Forum) prior to going into Closed Session in order to accommodate those members of the public waiting to speak.

4. **Public Forum** – There were four speakers: Mr. Chuan Lee regarding capital improvements to his property*; Marin Staté regarding Waiver No. 4104; Audra Caravas regarding the Seismic Compliance Day of Action; and Marisol Jimenez regarding an upcoming U.C. Berkeley Housing Forum.

*Vice Chair Blake asked that staff report back to the IRA/AGA/Habitability Committee on the status of Mr. Lee's case.

Following Public Forum, the Board then adjourned the Regular Meeting to go into Closed Session.

5. **CLOSED SESSION:** CONFERENCE WITH LEGAL COUNSEL – Litigation Update

Update on litigation pursuant to Section 54956.9 of the Government Code:

10 Alameda Superior Court cases filed against various UC Berkeley fraternities for failure to pay Rent Board Registration Fees when renting to non-members

Upon the Board's return from Closed Session, Vice Chair Blake reopened the Regular Meeting and Roll Call was taken.

Roll call – Vice Chair Blake recommenced the Regular Meeting at 7:42 p.m.
Aimee Mueller called roll.

Commissioner present: Blake, Dodsworth, Drake, Harr, Shelton, Townley, Tregub, Webster

Commissioners absent: Stephens

Staff present: Barton, Brown, Kelekian, Law, Mueller, Siegel

6. **Approval of Agenda** Prior to the motion, the Executive Director announced that, due to illness, Christine Minnehan would not be present this evening and asked that her presentation be carried over to May. He also asked that Waiver No. 4098 (1109 Parker Street) be pulled based on additional information made available to staff. Commissioners also agreed that the discussion of the legislative report in Item 7. take place after Item 8.a.(6) – Waivers.

M/S/C (Townley/Tregub) APPROVE AGENDA AS AMENDED. Voice vote. Carried: 8-0-0-1.
ABSENT: Stephens.

7. **Approval of the March 5, 2012 Regular Meeting Minutes** M/S/C (Drake/Townley) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Stephens.

6. **Appeal Time Certain – 7:45 p.m.**

Appeal T-5025 and L-3969 (3030 College Ave.) (Second Compliance Decision on Reconsideration) Parties present: Michael Campesino (Appellant), William Blagborne (Respondent), Robert Diener, Esq. (on behalf of Respondent)

M/S/C (Tregub/Harr) AFFIRM THE HEARING EXAMINER'S DECISION. Roll call vote.
Carried: 7-1-0-1. NO: Drake; ABSENT: Stephens.

The Board then moved to hear Waiver No. 4104 out of order to accommodate the property owner who was present for this item.

M/S/C (Harr/Townley) WAIVE NINETY PERCENT OF THE PENALTY FOR WAIVER NO. 4104. Voice vote. Carried: 8-0-0-1. ABSENT: Stephens.

7. **Special Presentation by Rent Board Legislative Advocate Christine Minnehan regarding pending housing legislation** – PRESENTATION CARRIED OVER. Related Legislative Report discussed after Item 8.a.(6).

8. **Action Items**

a. **From Board Members, Executive Director and Committees**

- (1) Recommendation to endorse AB 1679 (Bonilla) which would allow landlords and tenants to agree that a landlord may e-mail to the tenant the required statement of any deductions to a security deposit after a tenant vacates, along with any receipts for work done; and instruct our Legislative Advocate to assist in the passage of this bill (Executive Director)

M/S/C (Tregub/Drake) ENDORSE AB 1679 AND INSTRUCT OUR LEGISLATIVE ADVOCATE TO ASSIST IN THE PASSAGE OF THIS BILL. Voice vote.
Carried: 8-0-0-1. ABSENT: Stephens.

- (2) Recommendation to endorse SB 1229 (Pavley) which would prohibit landlords from requiring de-clawing or de-voicing (e.g., surgery that prevents a dog from barking) and stipulate that this could not be required as a condition to rent a unit or remain in a dwelling unit; and instruct our Legislative Advocate to assist in the passage of this bill (Executive Director)

M/S/C (Harr/Townley) ENDORSE SB 1229 AND INSTRUCT OUR LEGISLATIVE ADVOCATE TO ASSIST IN THE PASSAGE OF THIS BILL. Voice vote.
Carried: 7-0-1-1. ABSTAIN: Dodsworth; ABSENT: Stephens.

- (3) Discussion and possible action regarding selecting a date for a Special Meeting of the Rent Stabilization Board in late April or May 2012 (Executive Director and Budget & Personnel Committee)

M/S/C (Townley/Drake) HOLD A SPECIAL MEETING OF THE BERKELEY RENT BOARD ON MONDAY, MAY 14, 2012. Voice vote. Carried: 8-0-0-1. ABSENT: Stephens.

It is noted for the record that Commissioner Webster informed the Board prior to this vote that she would not be available to attend if the Special Meeting was held on May 14, 2012.

- (4) Discussion and possible action regarding proposed revisions to the registration requirements for fraternities (Executive Director and Budget & Personnel Committee)

M/S/C (Tregub/Drake) DIRECT STAFF TO CRAFT A RESOLUTION TO INCORPORATE THIS PROPOSAL TO BE REVIEWED AND VOTED ON AT THE MAY 14TH SPECIAL MEETING. ALSO, DIRECT THE BUDGET & PERSONNEL COMMITTEE TO INVESTIGATE HOW OTHER JURISDICTIONS ARE HANDLING THIS ISSUE AND CONTINUE TO DISCUSS THE ISSUE OF WHAT DEFINES AN ELIGIBLE FRATERNITY AND SUGGEST A MORE COMPREHENSIVE DEFINITION OF A QUALIFYING FRATERNITY FOR THE FULL BOARD TO ADOPT AT SOME POINT IN THE FUTURE. Voice vote. Carried: 8-0-0-1. ABSENT: Stephens.

- (5) First reading of proposed Regulation 1282 – Individual Rent Adjustments for Units in Properties With No Vacancy Increases Since December 31, 1998
(IRA/AGA/Habitability Committee & Executive Director)

M/S/C (Tregub/Webster) REFER TO THE IRA/AGA/HABITABILITY COMMITTEE TO DETERMINE THE COST AND TIMELINE FOR IMPLEMENTATION AND, TAKING INTO CONSIDERATION THE CONCERNS EXPRESSED BY COMMISSIONERS THIS EVENING, REPORT BACK TO THE FULL BOARD. Voice vote. Carried: 8-0-0-1. ABSENT: Stephens.

- (6) Proposal to approve staff recommendation on the following requests for waiver of late registration penalties (Executive Director)

Ministerial Waivers

| <u>Waiver No.</u> | <u>Property Address</u> |
|-------------------|-----------------------------|
| 4077 | 2928 California Street |
| 4086 | 1917 Curtis Street |
| 4094 | 1625 Prince Street |
| 4111 | 1427 Milvia Street |
| 4118 | 1123 and 1125 Hearst Avenue |
| 4119 | 1930 Blake Street |
| 4120 | 2704 Mabel Street |
| 4122 | 2151 Oregon Street |
| 4124 | 2023 Parker Street |
| 4126 | 2406 Blake Street |
| 4127 | 1112-1114 Channing Way |

Discretionary Waivers

| <u>Waiver No.</u> | <u>Property Address</u> |
|-------------------|-------------------------|
| 4079 | 2414 Dana Street |
| 4098 | 1109 Parker Street |
| 4104 | 1180 University Avenue |
| 4112 | 1635 Francisco Street |
| 4113 | 1536 Carleton Street |
| 4115 | 1411 Cypress Street |
| 4116 | 2606 Fulton Street |

Waiver No. 4098 was pulled and carried over by a previous vote on the Approval of the Agenda. Commissioner Harr pulled Waiver No. 4079 for discussion (this Waiver was also held over).

M/S/C (Shelton/Townley) APPROVE THE STAFF RECOMMENDATION FOR ALL MINISTERIAL WAIVERS AND FOR DISCRETIONARY WAIVER NOS. 4104, 4112, 4113, 4115 AND 4116. Voice vote. Carried: 7-0-0-2. ABSENT: Drake (left at 10:13), Stephens.

7. **Special Presentation by Rent Board Legislative Advocate Christine Minnehan regarding pending housing legislation** After discussion of the Legislative Report included in the Board packet, Commissioners stated for the record their interest in the following bills:

Commissioner Townley expressed interest in having the Board support AB 953, SB 1220, SB 1470 and AB 1950. Commissioner Webster expressed interest in AB 313. Commissioner Harr expressed interest in AB 2044 and stated that Chair Stephens wanted to look more closely at SB 1055.

At this point, Vice Chair Blake entertained a motion to adjourn, so none of the Information Items or Announcements were heard.

10. **Adjournment** M/S/C (Tregub/Townley) ADJOURN TONIGHT'S MEETING IN HONOR OF TRAYVON MARTIN – WHO WAS SHOT AND KILLED ON FEBRUARY 26, 2012 IN SANFORD, FLORIDA – AND ALL THOSE WHO HAVE WEATHERED RACISM. Voice vote. Carried: 7-0-0-2. ABSENT: Drake (left at 10:13), Stephens.

9. **Information and Announcements**

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

a. **Reports from Board Members/Staff**

- (1) Update on efforts to assist tenants affected by the November 18, 2011 fire at 2435 Haste Street and 2441 Haste Street (Executive Director) – *Verbal*
- (2) Update on efforts to assist tenants affected by the March 8, 2012 fire at 2227 Dwight Way (Executive Director) – *Verbal*
- (3) Published Commissioner Attendance Records for Regular Board Meetings and Committee Meetings for the period December 2011 through February 2012 (Executive Director) – TO BE DELIVERED
- (4) Updated Rent Board Committee Assignments list (Chair Stephens)
- (5) Update on timeline for developing a Smoke-Free Housing Ordinance (Executive Director)
- (6) Update on Responsible Banking Policy and results of research on possible moving Rent Board account holdings to an alternate financial institution (Executive Director) – *Verbal*
- (7) Update on alternate location for City Council Meetings (Executive Director)
- (8) February 2012 U.S. Department of Housing and Urban Development report titled, “U.S. Housing Market Conditions: 4th Quarter 2011” (Executive Director)

- (9) March 19, 2012 Bay Area edition of *The New York Times* article titled, “Many Arguments, No Agreements on Affordable Housing” (Commissioner Tregub)
- (10) March 2012 Rent Board Tenant Postcard (Executive Director)
- (11) Flyer announcing the March 20, 2012 Rent Stabilization Program’s “Eviction Workshop for Landlords” (Executive Director)
- (12) April 2, 2012 letter from Commissioner Harr regarding moving the Rent Board’s account holdings from Wells Fargo Bank to an alternate financial institution, and a December 5, 2011 BeyondChron.org article titled, “Occupy San Francisco Targets Wells Fargo”
- (13) Press release announcing the “Elected Women – Past, Present and Future” event on April 18, 2012 at Berkeley City College (Chair Stephens)

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel
 - a. April 2nd agenda
- (2) Outreach
 - a. March 16th agenda
- (3) IRA/AGA and Habitability
 - a. September 27, 2011 minutes
 - b. March 8th agenda
- (4) Eviction/Section 8/Foreclosure
- (5) Safe & Sustainable Housing
 - a. April 4th agenda
- (6) Waiver Committee
 - a. November 8, 2011 minutes
- (7) Ad Hoc Committee on Smoke-Free Housing
- (8) 4 x 4 City Council/RSB Housing Committee
- (9) Future Special Meetings

c. Discussion of items for possible placement on future agenda