



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)

**Monday, May 21, 2012**  
**7:00 p.m.**

1. **Roll call** – Chair Stephens called the meeting to order at 7:13 p.m.  
Aimee Mueller called roll.  
Commissioners present: Blake (arrived 7:21), Dodsworth (arrived 8:09), Drake, Harr, Shelton, Townley, Tregub, Webster, Stephens  
Commissioners absent: None  
Staff present: Brown, Kelekian, Law, Mueller
2. **Approval of Agenda** M/S/C (Townley/Drake) APPROVE AGENDA WITH THE FOLLOWING CHANGE: MOVE ITEM 7.b.(5)a. UP ON THE AGENDA TO BE HEARD AFTER ITEM 6.a.(8).  
Voice vote. Carried: 7-0-0-2. ABSENT: Blake, Dodsworth.
3. **Public Forum** There was one speaker: Marc Janowitz, Esq. commended the Board for their extraordinary efforts to mediate landlord-tenant disputes.
4. **Approval of the April 2, 2012 Regular Meeting minutes** – *NOTE: the Board delayed this item until later in the meeting and voted on it after Item 6.a.(8) was heard.* M/S/C (Tregub/Blake) APPROVE MINUTES WITH THE FOLLOWING CHANGES: change all instances of “Acting Chair Blake” to “Vice-Chair Blake”; CORRECT NOTATION UNDER ITEM 4. (PUBLIC FORUM) TO INDICATE THAT VICE-CHAIR BLAKE REQUESTED THAT STAFF REPORT BACK TO THE IRA/AGA/HABITABILITY COMMITTEE ON MR. CHUAN LEE’S CASE; AND, FOR ITEM 8.a.(6) (WAIVERS), ADD TO SENTENCE REGARDING COMMISSIONER HARR PULLING WAIVER NO. 4079 THAT THIS WAIVER WAS ALSO HELD OVER. Voice vote.  
Carried: 9-0-0-0.
5. **Special Presentation by Rent Board Legislative Advocate Christine Minnehan and Brian Augusta on pending housing legislation** Ms. Minnehan and her associate, Brian Augusta, updated the Board on pending housing legislation of interest to landlords and tenants and answered questions from Commissioners.

## 6. Action Items

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

- (1) Recommendation to adopt a resolution authorizing the Executive Director to modify the contract with Christine Minnehan & Associates by extending the term through June 30, 2013 and increasing the contract by an amount not to exceed \$46,000 for Fiscal Year 2012-2013 M/S/C (Blake/Tregub) ADOPT RESOLUTION AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Townley (stepped out).
- (2) Discussion and possible action regarding holding a Special Rent Board Meeting during the week of June 11, 2012 M/S/C (Tregub/Webster) MOVE TO HOLD A SPECIAL MEETING OF THE RENT BOARD ON EITHER WEDNESDAY, JUNE 13, 2012 OR THURSDAY, JUNE 14, 2012 AT A TIME TO BE DESIGNATED. Voice vote. Carried: 8-0-1-0. ABSTAIN: Stephens.

*It is noted for the record that Commissioner Drake informed the Board that she would be out of town from June 9 through June 16, 2012. Chair Stephens agreed to consult further with Commissioners to ascertain the best possible time for everyone and notify the full Board offline.*

- (3) Recommendation to adopt a resolution authorizing the Executive Director to modify the contract with Berkeley Community Media by extending the term through June 30, 2013 and increasing the contract by an amount not to exceed \$20,000 for Fiscal Year 2012-2013 M/S/C (Blake/Drake) ADOPT RESOLUTION AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Shelton (stepped out).
- (4) Recommendation to adopt a resolution authorizing the Executive Director to modify the contract with Eviction Defense Center by extending the term through June 30, 2013 and increasing the contract by an amount not to exceed \$112,000 for Fiscal Year 2012-2013 M/S/C (Blake/Harr) ADOPT RESOLUTION AS WRITTEN. Voice vote. Carried: 8-0-1-0. ABSTAIN: Shelton.
- (5) Recommendation to adopt a resolution authorizing the Executive Director to modify the contract with East Bay Community Law Center by extending the term through June 30, 2013 and increasing the contract by an amount not to exceed \$123,320 for Fiscal Year 2012-2013 M/S/C (Drake/Tregub) ADOPT RESOLUTION AS WRITTEN. Voice vote. Carried: 8-0-1-0. ABSTAIN: Townley.
- (6) Revision to Rent Board Staffing Model/Position Detail After the Executive Director explained the proposed changes to the Staffing Model and answered questions from Commissioners, the Board took the following action: M/S/C (Webster/Blake) APPROVE PROPOSED CHANGES TO RENT BOARD STAFFING MODEL/POSITION DETAIL. Voice vote. Carried: 8-0-1-0. ABSTAIN: Drake.

- (7) Recommendation to assume an “endorse” position on SB 654 (Steinberg) and AB 1585 (Perez/Mitchell/Perea/Torres) M/S/C (Tregub/Blake) ADOPT A “SUPPORT” POSITION ON ANY STATEWIDE LEGISLATION THAT PRIORITIZES THE PRESERVATION OF FUNDING FOR LOW-INCOME AND MEDIUM-INCOME HOUSING, IN PARTICULAR FOR PROJECTS SCHEDULED FOR CONSTRUCTION IN 2012-2013, IN ACCORDANCE WITH THE SPIRIT OF AB 1585 AND SB 654 AS WRITTEN AS OF MAY 21, 2012; AND DIRECT THE EXECUTIVE DIRECTOR TO FORWARD FORTHWITH TO THE RENT BOARD’S LEGISLATIVE ADVOCATE. Voice vote. Carried: 8-0-1-0. ABSTAIN: Harr.
- (8) 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>
4117	2237 Haste Street
4130	2435 – 7 <sup>th</sup> Street
4132	2424/2426 Jefferson Avenue
4133	1514 Francisco Street
4135	1728 Berkeley Way
4138	2306 Acton Street
4139	2844 Woolsey Street

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4079	2414 Dana Street ( <i>continued from the April 2, 2012 meeting</i> )
4107	1531 Fairview Street
4121	2148 Curtis Street
4125	2627 Hillegass Avenue
4128	2419 Jefferson Avenue
4129	1560 Scenic Avenue
4131	2135 Oregon Street
4134	1939 Francisco Street
4136	1934 Stuart Street
4137	1326 Berkeley Way

Commissioner Shelton pulled Waiver Nos. 4129 and 4134 for discussion; Commissioners Townley and Drake also asked to pull Waiver No. 4129. Commissioner Tregub pulled Waiver Nos. 4079, 4121 and 4134 for discussion.

*Chair Stephens suggested that, going forward, staff might consider having the Waivers Committee review all waiver requests prior to their coming before the full Board, in the interest of correcting and/or clarifying any information that would facilitate a better understanding of each case.*

M/S/C (Drake/Webster) APPROVAL ALL MINISTERIAL WAIVERS AND DISCRETIONARY WAIVER NOS. 4107, 4125, 4128, 4131, 4136 AND 4137. Voice vote. Carried: 9-0-0-0.

M/S/C (Harr/Townley) WAIVE FIFTY PERCENT OF THE PENALTY FOR WAIVER NO. 4079 PROVIDED THAT THE FEES FOR THE 2012-2013 REGISTRATION YEAR (DUE ON JULY 1<sup>ST</sup>, 2012) ARE PAID IN FULL AND ON TIME. ALSO AUTHORIZE STAFF TO ALLOW THE PROPERTY OWNER MORE TIME TO PAY DUE TO FINANCIAL HARDSHIP. Roll call vote. YES: Blake, Dodsworth, Drake, Harr, Shelton, Townley, Tregub, Webster, Stephens. Carried: 9-0-0-0.

M/S/C (Townley/Tregub) WAIVE ONE-HUNDRED PERCENT OF THE PENALTY FOR WAIVER NO. 4121. Voice vote. Carried: 9-0-0-0.

M/S/W (Shelton/Townley) WAIVE ONE-HUNDRED PERCENT OF THE PENALTY FOR WAIVER NO. 4129. \*\*Motion withdrawn by maker – no vote.\*\*

M/S/W (Dodsworth/Blake) APPROVE STAFF RECOMMENDATION FOR WAIVER NO. 4129. \*\*Motion withdrawn by maker – no vote.\*\*

**Substitute motion:** M/S/C (Drake/Tregub) WAIVE ONE-HUNDRED PERCENT OF THE PENALTY FOR WAIVER NO. 4129. Roll call vote. YES: Drake, Harr, Townley, Tregub, Webster, Stephens; NO: Blake; ABSTAIN: Dodsworth, Shelton; ABSENT: None. Carried: 6-1-2-0.

M/S/C (Blake/Townley) HOLD OVER WAIVER NO. 4134 TO ALLOW STAFF MORE TIME TO INVESTIGATE AND REPORT BACK TO FULL BOARD AT A SUBSEQUENT MEETING. Voice vote. Carried: 8-0-1-0. ABSTAIN: Dodsworth.

**Item 4.** – Approval of the April 2, 2012 Regular Meeting minutes was voted on next (vote recorded on Page 1).

*At this point, the Board heard Information Item 7.b.(5).a. which had been moved to Action Items by a prior vote on approval of the agenda. The Board discussed a report regarding Disaster Preparedness for tenants in multi-family buildings but took no formal action.*

## **7. Information and Announcements**

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

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

- (1) Update on assistance provided to tenants affected by the November 18, 2011 fire at 2435 & 2441 Haste Street and the March 8, 2012 fire at 2227 Dwight Way *The Executive Director updated the Board on the results of the grant program for tenants affected by the fire at 2435 & 2441 Haste Street and provided statistics on those tenants helped by the funding the Rent Board provided. Rent Board Housing Counselor Moni Law also updated the Board on the fire at 2227 Dwight Way and answered questions from Commissioners.*

- (2) Preliminary Staff Report on Rent Stabilization, Vacancy Decontrol and Property Maintenance *The Executive Director mentioned that he intends to have Deputy Director Barton give a presentation on this item at our next regularly-scheduling Board meeting so Commissioners.*

At this point, Vice-Chair Blake asked to take Information Item 7.a.(13) out of order.

M/S/C (Townley/Blake) MOVE INFORMATION ITEM 7.a.(13) – May 15, 2012 report to City Council titled, “Initiative Petition: Sunshine Ordinance” – TO ACTION ITEMS. Voice vote. Carried: 7-0-0-2. ABSENT: Drake, Shelton.

After discussion of this item, the Board took the following action:

M/S/C (Webster/Blake) DIRECT THE RENT BOARD CHAIR TO WRITE A LETTER TO THE CITY COUNCIL REQUESTING THAT THE LANGUAGE OF THE BALLOT STATEMENT, AS WELL AS THE CITY ATTORNEY’S IMPARTIAL ANALYSIS, BE CORRECTED TO CONVEY A HIGHER TONE OF IMPARTIALITY, AND ASK THAT AN EXPLANATION OF THE FISCAL IMPACT BE PROVIDED. Voice vote. Carried: 7-0-0-2. ABSENT: Drake, Shelton.

- (3) Updated Commissioner Attendance Records for Regular Board Meetings and Committee Meetings for the period December 2011 through February 2012 (Executive Director) – *In packet and self-explanatory.*
- (4) December 29, 2011 “Auditor’s Communication with Those Charged with Governance” from Caporicci & Larson, Inc. regarding the audit of the Berkeley Rent Board fund for the 2010-2011 fiscal year (Executive Director) – *In packet and self-explanatory.*
- (5) Report on the Rent Board’s role in the Berkeley Housing Authority Public Housing Conversion (Executive Director) *Chair Stephens requested that there by a verbal report by staff on this item at the Board’s next regularly-scheduled Board meeting.*
- (6) Updated Rent Board Committee Assignments list (Chair Stephens)
- (7) Update on City Council item regarding the Responsible Banking Policy and results of research on possible moving Rent Board account holdings to an alternate financial institution *The Executive Director gave a brief update on this item.*
- (8) Update on City Council item regarding an alternate location for City Council Meetings (Executive Director) – *This item was briefly discussed.*
- (9) February 8, 2012 Foreclosure Report to the Eviction/Section 8/Foreclosure Committee *Commissioner Harr spoke briefly about this item; Commissioner Townley said he had a few questions on the report and asked that this item be held over to the next next regularly-scheduled Board meeting.*
- (10) April 2012 Rent Board Tenant Postcard (Executive Director) – *This item was briefly discussed.*

*At this point, Chair Stephens suggested that the remaining items, including Committee reports, be held over to the next meeting. There was no objection. The remaining items were not discussed.*

(11) May 9, 2012 SFGate.com article titled, “Rental competition fierce in S.F.’s market”  
(Executive Director)

(12) May 5, 2012 SFGate.com article titled, “S.F. moves to enforce affordable housing agreement” (Executive Director)

(13) May 15, 2012 report to City Council titled, “Initiative Petition: Sunshine Ordinance”  
(Executive Director) – THIS ITEM WAS MOVED TO ACTION ITEMS BY AN EARLIER VOTE.

b. Updates and Announcements regarding Committee/Board Meetings

(1) Budget and Personnel

a. May 12<sup>th</sup> agenda

(2) Outreach

a. April 27<sup>th</sup> agenda

(3) IRA/AGA and Habitability

a. May 15<sup>th</sup> agenda

(4) Eviction/Section 8/Foreclosure

a. February 8<sup>th</sup> minutes – Amended

b. April 24<sup>th</sup> agenda

c. April 24<sup>th</sup> minutes

d. May 17<sup>th</sup> agenda

(5) Safe & Sustainable Housing

a. May 9<sup>th</sup> agenda – THIS ITEM WAS MOVED TO ACTION ITEMS BY AN EARLIER VOTE AND WAS HEARD AFTER ITEM 4.

(6) Waivers Committee

a. March 2<sup>nd</sup> minutes

b. April 20<sup>th</sup> agenda

(7) Ad Hoc Committee on Smoke-Free Housing

a. April 27<sup>th</sup> agenda

(8) 4 x 4 City Council/RSB Housing Committee

(9) Future Special Meetings

c. Discussion of items for possible placement on future agenda

8. **Adjournment** M/S/C (Tregub/Townley) ADJOURN MEETING. Voice vote. Carried: 6-0-1-2.  
ABSTAIN: Blake. ABSENT: Drake, Shelton. Meeting was adjourned at 10:29 p.m.