



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, December 15, 2014
7:00 p.m.

1. **Roll call** – Vice-Chair Harr called the meeting to order at 7:12 p.m.**
Aimee Mueller called roll.
Commissioners-elect present: Chang, Harr (left 10:07), Laverde, Selawsky, Townley
Commissioners present: Dodsworth, Hunt, Shelton, Soto-Vigil
Staff present: Arreguin, Brown, Kelekian, King, Law (in audience), Mueller, Numainville

***The meeting start time was delayed due to technical problems with the electrical equipment in Chambers needed to properly broadcast the proceedings.*

The Vice-Chair announced that, in order to have a quorum for the meeting, Item 4.b. needed to be taken up first. There was no objection. Items 4.a. and 4.b. immediately followed.

2. **Approval of Agenda** M/S/F (Dodsworth/Hunt) APPROVE AGENDA WITH ONE CHANGE: MOVE ITEM 8.a.(2) TO ACTION. Roll call vote. YES: Dodsworth, Hunt, Soto-Vigil, Townley; NO: Chang, Harr, Laverde, Selawsky, Shelton. Failed: 4-5-0-0.

M/S/C (Selawsky/Townley) APPROVE AGENDA WITH ONE CHANGE: MOVE ITEMS 8.b.(1) THROUGH 8.b.(7) – COMMITTEE REPORTS – UP ON THE AGENDA AND HEAR THEM AS THE FIRST INFORMATION ITEM. Voice vote. Carried: 8-0-1-0. ABSTAIN: Chang.

3. **Public Forum** – There were five speakers: Laurah, a long-term Berkeley tenant who discussed mold in her apartment. The remaining speakers spoke later in the meeting prior to their respective items: Council Member Jesse Arreguin spoke about Item 5.; Igor Tregub spoke about Item 7.a.(3); Jess Dervin-Ackerman of the Sierra Club spoke about Item 7.a.(4); and Moni T. Law spoke about Item 7.a.(4).

4. Special Order of Business

- a. Introduction of Rent Board Commissioners-elect: Katherine Harr, James Chang, Jesse Townley, John Selawsky and Paola Laverde-Levine
- b. Oath of Office to Commissioners-elect:
Berkeley City Clerk Mark Numainville administered the Oath of Office to Commissioners-elect Katherine Harr, James Chang, Jesse Townley, John Selawsky and Paola Laverde-Levine.
- c. Election of Chairperson: After the Executive Director explained the process for the election of the Chair and Vice-Chair, he opened the floor for nominations:

Commissioner Selawsky nominated Commissioner Townley; he accepted.
Commissioner Dodsworth nominated Commissioner Harr; she declined.
Commissioner Chang nominated Commissioner Soto-Vigil; he accepted.*
Commissioner Chang nominated Commissioner Selawsky; he declined.

In the order in which they were nominated, the Board then heard statements from Commissioners Townley and Soto-Vigil. *During his statement, Commissioner Soto-Vigil withdrew his acceptance of the nomination for Chair. Following debate, the Executive Director closed the nominations and called for a vote to:

ELECT COMMISSIONER TOWNLEY TO SERVE AS CHAIR OF THE BERKELEY RENT BOARD. Roll call vote. YES: Harr, Hunt, Laverde, Selawsky, Shelton, Townley; NO: None: ABSTAIN: Chang, Dodsworth, Soto-Vigil; ABSENT: None. Carried: 6-0-3-0.

- d. Election of Vice-Chairperson: Chair Townley then opened the floor for nominations for Vice-Chair.

Commissioner Selawsky nominated Commissioner Harr; she accepted.
Commissioner Chang nominated Commissioner Soto-Vigil; he accepted.

In the order in which they were nominated, the Board then heard statements from Commissioners Harr and Soto-Vigil. Following discussion, Chair Townley closed the nominations and called for one roll call vote in which each Board Member would state their choice for Vice-Chair:

COMMISSIONER HARR RECEIVED AFFIRMATIVE VOTES FROM: Harr, Selawsky, Shelton and Townley.

COMMISSIONER SOTO-VIGIL RECEIVED AFFIRMATIVE VOTES FROM: Chang, Dodsworth, Hunt, Laverde and Soto-Vigil.

Commissioner Soto-Vigil was elected to serve as Vice-Chair.

- e. Comments by new Chair, Vice-Chair and Commissioners:
Chair Townley and Vice-Chair Soto-Vigil each made brief statements.

5. Special Order of Business

- a. Resolution to be presented to former Commissioner Webster on behalf of the Berkeley Rent Stabilization Board and staff in appreciation of her eight years of outstanding service as a Rent Board Commissioner Commissioner Harr read aloud the resolution honoring former Commissioner Pam Webster. Pam expressed her thanks to the voters of Berkeley, as well as to Rent Board staff, former Commissioners and the current Board for their true commitment to the Rent Ordinance and the people of Berkeley.
- b. Resolution to be presented to former Commissioner Blake on behalf of the Berkeley Rent Stabilization Board and staff in appreciation of his eight years of outstanding service as a Rent Board Commissioner Executive Director Jay Kelekian read aloud the resolution honoring former Commissioner Dave Blake. Dave thanked staff and Board and expressed his appreciation for the objectivity that the Board has shown in their decisions during his tenure. He also spoke about the importance of remembering that the decisions that Board Members make – both on and off the dais – have an impact on those they serve and should always take into account the sanctity of the Rent Ordinance.
- c. Resolution to be presented to former Commissioner Stephens on behalf of the Berkeley Rent Stabilization Board and staff in appreciation of her eight years of outstanding service as a Rent Board Commissioner and six years as the Board's Chairperson Commissioner Harr and Chair Townley read aloud the resolution honoring former Commissioner and Chair Lisa Stephens. Lisa expressed her thanks to staff and the Board and explained the circumstances surrounding an incident noted in her resolution – she was innocent! Lisa also stated that she believes the Rent Board has the best staff in the City of Berkeley (and that the City Clerk staff are exceptional, too). She also expressed her appreciation to Berkeley Community Media and KPFB for their work to broadcast our meetings, so that people can participate in democracy even if they are unable to attend Rent Board meetings.
- d. Comments from former Commissioners – See respective items above.
Following comments from former and current Commissioners, the Board took the following action:

M/S/C (Selawsky/Harr) ADOPT RESOLUTIONS 14-17, 14-18 AND 14-19 BY ACCLAMATION. Voice vote. Motion carried unanimously.

6. Approval of prior meeting minutes:

- a. November 17th Regular Meeting minutes – M/S/C (Harr/Soto-Vigil) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 9-0-0-0.
- b. November 20th Special Meeting minutes – M/S/C (Hunt, Soto-Vigil) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 9-0-0-0.

7. Action Items

a. From Board Members, Executive Director and Committees

- (1) Discussion and adoption of the proposed Rent Board's 2015 Calendar Year Regular Meeting Schedule

M/S/C (Chang/Selawsky) ADOPT THE PROPOSED RENT BOARD 2015 CALENDAR YEAR REGULAR MEETING SCHEDULE AS WRITTEN.
Voice vote. Carried: 9-0-0-0.

It is noted for the record that the following Commissioners stated they would likely or definitely be unable to attend the following meetings:

- Selawsky – September 21st
- Soto-Vigil – August 17th
- Laverde – May 11th
- Chang – February 23rd

- (2) Recommendation to appoint an ad hoc committee to develop a paperless agenda process Following discussion, the Board took the following action:

M/S/C (Soto-Vigil/Selawsky) CREATE AN AD HOC COMMITTEE ON PAPERLESS AGENDAS WITH THE FOLLOWING MEMBERS: DODSWORTH, SOTO-VIGIL, HUNT AND SELAWSKY. Voice vote.
Carried: 8-0-0-0-1. RECUSED: Chang (to avoid the appearance of a conflict of interest).

- (3) Recommendation to support use of Property Assessed Clean Energy (PACE) Program funding for seismic retrofits

M/S/C (Harr/Shelton) SEND A LETTER TO THE CITY COUNCIL CONVEYING THE BOARD'S SUPPORT FOR ALLOWING ALL MULTI-UNIT BUILDINGS, INCLUDING THOSE WITH BOTH RESIDENTIAL AND COMMERCIAL MORTGAGES, ACCESS TO PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM FUNDING FOR SEISMIC RETROFITS. Roll call vote. YES: Chang, Dodsworth, Harr, Laverde, Selawsky, Shelton, Soto-Vigil, Townley; NO: Hunt; ABSTAIN: None; ABSENT: None. Carried: 8-1-0-0.

- (4) Recommendation to oppose Santa Maria Crude-by-Rail Project in San Luis Obispo and send a letter to the San Luis Obispo Planning Commission

M/S/C (Soto-Vigil/Laverde) APPROVE THE RECOMMENDATION WITH THE FOLLOWING CHANGES TO THE PROPOSED LETTER THAT STAFF SENDS TO THE SAN LUIS OBISPO PLANNING COMMISSION AND THEIR BOARD OF SUPERVISORS:

- CHANGE THE LAST SENTENCE OF THE THIRD PARAGRAPH SUCH THAT IT READS: "A derailment in Berkeley will cause severe damage to

the San Francisco Bay, West Berkeley manufacturing zone, and West Berkeley residents, schools, healthcare agencies and businesses.”

- CHANGE THE FINAL SENTENCE OF THE LETTER SUCH THAT IT READS: “We respectfully urge you to oppose this project.”

Roll call vote. YES: Chang, Dodsworth, Harr, Hunt, Laverde, Selawsky, Soto-Vigil, Townley; NO: None; ABSTAIN: Shelton; ABSENT: None.
Carried: 8-0-1-0.

- (5) Proposal to approve staff recommendation on the following request for waiver of late registration penalties (Executive Director)

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4393	2910 California Street
4433	2312 Stuart Street

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4391	1730 Spruce Street
4420	2317 Browning Street
4431	2313 9th Street

M/S/C (Selawsky/Shelton) APPROVE THE STAFF RECOMMENDATION FOR ALL MINISTERIAL WAIVERS AND FOR DISCRETIONARY WAIVER NOS. 4420 AND 4431. Voice vote. Carried: 8-0-0-1. ABSENT: Soto-Vigil (stepped away).

M/S/C (Harr/Selawsky) APPROVE THE STAFF RECOMMENDATION FOR WAIVER NO. 4391. Voice vote. Carried: 9-0-0-0.

Per an earlier vote on approval of the agenda, the Board then heard Items 8.b.(1) - 8.b.(7) – Committee Reports.

8. Information and Announcements

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

a. Reports from Board Members/Staff

- (1) Discussion of current Rent Board Committee structure and possible future changes (Commissioner Townley & Vice-Chair Harr) Following discussion on this item, the

Chair Townley asked that all Commissioners forward their respective comments, suggestions and requests for Committee assignments to him with a copy to the Executive Director.

- (2) Increased Compensation for Chair and Vice-Chair (Commissioner Dodsworth)
Following discussion, the Board unanimously agreed to refer this item to the Budget & Personnel Committee.
- (3) Update on charts and tables reflecting annual budgets and staffing levels for Berkeley and other cities (Commissioner Hunt) – *Verbal*
Following discussion, the Board agreed to refer this item to the Budget & Personnel Committee. Chair Townley said he would like to see an updated version of this information and suggested a deadline of March.
- (4) Update on honorary formal acknowledgement of former Rent Stabilization Program staff (Commissioner Hunt) During discussion, the Executive Director explained how this subject has been handled in the past and clarified that this issue had been referred to the Budget & Personnel Committee; the Committee had not yet taken up this item due to their extensive work plan.

Information Items 8.a.(5) – (10) were reviewed but no action was taken.

- (5) December 9, 2014 Council Item: Confirming the Results of the November 4, 2014 General Municipal Election (Executive Director)
- (6) November 18, 2014 Council item: Condominium Conversion Program – Annual Report (Executive Director) *Carried over from November 17th Regular Meeting*
- (7) November 13, 2014 Soft Story Program Update by the Planning Department’s Building and Safety Division (Executive Director) *Carried over from November 20th Special Meeting*
- (8) City of Oakland’s recently adopted Ordinance Prohibiting Various Harassing Behaviors by Landlords Against Tenants and Providing Civil Remedies for Violations (Executive Director) *Carried over from November 20th Special Meeting*
- (9) November 21, 2014 New York Times article by Erik Eckholm and Ian Lovett titled, “A Push for Legal Aid in Civil Cases Finds Its Advocates” (Executive Director)
- (10) December 3, 2014 Los Angeles Times article by Rong-Gong Lin II and Gale Holland titled, “Silicon Valley homeless no longer welcome in ‘the Jungle’ (Executive Director)

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel – Commissioner Harr gave a brief update on the Committee’s recent work.
 - a. September 4th minutes

- b. September 15th minutes
 - c. November 10th minutes
 - d. November 21st agenda (continued from November 19th)
- (2) Outreach – Commissioner Dodsworth gave a brief update on the Committee’s recent work.
 - a. November 21st agenda
 - (3) IRA/AGA and Habitability – Chair Townley mentioned that most of this Committee’s latest has come before the Board over the last few months.
 - (4) Eviction/Section 8/Foreclosure – Commissioner Harr said the Committee hasn’t met recently but it is a very active Committee, as is evident from the summary contained in the report for Item 8.a.(1).
 - (5) Safe & Sustainable Housing – Chair Townley summarized many of the issues that the Committee has been working on and noted that one of them – the issue of cyclical housing inspections – has been moved to the IRA/AGA & Habitability Committee.
 - a. December 11th agenda
 - (6) Waivers Committee – Commissioner Dodsworth said that the work of this Committee is contingent upon the upgrade of the RTS database, which is not yet complete.
 - (7) 4 x 4 City Council/RSB Housing Committee – Chair Townley noted that there are only two Rent Board members left on this Committee: himself and Commissioner Harr. Following discussion on this item, it was agreed that answers to several clarifying questions should be brought back to the full Board at a future meeting (see Item 8.c.(1) below).
 - (8) Future Special Meetings
- c. Discussion of items for possible placement on future agenda
 - (1) Regarding the 4 x 4 City Council/RSB Housing Committee, the Board would like to see answers to the following questions:
 - Does the Mayor choose the members of this Committee?
 - Is the Rent Board able to meet with only two Council Members and four Rent Board Commissioners?
 - (2) Mold issue (Soto-Vigil)

9. **Adjournment** M/S/C (Selawsky/Laverde) ADJOURN MEETING AT 10:40 P.M. Voice vote. Carried: 8-0-0-1. ABSENT: Harr.