



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, January 23, 2012
7:00 p.m.

AGENDA

1. **Roll call** – Chair Stephens called the meeting to order at 7:08 p.m.
Aimee Mueller called roll.
Commissioners present: Blake, Dodsworth, Drake, Harr (arrived 7:15), Shelton, Townley, Tregub, Webster (arrived 7:31), Stephens
Commissioners absent: None
2. **Approval of Agenda** M/S/C (Tregub/Townley) APPROVE AGENDA. Voice vote.
Carried: 7-0-0-2. ABSENT: Harr, Webster
3. **Public Forum** There was one speaker: Marisol Jimenez spoke regarding Item 7.a.(4).
4. **Approval of the prior Meeting Minutes**
 - a. Minutes of the December 19, 2011 Regular Meeting: M/S/C (Townley/Blake) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Webster.
 - b. Minutes of the December 20, 2011 Special Meeting: M/S/C (Tregub/Harr) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Webster.
5. **Special Order of Business**
 - a. Procedures governing election of Chairperson and Vice-Chairperson
 - b. Election of Chairperson – The Executive Director opened the floor for nominations.

Commissioner Blake nominated Commissioner Stephens; she accepted the nomination.

Commissioner Drake nominated Commissioner Townley; he expressed his thanks but declined the nomination.

M/C ELECT COMMISSIONER LISA STEPHENS AS CHAIRPERSON OF THE BERKELEY RENT STABILIZATION BOARD THROUGH THE DECEMBER 2012 MEETING. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Townley, Tregub, Stephens; NO: None; ABSTAIN: Drake; ABSENT: Webster.

Commissioner Lisa Stephens was voted to be the Chair of the Rent Board.

- c. Election of Vice Chairperson Chair Stephens opened the floor for nominations. Commissioner Drake nominated Commissioner Townley who requested time to consider whether he would accept the nomination. Commissioner Tregub nominated Commissioner Blake; he accepted the nomination.

At this point, the Chair moved to hear Item 6. [Appeal T-5188]. There were no objections.

6. Appeal Time Certain – 7:15 p.m.

Appeal T-5188 (1675 Euclid Ave., Unit 1)

Parties present: Monique Doryland (on behalf of Respondent, Richard Nisenbaum)

M/S/C (Tregub/Drake) APPROVE THE LEGAL STAFF'S RECOMMENDATION TO AFFIRM THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Blake, Dodsworth, Drake, Harr, Shelton, Tregub, Webster, Stephens; NO: None; ABSTAIN: Townley; ABSENT: None.

Carried: 8-0-1-0.

The Board then resumed Item 5. Special Order of Business:

- d. Comments by new Chairperson and Vice-Chairperson Chair Stephens asked Commissioner Townley if he accepted the nomination for Vice-Chair. Commissioner Townley said he was honored but refused the nomination. Chair Stephens called for a vote on the nomination of Commissioner Blake as Vice-Chair.

M/C ELECT COMMISSIONER DAVE BLAKE AS VICE-CHAIRPERSON OF THE BERKELEY RENT STABILIZATION BOARD THROUGH THE DECEMBER 2012 MEETING. Roll call vote. YES: Blake, Dodsworth, Shelton, Townley, Tregub, Webster, Stephens; NO: None; ABSTAIN: Drake, Harr; ABSENT: None. Carried: 7-0-2-0.

The newly-elected Chair and Vice-Chair were given the opportunity to address the Board.

7. Action Items

a. From Board Members, Executive Director and Committees

- (1) Discussion and approval of the 2012 Rent Board Meeting Schedule (Executive Director and Chair Stephens) After discussion of several proposed meeting dates that needed to be changed due to scheduling conflicts, the Board took the following action:

M/S/C (Tregub/Dodsworth) APPROVE THE ATTACHED 2012 CALENDAR YEAR RENT BOARD MEETING SCHEDULE WITH THE FOLLOWING AMENDMENTS: change the February meeting date to *Thursday, February 16*; change the March meeting date to *Monday, March 5*; and change the April meeting date to *Monday, April 2*. Voice vote. Carried: 9-0-0-0.

Commissioner Blake indicated that he may have a scheduling conflict for the February 16th meeting date.

- (2) Recommendation to adopt a resolution authorizing the Executive Director to extend Contract Number 8086 with the Berkeley Food and Housing Project for the administration of Resolution 11-02 [Pass Through to Certain Tenants a Portion of the 2011 Registration Fee] (Executive Director)

M/S/C (Townley/Webster) ADOPT THE RESOLUTION AS WRITTEN. Voice vote. Carried: 9-0-0-0.

- (3) Recommendation to approve proposed revisions to the FY 2011/2012 Staffing Model (Executive Director) After the Executive Director gave an overview of this item, the Board took the following action:

M/S/C (Harr/Blake) ADOPT THE RESOLUTION APPROVING THE PROPOSED REVISIONS TO THE FY 2011/2012 POSITION CONTROL. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Tregub, Webster, Stephens; NO: Drake; ABSTAIN: Townley; ABSENT: None. Carried: 7-1-1-0.

- (4) Discussion and possible action on proposal to move Berkeley Rent Board account holdings to an alternate bank or credit union (Commissioner Tregub)

M/S/C (Drake/Webster) CONVEY THE RENT BOARD'S SUPPORT FOR CONSENT ITEM #11 BY SENDING A LETTER TO THE CITY COUNCIL WITH THE FOLLOWING LANGUAGE:

1. Support Berkeley City Council Item 11, Referral to the City Manager: Responsible Banking Policy to be discussed at the January 31, 2012 regular meeting.

2. Authorize the Berkeley Rent Board Executive Director to track the status of public agencies, including the City of Berkeley, in conducting research around or taking action to move their account holdings to a community bank, credit union, or other alternate financial

institution. Request that the Berkeley Rent Board Executive Director report back to Rent Stabilization Board Commissioners in no more than ninety (90) days on any findings.

Roll call vote. YES: Blake, Dodsworth, Drake, Harr, Shelton, Townley, Tregub, Webster, Stephens. NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- (5) 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>
4045	1711 Bancroft Way <i>(carried over from Dec. 19, 2011 meeting)</i>
4047	1423 Walnut Street, #5 <i>(carried over from Dec. 19, 2011 meeting)</i>
4089	2127 McGee Avenue <i>(carried over from Dec. 19, 2011 meeting)</i>
4090	1927 Stuart Street <i>(carried over from Dec. 19, 2011 meeting)</i>
4091	1808 Bancroft Way <i>(carried over from Dec. 19, 2011 meeting)</i>
4092	1601 Derby Street <i>(carried over from Dec. 19, 2011 meeting)</i>
4095	2710 Benvenue Avenue <i>(carried over from Dec. 19, 2011 meeting)</i>
4096	1019 Channing Way
4099	1750—62 nd Street
4100	2803 Parker Street
4106	2240—10 th Street
4109	1604 Milvia Street
4110	1349 Derby Street

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4065	1700 Addison Street <i>(carried over from Dec. 19, 2011 meeting)</i>
4071	2930 MLK King Jr. Way <i>(carried over from Dec. 19, 2011 meeting)</i>
4073	2609 McGee Avenue <i>(carried over from Dec. 19, 2011 meeting)</i>
4080	2310 Piedmont Avenue <i>(carried over from Dec. 19, 2011 meeting)</i>
4093	2836 Regent Street <i>(carried over from Dec. 19, 2011 meeting)</i>
4044	1919 Curtis Street <i>(carried over from Aug. 15, 2011 meeting)</i>
4046	1506 Russell Street
4068	1360 Euclid Street

Commissioner Harr pulled Waiver No. 4073 for discussion; Commissioner Townley pulled Waiver Nos. 4046 and 4068; and Commissioner Shelton pulled Waiver Nos. 4080 and 4073.

M/S/C (Blake/Harr) APPROVE THE STAFF RECOMMENDATION FOR ALL MINISTERIAL WAIVERS AND FOR DISCRETIONARY WAIVER NOS. 4065, 4071, 4093 AND 4044. Voice vote. Carried: 8-0-0-1. ABSENT: Tregub (left at 9:14).

M/S/F (Harr/Shelton) WAIVE SEVENTY-FIVE PERCENT OF THE PENALTY FOR WAIVER NO. 4073 WHICH WOULD RESULT IN A PENALTY OF FIFTY DOLLARS. Roll call vote. YES: Dodsworth, Harr, Shelton; NO: Blake, Drake, Townley, Webster, Stephens; ABSTAIN: None; ABSENT: Tregub. Failed: 3-5-0-1.

M/S/C (Blake/Drake) APPROVE STAFF RECOMMENDATION TO WAIVE NINETY PERCENT OF THE PENALTY FOR WAIVER NO. 4073. Roll call vote. YES: Blake, Dodsworth, Drake, Townley, Webster, Stephens; NO: Harr, Shelton; ABSTAIN: None; ABSENT: Tregub. Carried: 6-2-0-1.

M/S/C (Blake/Harr) HOLD OVER WAIVER NO. 4080 AND DIRECT STAFF TO CONTACT THE OWNER TO CONVEY THAT THE BOARD AGREES TO WAIVE ONE-HUNDRED PERCENT OF THE PENALTY IF THE OWNER MAKES SUBSTANTIAL PROGRESS TO SELECT A DIFFERENT PROPERTY MANAGER. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Stephens; NO: Drake, Townley, Webster; ABSTAIN: None; ABSENT: Tregub. Carried: 5-3-0-1.

M/S/F (Townley/Drake) WAIVE ONE HUNDRED PERCENT OF THE PENALTY FOR WAIVER NO. 4046. Roll call vote. YES: Drake, Townley, NO: Blake, Dodsworth, Harr, Shelton, Webster, Stephens; ABSTAIN: None; ABSENT: Tregub. Failed: 2-6-0-1.

M/S/C (Blake/Webster) APPROVE STAFF RECOMMENDATION TO DENY WAIVER NO. 4046. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Webster, Stephens; NO: Drake, Townley; ABSTAIN: None; ABSENT: Tregub. Carried: 6-2-0-1.

M/S/C (Townley/Stephens) WAIVE ONE HUNDRED PERCENT OF THE PENALTY FOR WAIVER NO. 4068. Roll call vote. YES: Blake, Dodsworth, Drake, Harr, Shelton, Townley, Webster, Stephens; NO: None; ABSTAIN: None; ABSENT: Tregub. Carried: 8-0-0-1.

The Board then took the following action regarding Information Item 8.a.(1):

M/S/C (Harr/Townley) MOVE AGENDA ITEM 8.a.(1) TO ACTION ITEMS. Voice vote. Carried: 8-0-0-1.

Item 8.a.(1) Communication from Commissioner Harr regarding January 17, 2012 Council report titled, "New Location for City Council meetings" (Commissioner Harr)

M/S/C (Harr/Townley) DIRECT STAFF TO RESEARCH ONLY THE PROPOSED ALTERNATE LOCATIONS THAT ARE STILL UNDER CONSIDERATION AND REPORT THEIR FINDINGS TO THE BUDGET AND PERSONNEL COMMITTEE. Voice vote. Carried: 8-0-0-1. ABSENT: Tregub.

8. Information and Announcements

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

****Items carried over from last meeting.**

a. Reports from Board Members/Staff

- (1) Communication from Commissioner Harr regarding January 17, 2012 Council report titled, "New Location for City Council meetings" (Commissioner Harr) – MOVED TO ACTION ITEMS BY PRIOR VOTE.
- (2) 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 of the Program's Grant Application process to assist tenants affected by the Haste Street fire and said he hopes to have the first round of awards shortly after the first application period closes on January 30th. He said, over the past few months, Program staff have tried to serve as a centralized source of information and counseling on resources available to affected tenants in an effort to mitigate any further burden on them by having to contact multiple agencies for assistance.
- (3) Fall 2011 Rent Board Tenant Postcard (Executive Director) Commissioners complimented staff on the new Postcard (included in the packet).
- (4) Market Medians report (Executive Director) Chair Stephens noted that rents are still going up.
- (5) Update on the Relocation Ordinance (Executive Director)** – *Verbal*
- (6) Update on the Affordable Housing Mitigation Fee Ordinance (Executive Director)** – *Verbal*
- (7) Report from Rent Board Legislative Advocate Christine Minnehan regarding update on pending legislation and recent court cases (Executive Director) – Distributed at meeting.
- (8) Update on the October 4, 2011 Small Property Owners' Workshop (Executive Director)** – *Verbal*
- (9) Update on the October 7, 2011 meeting with the Berkeley Association of Realtors (Executive Director)** – *Verbal*
- (10) Update on November 5, 2011 presentation to the Berkeley Property Owners Association (Executive Director)** – *Verbal*
- (11) Update on the RTS project (Executive Director)** – *Verbal*

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel – Chair Stephens updated the Board on the Committee's recent work.
 - a. January 20th agenda
- (2) Outreach – Committee Chair Webster updated the Board on the Committee's recent work
 - a. Update on Social Media Policy

b. January 13th agenda

- (3) IRA/AGA and Habitability – Committee Chair Stephens said the Committee has not met recently but plan to soon. Commissioner Harr inquired about a past suggestion that the Committee discuss the possibility of offering the Notice of Decision in other languages; Committee Chair Stephens said that item would be added to the Committee’s next agenda.
- (4) Eviction/Section 8/Foreclosure – Committee Chair Harr updated the Board on the Committee’s recent work.

a. November 30th minutes

b. January 5th agenda

- (5) Safe & Sustainable Housing – Committee Chair Townley updated the Board on the Committee’s recent work.
- (6) Ad Hoc Committee on Waiver Process – Committee Chair Harr said the Committee had not met.
- (7) Ad Hoc Committee on Board Compensation – Chair Stephens said this Committee will be disbanded.
- (8) 4 x 4 City Council/RSB Housing Committee
 - a. December 6th agenda packet
- (9) Future Special Meetings

c. Discussion of items for possible placement on future agenda

9. Adjournment Chair Stephens moved to adjourn the meeting in honor of Berkeley City Clerk Deanna Despain and former Berkeley High School teacher and School Board member Terry Doran, both of whom recently passed away and will be missed. Voice vote. Carried: 6-0-0-3. ABSENT: Drake, Shelton, Tregub. The meeting was adjourned at 10:50 p.m.