



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](http://www.cityofberkeley.info/rent)

**THURSDAY, February 16, 2012**  
**7:00 p.m.**

1. **Roll call** – Chair Stephens called the meeting to order at 7:08 p.m.  
Aimee Mueller called roll.  
Commissioners present: Blake (arrived 8:24), Dodsworth (arrived 7:16), Drake, Harr, Shelton (arrived 7:14), Townley, Tregub, Webster (arrived 7:39), Stephens  
Commissioners absent: None  
Staff present: Brown, Kelekian, Mueller, Siegel
  
2. **Approval of Agenda** M/S/C (Townley/Drake) APPROVE AGENDA. Voice vote.  
Carried: 5-0-0-4. ABSENT: Blake, Dodsworth, Shelton, Webster.
  
3. **Public Forum** There were no speakers.
  
4. **Approval of the January 23, 2012 Regular Meeting Minutes** M/S/C (Drake/Tregub) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 5-0-0-4. ABSENT: Blake, Dodsworth, Shelton, Webster.

*In order to accommodate the Appeal Time Certain of 7:15 p.m., the Board moved to hear Item 6.a.(1) – Waivers.*

6. **Action Items**
  - a. **From Board Members, Executive Director and Committees**
    - (1) **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>
4101	2110—9 <sup>th</sup> Street
4103	2766 Sacramento Street

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4078	2605 Haste Street
4082	1434 Milvia Street
4085	2228 McKinley Avenue
4087	3114 Martin Luther King Jr. Way
4088	3110 Martin Luther King Jr. Way
4097	3006 Martin Luther King Jr. Way
4105	3411 Adeline Street
4108	1220 Haskell Street

*Commissioner Harr pulled Waiver Nos. 4097 and 4105 for discussion and Commissioner Townley pulled Waiver No. 4082.*

M/S/C (Tregub/Townley) APPROVE THE STAFF RECOMMENDATION FOR ALL MINISTERIAL WAIVERS AND FOR DISCRETIONARY WAIVER NOS. 4078, 4085, 4087, 4088, AND 4108. Voice vote. Carried: 5-0-0-4. ABSENT: Blake, Dodsworth, Shelton, Webster.

M/S/C (Harr/Townley) REDUCE PENALTY FOR WAIVER NO. 4082 TO ONE-HUNDRED DOLLARS AND ALLOW OWNER UP TO SIXTY DAYS TO REMIT PAYMENT. Roll call vote. YES: Harr, Shelton, Townley, Tregub, Stephens; NO: Drake; ABSTAIN: None; ABSENT: Blake, Dodsworth, Webster. Carried: 5-1-0-3.

**5. Appeal Time Certain – 7:15 p.m.**

**Appeal T-5212** (2425 Eunice Street)

*Parties present for Appeal: Ghazala Anwar (Appellant), Jonathan Lavigne and Morgan Morrone (Respondents)*

M/S/C (Tregub/Harr) AFFIRM THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Dodsworth, Drake, Harr, Shelton, Tregub, Webster, Stephens; NO: Townley; ABSTAIN: None; ABSENT: Blake. Carried: 7-1-0-1.

*After the Appeal, the Board continued discussion and action regarding Item 6.a.(1) – Waivers:*

M/S/C (Harr/Stephens) WAIVE FORTY PERCENT OF THE PENALTY FOR WAIVER NO. 4097. Roll call vote. YES: Dodsworth, Harr, Shelton, Webster, Stephens; NO: Drake, Townley, Tregub; ABSTAIN: None; ABSENT: Blake. Carried: 5-3-0-1.

M/S/C (Townley/Drake) APPROVE THE STAFF RECOMMENDATION FOR WAIVER NO. 4105 AND DIRECT STAFF TO SEND A COPY OF THE WAIVER REQUEST FORM AND THE STAFF RECOMMENDATION TO THE OWNER. Roll call vote. YES: Drake, Shelton, Townley, Tregub, Webster; NO: Dodsworth, Harr, Stephens; ABSTAIN: None; ABSENT: Blake. Carried: 5-3-0-1.

## 6. Action Items

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

- (2) Discussion and possible action regarding Proposed Resolution Revising Rules on Deductions from Commissioners' Stipend; Enacting Rules on Posting Meeting Attendance Records; and Repealing and Reenacting Rules and Policies on Meeting Schedules and Commissioners' Stipend and Other Compensation (Chair Stephens)

M/S/C (Townley/Tregub) ADOPT THE PROPOSED RESOLUTION AS REVISED WITH AN EFFECTIVE DATE OF FEBRUARY 16, 2012. Roll call vote. YES: Dodsworth, Harr, Shelton, Townley, Tregub, Webster, Stephens; NO: Drake; ABSTAIN: None; ABSENT: Blake. Carried: 7-1-0-1.

## 7. Information and Announcements

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

### a. Reports from Board Members/Staff

- (1) February 9, 2012 communication from Commissioner Harr with two HuffingtonPost.com articles: "Right-to-Rent": A Simple, Sensible Idea That Dysfunctional Washington Is More Than Happy to Let Die, and Ben Bernanke's Solution To The Housing Crisis: Renting Foreclosed Homes (Commissioner Harr) Commissioner Harr explained her reasons for bringing this item to the Board's attention and encouraged Board members to consider this issue for further action.
- (2) January 24, 2012 memo to City Council regarding Consent Item #11 – Referral to the City Manager: Responsible Banking policy (Executive Director) Commissioner Tregub informed the Board that this item was passed unanimously by the City Council at its January 31, 2012 meeting. It was agreed that the forthcoming staff report on this item will be presented to the full Board.

- (3) Update on efforts to assist tenants affected by the November 18, 2011 fire at 2435 Haste Street and 2441 Haste Street (Executive Director) The Executive Director informed the Board that the first batch of grants has been signed is expected to be issued next week. He said that, thus far, grant applications for approximately 17 units (roughly 20-25 tenants) have been approved and there are another six applications pending. He also stated that a total of \$40,000 in funds has been allocated for grant funding and approximately \$29,000 has been granted thus far. Rent Board Program Staff Attorneys Matthew Siegel and Chanée Franklin Minor have been providing information to tenants with Chanée having taken the lead on this project. Housing Counselor Moni T. Law also provided some key assistance shortly after the fire.
- (4) January 22, 2012 Legislative Report from Christine Minnehan, Rent Board Legislative Advocate (Executive Director) The Executive Director said that, though this report was included in the Board's January agenda packet, there had been little time to discuss it and answer questions so he provided the report again. He said his understanding is that, though the decisions on redevelopment funds will affect affordable housing statewide, they will not impact Berkeley in particular because the majority of our projects are complete and the funds are spent.

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel – Committee Chair Tregub updated the Board on the Committee's recent activity.
  - a. January 20<sup>th</sup> minutes
  - b. February 9<sup>th</sup> agenda
- (2) Outreach – Committee Chair Webster updated the Board on the Committee's recent activity.
  - a. February 17<sup>th</sup> agenda
- (3) IRA/AGA and Habitability – Committee Chair Stephens said this Committee has not met.
- (4) Eviction/Section 8/Foreclosure – Committee Chair Harr updated the Board on the Committee's recent activity.
  - a. January 5<sup>th</sup> minutes
  - b. February 8<sup>th</sup> agenda
- (5) Safe & Sustainable Housing – Committee Chair Townley updated the Board on the Committee's recent activity.
  - a. February 1<sup>st</sup> agenda
- (6) Ad Hoc Committee on Waiver Process – Commissioner Harr said this Committee will meet soon.

- (7) Ad Hoc Committee on Board Compensation – Chair Stephens moved to abolish this Committee as its work is done.

M/S/C (Stephens/Townley) ABOLISH THE AD HOC COMMITTEE ON BOARD COMPENSATION. Voice vote. Carried: 9-0-0-0.

- (8) 4 x 4 City Council/RSB Housing Committee – Chair Stephens updated the Board on the February 9<sup>th</sup> meeting of this Committee.

a. February 9<sup>th</sup> agenda packet

- (9) Future Special Meetings – The Executive Director asked the Board to bear in mind that we will likely need to schedule a Special Meeting between April 2 and May 21 in order to adopt FY 2011/2012 Registration Fee; he asked Commissioners to try to keep April 30 or May 7 dates available for this contingency if at all possible.

- c. Discussion of items for possible placement on future agenda – Commissioner Townley asked that the issue of smoking in multi-unit buildings be placed on the Board's next agenda to discuss whether this item should be first be referred to the Safe & Sustainable Housing Committee or considered by the full Board.

*At 8:50 p.m., Chair Stephens announced that the Board would now enter Closed Session to discuss litigation pursuant to Section 54956.9 of the Government Code. The Executive Director added that no action would be taken on this item this evening.*

**8. Closed Session CONFERENCE WITH LEGAL COUNSEL – Litigation Update**

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

Case No: RG 11572749: Chapple vs. Udenski, et al.

Case No. RG 11583907: Hanley vs. City of Berkeley Rent Stabilization Board

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 announced that no action was taken during Closed Session.*

**9. Adjournment** The meeting was adjourned at 9:20 p.m.