



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, March 5, 2012
7:00 p.m.

1. **Roll call** – Chair Stephens called the meeting to order at 7:14 p.m.
Commissioners present: Blake, Dodsworth, Drake, Harr, Shelton, Townley, Tregub, Webster (arrived 7:45), Stephens
Commissioners absent: None
Staff present: Brown, Kelekian, Mueller

2. **Approval of Agenda** M/S/C (Townley/Harr) APPROVE AGENDA WITH ONE CHANGE: MOVE INFORMATION ITEM 6.a.(1) TO THE FIRST ACTION ITEM. Voice vote. Carried: 8-0-0-1. ABSENT: Webster.

3. **Public Forum** There was one speaker: Marisol Jimenez regarding Tenants’ Rights Week events.

4. a. **Review and possible revision of January 23, 2012 Regular Meeting Minutes** M/S/C (Blake/Dodsworth) APPROVE MINUTES WITH THE FOLLOWING TWO CHANGES: 1.) FOR ITEM 7.a.(5), FOR WAIVER NO. 4080, CHANGE THE LANGUAGE OF THE MOTION TO READ, “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.”; AND 2.) DELETE INFORMATION ITEM 8.a.(8) AND RENUMBER THE REMAINING INFORMATION ITEMS ACCORDINGLY. Voice vote. Carried: 8-0-0-1. ABSENT: Webster.

b. **Approval of the February 16, 2012 Regular Meeting Minutes** M/S/C (Tregub/Townley) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Webster.

5. **Action Items**

a. From Board Members, Executive Director and Committees

- (1) Discussion and possible action regarding SB 1220 (DeSaulnier and Steinberg): Permanently Funding the Housing Opportunity and Market Stabilization (HOMEs) Trust Fund (Commissioner Tregub)

M/S/C (Tregub/Blake) REGISTER THE BOARD'S SUPPORT FOR SB 1220 AND DIRECT THE EXECUTIVE DIRECTOR TO TAKE ALL ACTIONS NECESSARY TO COMMUNICATE THIS POSITION. Voice vote. Carried: 8-0-0-1. ABSENT: Webster.

- (2) Discussion and possible action regarding approval of proposed revisions to the FY 2011/2012 Rent Board Position Detail (Staffing Model) (Budget & Personnel Committee and Executive Director) – TO BE DELIVERED

M/S/C (Tregub/Townley) APPROVE PROPOSED REVISIONS TO THE FY 2011/2012 RENT BOARD POSITION DETAIL (STAFFING MODEL) Voice vote. Carried: 7-1-0-1. NO: Drake; ABSENT: Webster.

- (3) Assignment of the issue of Smoking in Multi-Unit Buildings to the appropriate Committee (Executive Director)

M/S/C (Shelton/Harr) ESTABLISH AN AD HOC COMMITTEE TO REVIEW EFFORTS TO DRAFT A SMOKE-FREE HOUSING ORDINANCE FOR THE FULL BOARD'S REVIEW. Voice vote. Carried: 7-2-0-0. NO: Dodsworth, Drake.

For now, this Ad Hoc Committee will be comprised of Commissioners Blake, Dodsworth, Shelton and Webster.

6.a.(1) Update on status of Waiver No. 4080 held over from February Board meeting (Executive Director)

After Staff Attorney Matt Brown updated the Board on the status of this waiver, the Board took the following action:

M/S/C (Harr/Drake) MOVE THE ORIGINAL STAFF RECOMMENDATION TO WAIVE FORTY PERCENT OF THE PENALTY FOR WAIVER NO. 4080. Voice vote. Carried: 9-0-0-0.

6.a.(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 that, to date, the Program has issued 17 grants to 21 tenants totaling just under \$36,000; he added that there are another four grants pending which, once awarded, will deplete the remainder of the \$40,000 allocated from the A.E. Phi fund for this purpose. He said that staff will provide the Board with a written report next month with more detail on the income levels and situations of some of the grant recipients.

The Executive Director also informed the Board that there may be several more tenants who have not yet contacted us regarding their eligibility for grant funds and he asked the Board to give him the authority to allocate another \$4,000 to cover these grants should there be further applications submitted.

M/S/C (Townley/Tregub) MOVE ITEM 6.a.(2) TO ACTION ITEMS. Voice vote. Carried: 9-0-0-0.

M/S/C (Blake/Tregub) GRANT THE EXECUTIVE DIRECTOR AUTHORITY TO ALLOCATE ANOTHER FOUR THOUSAND DOLLARS FROM THE A.E. PHI SETTLEMENT FUND TO AWARD IN THE FORM OF GRANTS TO ASSIST TENANTS AFFECTED BY THIS FIRE. Roll call vote. YES: Blake, Dodsworth, Townley, Tregub, Webster, Stephens; NO: Harr; ABSTAIN: Drake, Shelton; ABSENT: None. Carried: 6-1-2-0.

6. Information and Announcements

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

a. Reports from Board Members/Staff

- (1) Update on status of Waiver No. 4080 held over from February Board meeting (Executive Director) – Verbal
THIS ITEM WAS MOVED TO ACTION ITEMS BY A PRIOR VOTE ON THE APPROVAL OF THE AGENDA.
- (2) Update on efforts to assist tenants affected by the November 18, 2011 fire at 2435 Haste Street and 2441 Haste Street (Executive Director) – Verbal THIS ITEM WAS MOVED TO ACTION ITEMS BY A PRIOR VOTE.
- (3) Commissioner Attendance Records for Regular Board Meetings and Committee Meetings for the period December 2011 through February 2012 (Executive Director) – TO BE DELIVERED Chair Stephens said she held this item back because it required changes to formatting and would be available to everyone later this week.
- (4) February 17, 2012 letter to the Executive Director from Robin Grossinger acknowledging the exemplary work of Rent Board Division Manager Nick Traylor (Executive Director) In packet and self-explanatory.
- (5) Updated Rent Board Committee Assignments list (Chair Stephens) Chair Stephens announced that Commissioner Shelton had requested to be back on the Outreach Committee; this request was approved. Commissioner Drake asked to be removed from the IRA/AGA/Habitability Committee; this request was approved. Commissioner Harr asked that an updated copy of the Committee Assignments list reflecting these changes be included in the next Board packet.

At this point, Commissioner Townley asked to reopen Item 6.a.(1) for discussion.

M/S/C (Townley/Blake) RE-OPEN ITEM 6.a.(1) FOR DISCUSSION. Voice vote.
Carried: 9-0-0-0.

Staff Attorney Matt Brown answered a question from Commissioner Townley on this waiver and agreed to follow up with the owner regarding the registration fee bill that will be mailed to her in late May.

- (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*
The Executive Director said he had no new information to report.
- (7) Announcement regarding Housing California Annual Conference, April 10-12, 2012 (Executive Director) The Executive Director mentioned that Rent Board staff will be presenting at this Conference and called the Board's attention to the Conference agenda packet provided to them as an Off-Agenda Item. He asked Commissioners to let staff know if they would like to attend so we can take advantage of early registration.

Chair Stephens then announced that she was just informed of a problem with the live broadcast of tonight's meeting. She said that, though we are currently on the air, the live broadcast this evening did not begin until 7:45 p.m. Berkeley Community Media has assured the Board that tonight's meeting will be re-broadcast in its entirety as soon as it concludes this evening, and will also be re-broadcast the following day.

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel – Committee Chair Tregub announced that the Committee met on Friday, March 2nd and has been meeting regularly. He reiterated that all Committees should submit their proposed Work Plans to staff as soon as possible so that any projects that require funds or staff time can be considered in the current budget cycle. Chair Stephens added that the Committee continues to work on the issue of defining a “fraternity” for the purposes of implementing the proposed registration requirements for fraternities; she said the Committee hopes to have a something to report next month.
 - a. March 2nd agenda
- (2) Outreach – Committee Chair Webster said the Committee met on February 17th but, due to quorum issues, was not able to get through their full agenda. She said the Committee had a chance to review some of the videos that the Program staff have been working on as well as get a brief update on the Social Media Workshop that several Program staff recently attended. Commissioner Shelton mentioned that staff will be presenting an Eviction Workshop for Landlords on March 20th.
 - a. February 17th agenda
- (3) IRA/AGA and Habitability – Committee Chair Stephens said the Committee will meet on Thursday, March 8th.

- (4) Eviction/Section 8/Foreclosure – Committee Chair Harr said the Committee has not met since the last Board meeting.
 - a. February 8th agenda
- (5) Safe & Sustainable Housing – Committee Chair Townley said that he, Commissioner Dodsworth and Khin Chin of the Office of Emergency Services met recently to discuss Disaster Preparedness in apartments. He added that the Committee is about to meet again and will move forward on this subject.
 - a. February 1st agenda
- (6) Waiver Committee – Commissioner Dodsworth announced that he was recently elected as Chair of this Committee. He said the Committee is in the process of assessing why it takes so long for a waiver to come before the Board and how the process can be revised so that more quality information is provided to the Board with the waiver application; he said it appears that much of this will be made possible by the new RTS system. Commissioner Dodsworth also said the Committee is currently developing their Work Plan so, if any Commissioners have input, to please let him know.
 - a. November 8, 2011 minutes
 - b. March 2nd agenda
- (7) 4 x 4 City Council/RSB Housing Committee
- (8) Future Special Meetings – The Executive Director reminded the Board that sometime toward the end of April or in early May, we will need to schedule a Special Meeting to adopt the Registration Fee; he said this can be done at the next Regular Board Meeting.
 - c. Discussion of items for possible placement on future agenda – Commissioner Dodsworth asked that staff report back sometime soon on the history of housing code violations at the Haste Street building related to the fire (2435 & 2441 Haste Street).

7. Adjournment – Meeting was adjourned at 8:43 p.m.