



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, November 17, 2014
7:00 p.m.

1. **Roll call** – Chair Stephens called the meeting to order at 7:14 p.m.
Aimee Mueller called roll.
Commissioners present: Blake, Dodsworth, Harr, Hunt, Shelton, Soto-Vigil, Townley, Webster (arrived 7:39), Stephens
Commissioners absent: None
Staff present: Brown, Kelekian, King, Law (in audience), Mueller, Siegel
2. **Approval of Agenda** M/S/C (Townley/Harr) APPROVE AGENDA. Voice vote.
Carried: 8-0-0-1. ABSENT: Webster.
3. **Public Forum** – There were nine speakers, some of whom opted to speak later in the meeting when their item of interest was being discussed: Moni T. Law introduced Cal in Local Government Interns Katherine Bui and Shawn Amini-Rad; Marc Janowitz, David Shamszad, Stan Hammond, Michael St. John, Francine Leonard and Hans Opsahl spoke about Item 6.a.(3.); and Richard Genirberg and Benn Karne spoke about Item 6.a.(2).
4. **Approval of the October 20th Regular Meeting minutes** M/S/C (Harr/Townley) APPROVE MINUTES WITH THE FOLLOWING CHANGE: FOR ITEM 6.b.(2), ADD THAT COMMISSIONER HUNT EMPHASIZED THAT THE PLACE WHERE OUR WORKSHOPS ARE HELD SHOULD BE CHANGED GIVEN THE PARKING SITUATION AND THE TIME CONSTRAINTS OF OUR CURRENT VENUE. Carried: 8-0-0-1. ABSENT: Webster.
5. **Appeal** – 7:30 p.m.*

Appeal IRD-78 (3208 Ellis Street, Unit B)

Parties present: Susan Brier (Appellant), Harold Cooper (on behalf of Appellant), and Mark Kyer (Respondent)

M/S/C (Blake/Shelton) MOVE TO ELIMINATE THE E-MAILS FROM CONSIDERABLE EVIDENCE IN THIS CASE. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Soto-Vigil, Webster, Stephens; NO: Hunt, Townley; ABSENT/ABSTAIN: None. Carried: 7-2-0-0.

M/S/C (Harr/Webster) UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Soto-Vigil, Townley, Webster, Stephens; NO: Hunt; ABSTAIN/ABSENT: None. Carried: 8-1-0-0.

6. Action Items

a. From Board Members, Executive Director and Committees

- (1) Recommendation to adopt Regulation 509 [Definition of New Construction for Legal Rental Units] – Second Reading (Executive Director & IRA/AGA/Habitability Committee)

M/S/C (Blake/Townley) ADOPT REGULATION 509 ON SECOND READING. Voice vote. Carried: 9-0-0-0.

- (2) Recommendation to amend Regulation 1018 [Initial Rent Determinations] – First Reading (IRA/AGA/Habitability Committee)

M/S/C (Townley/Shelton) ADOPT AMENDMENT TO REGULATION 1018 ON FIRST READING. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Soto-Vigil, Townley, Webster, Stephens; NO: Hunt; ABSTAIN/ABSENT: None. Carried: 8-1-0-0.

- (3) Discussion and recommendation to adopt Resolution 14-15 clarifying the purpose and application of Regulation 524 [Tenant in Occupancy] and Regulation 525 [Procedure for Challenging Tenant in Occupancy Status] (Executive Director & IRA/AGA/Habitability Committee)

M/S/C (Harr/Blake) ADOPT RESOLUTION 14-15 AS WRITTEN. Roll call vote. YES: Blake, Dodsworth, Harr, Soto-Vigil, Webster, Stephens; NO: Hunt, Shelton; ABSTAIN: Townley; ABSENT: None. Carried: 6-2-1-0.

At this point, the Board made the following motion regarding the remaining Action Items:

M/S/C (Hunt/Soto-Vigil) HOLD OVER ITEMS 6.a.(4) AND 6.a.(5) TO THE BOARD'S SPECIAL MEETING ON THURSDAY, NOVEMBER 20, 2014. Voice vote. Carried: 9-0-0-0.

- (4) Discussion and recommendation to adopt proposed revisions to the Rent Board Meeting Procedures (Budget & Personnel Committee)

- (5) Discussion and recommendation to adopt proposed revisions to the Rent Board Compensation Policy (Resolution 11-20) (Budget & Personnel Committee)

The Board then made the following motion regarding Item 8. (Closed Session):

M/S/C (Hunt/Soto-Vigil) POSTPONE CLOSED SESSION TO THE BOARD'S SPECIAL MEETING ON THURSDAY, NOVEMBER 20, 2014. Voice vote. Carried: 7-0-0-2. ABSENT: Shelton, Townley.

None of the Information Items were discussed.

7. Information and Announcements

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

a. Reports from Board Members/Staff

- (1) Early notice of Annual General Adjustment (AGA) via e-mail (Executive Director)
- (2) Notice of Apparent Lawful Rent Ceiling mailing to property owners (Executive Director)
- (3) November 1, 2014 Rent Board presentation to the Berkeley Property Owners Association (Executive Director) – *Verbal*
- (4) November 18, 2014 Council item: Replacing the Residential and Commercial Energy Conservation Ordinances (B.M.C. Chapters 19.16 and 19.72) with a Building Energy Saving Ordinance (B.M.C. Chapter 19.81) (Executive Director)
- (5) November 18, 2014 Council item: Condominium Conversion Program – Annual Report (Executive Director)
- (6) November 9, 2014 open letter from Michael St. John to the Berkeley Rent Board (Executive Director)
- (7) October 21, 2014 SPUR White Paper titled, “Non-Primary Residences and San Francisco’s Housing Market” (Chair Stephens)
- (8) Announcement: Berkeley City Council will host a Building Energy Saving Ordinance (BESO) Workshop on Tuesday, November 18 at 6:00 p.m. in Council Chambers (Chair Stephens)
- (9) October 21, 2014 SFGate article by Will Kane titled, “Oakland tenants say bully landlords taking advantage of market” (Executive Director)
- (10) October 22, 2014 Inside Bay Area article by Matthew Artz titled, “Oakland: Tenant protection law passed” (Executive Director)

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel

- a. November 10th agenda
- (2) Outreach
 - a. August 15th minutes
- (3) IRA/AGA and Habitability
 - a. September 12th minutes
- (4) Eviction/Section 8/Foreclosure
- (5) Safe & Sustainable Housing
 - a. November 13th agenda
- (6) Waivers Committee
- (7) 4 x 4 City Council/RSB Housing Committee
- (8) Future Special Meetings
- c. Discussion of items for possible placement on future agenda

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director

Earlier in the agenda, the Board made the following motion:

M/S/C (Hunt/Soto-Vigil) POSTPONE CLOSED SESSION TO THE BOARD’S SPECIAL MEETING ON THURSDAY, NOVEMBER 20, 2014. Voice vote. Carried: 7-0-0-2.
ABSENT: Shelton, Townley.

9. **Adjournment** M/S/C (Dodsworth/Hunt) ADJOURN MEETING AT 10:28 P.M. Voice vote. Carried: 8-0-0-1. ABSENT: Blake.