



Rent Stabilization Board

RENT STABILIZATION BOARD
Special Meeting Minutes
(Approved)

Maudelle Shirek Building
2134 Martin Luther King Jr. Way

Monday, September 24, 2012
7:00 p.m.

Council Chambers, Second Floor
Broadcast Live on KPFB – 89.3 and BTV Cable Channel 33
Live Webcasting at www.cityofberkeley.info/rent

1. **Roll call** – Chair Stephens called the meeting to order at 7:10 p.m.
Aimee Mueller called roll.
Commissioners present: Blake, Dodsworth, Drake, Harr, Shelton, Townley, Tregub, Webster (arrived 7:15), Stephens
Commissioners absent: None
Staff present: Brown, Kelekian, Mueller
2. **Approval of Agenda** M/S/C (Blake/Townley) APPROVE AGENDA. Voice vote.
Carried: 8-0-0-1. ABSENT: Webster.
3. **Public Forum** There were no speakers.
4. **Approval of the August 20, 2012 Regular Meeting minutes** M/S/C (Harr/Townley)
APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Webster.
5. **Appeal Time Certain – 7:15 p.m.**
 - a. **Appeal T-5255** (2137 Emerson Street, #1)
Parties present: Gustavo Agasso (Appellant), Dix McSween and Maple McSween (on behalf of Respondent)

M/S/C (Townley/Drake) AFFIRM THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Blake, Dodsworth, Drake, Harr, Shelton, Townley, Tregub, Webster, Stephens; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

b. **Appeal L-4041** (1481 San Pablo Avenue)

Parties present: Kazuye Suyematsu (Appellant), Ms. C. Chingyi Wu and Mr. Ruo Qin Xin (Respondents)

M/S/C (Tregub/Harr) AFFIRM THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Tregub, Webster, Stephens; NO: None; ABSTAIN: Drake, Townley; ABSENT: None. Carried: 7-0-2-0.

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)

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4060	1615 McGee Avenue
4114	1104 Euclid Avenue
4141	2326 – 10 th Street
4147*	1522 Woolsey Street
4151*	1306 Cornell Avenue

*Continued from the meeting of September 10, 2012.

It is noted for the record that Commissioner Tregub stepped out prior to this item for approximately 40 minutes but returned to attend Closed Session.

Commissioner Harr pulled Waiver Nos. 4141 and 4147 for discussion.

M/S/C (Blake/Harr) APPROVE THE STAFF RECOMMENDATION FOR WAIVER NOS. 4060, 4114 AND 4151. Voice vote. Carried: 8-0-0-1. ABSENT: Tregub (stepped out).

M/S/C (Harr/Blake) FOR WAIVER NO. 4141, WAIVE EIGHTY PERCENT OF THE \$382 PENALTY FOR THE 2011-2012 REGISTRATION YEAR AND HOLD OVER THE REMINDER OF THE WAIVER UNTIL STAFF PROVIDES THE BOARD WITH THE ORIGINAL WAIVER REQUEST. Voice vote. Carried: 7-0-0-2. ABSENT: Shelton, Tregub (stepped out).

M/S/C (Harr/Blake) APPROVE THE RECOMMENDATION OF THE WAIVERS COMMITTEE for Waiver No. 4147 AS FOLLOWS: "At its September 18, 2012 meeting, the Waivers Committee voted to recommend denying the owner's waiver request, because it appears, based on a previous request for a waiver, that the owner is aware of his obligations under the Soft Story Ordinance. (See attached waiver request of January 5, 2010.) The Committee further recommended allowing the owner the opportunity to provide proof of complying with the notice requirements of the Soft Story Ordinance (by posting a sign and

sending tenants a written notice that the building is on the soft-story inventory, per B.M.C. Section 19.39.060 A) and, if the landlord complies with these requirements within 30 days, waiving \$78 of the penalty imposing \$50, as originally recommended by staff.” Voice vote. Carried: 8-0-0-1. ABSENT: Tregub (stepped out).

7. Information and Announcements

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

a. Reports from Board Members/Staff

- (1) September 21, 2012 communication from Rent Board Chair Lisa Stephens to Alameda County Civil Grand Jury Foreman Russell G. Miller with the official response of the Berkeley Rent Stabilization Board to the report and recommendations of the 2011-2012 Alameda County Civil Grand Jury Final Report (Chair Stephens)
- (2) June 26, 2012 Council item titled, “New Location for City Council Meetings – Analysis of Alternatives” (Executive Director)
- (3) Report from Waivers Committee regarding “Small Landlord School/Workshop” as an alternative in discretionary waivers (Waivers Committee)
- (4) Update on the Rent Board’s September 11, 2012 workshop titled, “Owning Rental Property in Berkeley” (Executive Director)
- (5) July 25, 2012 Foreclosure Report given to the Eviction/Section 8/Foreclosure Committee (Commissioner Harr)
- (6) Updated Committee Assignments List (Chair Stephens)
- (7) September 11, 2012 Berkeleyside.com article by Frances Dinkelspiel titled, “Rent Board makes minor changes after critical report” (Executive Director)

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel
 - a. September 21st agenda
- (2) Outreach
 - a. September 21st agenda
- (3) IRA/AGA and Habitability
- (4) Eviction/Section 8/Foreclosure

- a. July 25th minutes
- (5) Safe & Sustainable Housing
- (6) Waivers Committee
 - a. August 14th minutes
 - b. September 18th agenda
- (7) Ad Hoc Committee on Smoke-Free Housing
 - a. September 21st agenda
- (8) 4 x 4 City Council/RSB Housing Committee
- (9) Future Special Meetings
- c. Discussion of items for possible placement on future agenda

At 9:40 p.m., the Board convened in Closed Session.

8. **CLOSED SESSION** – The Board will convene in Closed Session pursuant to California Government Code § 54957(b).

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director

Following the Board's return from Closed Session, Chair Stephens announced that the Board took three actions related to the Executive Director's performance evaluation.

9. **Adjournment** – The meeting was adjourned at 10:44 p.m.