



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, October 20, 2014
7:00 p.m.

1. **Roll call** – Chair Stephens called the meeting to order at 7:19 p.m.*
Aimee Mueller called roll.
Commissioners present: Blake (arrived 7:40), Dodsworth, Harr, Hunt, Shelton, Soto-Vigil (left 9:48), Townley, Webster, Stephens
Commissioners absent: None
Staff present: Brown, Kelekian, King, Law (in audience), Mueller

**The meeting start was delayed to allow sufficient time for several Commissioners and staff to conclude an earlier committee meeting that ran longer than expected.*

2. **Approval of Agenda** M/S/C (Townley/Harr) APPROVE AGENDA WITH THE FOLLOWING CHANGES: MOVE TO HEAR ITEM 6.a.(2) AFTER WAIVERS ITEM.
Voice vote. Carried: 8-0-0-1. ABSENT: Blake.
3. **Public Forum** – There were three speakers: Jim Smith spoke about his perception of class discrimination towards African-American landlords in Berkeley; Harry Barrett spoke about Waiver No. 4360 regarding 1617 6th Street; and Marcia Levenson expressed her sadness at the news of the death of Ted Gullicksen, and her gratitude to the Board for their decision to adjourn tonight's meeting in his honor.

Following Public Forum, the Board agreed by unanimous consent to hear Waiver No. 4360 (1617 6th Street) as the first Action Item.

4. **Approval of the September 15th Regular Meeting minutes** M/S/C (Blake/Townley) APPROVE MINUTES WITH THE FOLLOWING CHANGE: FOR ITEM 7.a.(2), CHANGE THE MOTION LANGUAGE TO REFLECT THE VERBATIM LANGUAGE IN THE BUDGET & PERSONNEL COMMITTEE'S RECOMMENDATION. Voice vote.
Carried: 9-0-0-0.

5. Action Items

a. From Board Members, Executive Director and Committees

The Board then heard Waiver No. 4360 regarding 1617 6th Street in order to accommodate the property owner who was present.

M/S/C (Harr/Webster) WAIVE SIXTY PERCENT OF THE PENALTY FOR WAIVER NO. 4360 CONTINGENT UPON THE OWNER PAYING OR MAKING ARRANGEMENTS TO PAY THE \$311 OWED WITHIN 30 DAYS, WITH THE UNDERSTANDING THAT THE BOARD STRONGLY SUGGESTS THAT THE OWNER PAY THIS AMOUNT BY TOMORROW MORNING, OCTOBER 18, 2014, SO AS TO AVOID SMALL CLAIMS COURT ACTION. Roll call vote. YES: Blake, Dodsworth, Harr, Hunt, Townley, Webster, Stephens; NO: Soto-Vigil; ABSTAIN: Shelton; ABSENT: None. Carried: 7-1-1-0.

- (1) Recommendation to adopt Regulation 1137 – the proposed Annual General Adjustment (AGA) for 2015 (Executive Director and IRA/AGA/Habitability Committee)

M/S/C (Harr/Townley) ADOPT REGULATION 1137 AS WRITTEN. Voice vote. Carried: 9-0-0-0.

- (2) Recommendation to adopt Resolution 14-14 authorizing the Executive Director to modify the terms of the contract with Berkeley Food and Housing Project (Executive Director)

M/S/C (Townley/Harr) ADOPT RESOLUTION 14-14 AS WRITTEN. Roll call vote. YES: Blake, Dodsworth, Harr, Hunt, Shelton, Soto-Vigil, Townley, Stephens; NO: None; ABSTAIN: Webster; ABSENT: None. Carried: 8-0-1-0.

- (3) Recommendation to adopt Regulation 509 [Definition of New Construction for Legal Rental Units] – First Reading (Executive Director)

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

- (4) Recommendation to request that the City Council support the development of a two-prong pilot program for Disaster Preparedness in Multi-Family Buildings (Commissioners Townley and Blake)

M/S/C (Townley/Blake) REQUEST THAT THE CITY COUNCIL SUPPORT THE DEVELOPMENT OF A TWO-PRONG PILOT PROGRAM FOR DISASTER PREPAREDNESS IN MULTI-FAMILY BUILDINGS. Voice vote. Carried: 9-0-0-0.

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

Administrative Waiver

Waiver No. Property Address

4418 1930 9th Street

Ministerial Waivers

Waiver No. Property Address

4373 1413 Neilson Street
4380 1636 62nd Street
4386 2200 Roosevelt Avenue
4387 2909 Florence Street
4407 2017 Emerson Street # B
4408 2019 Emerson Street
4409 1700 Walnut Street
4410 1517 Alcatraz Avenue
4411 1023 Bancroft Way
4414 1320 Josephine Street
4415 2401 Cedar Street

Discretionary Waivers

Waiver No. Property Address

4360 1617 6th Street
4371 1625 Martin Luther King Jr Way
4375 2433 Warring Street
4377 2424 Fulton Street
4379 3411 Adeline Street
4382 1431 67th Street
4383 1235 Stannage Avenue
4390 1298 Albina Avenue
4395 2525 Regent Street
4401 1522 Harmon Street
4402 1824 62nd Street
4403 1511 Stuart Street
4404 1501 Stuart Street
4405 2743 Fulton Street
4412 1640 Ashby Avenue
4413 1115 Ward Street
4416 1709 University Avenue
4417 1246 Hearst Avenue

M/S/C (Townley/Harr) APPROVE THE STAFF RECOMMENDATION FOR ALL ADMINISTRATIVE AND MINISTERIAL WAIVERS. Voice vote. Carried: 8-0-0-1. ABSENT: Dodsworth (stepped out)

M/S/C (Harr/Webster) APPROVE THE STAFF RECOMMENDATION FOR DISCRETIONARY WAIVERS NOS. 4375, 4382, 4383,4390, 4395, 4401, 4403, 4404, 4405, 4412, 4413, 4416 AND 4417. Voice vote. Carried: 9-0-0-0.

I was out of the room with Mr. Barrett when this motion was made, so I don't know if the mover & seconder are correct for this one:

M/S/C (Harr/Hunt) APPROVE STAFF RECOMMENDATION FOR WAIVER NOS. 4371, 4377, 4379 AND 4402. Voice vote. Carried: 9-0-0-0.

The Board then heard Item 6.a.(2) out of order per an earlier vote on approval of the Agenda.

6. Information and Announcements

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

a. Reports from Board Members/Staff

- (1) Updated Commissioner Attendance Records for Q3 of 2014 (Executive Director)
- (2) Decision-making policy regarding Rent Board litigation (Commissioners Hunt & Soto-Vigil) *Discussed earlier but no action taken.*
- (3) October 7, 2014 memo to Council from the Housing Advisory Commission titled, "Proposed Extension of the Affordable Housing Impact Fee Discount" and Council action (Executive Director)
- (4) Flyer for the October 24, 2014 Housing Workshop at the South Berkeley Senior Center: "Affordable, Fair and Safe Housing" (Executive Director)
- (5) October 15, 2014 SFGate article by John Coté titled, "Ted Gullicksen, a fighter for S.F. tenants' rights, dies" (Executive Director)
- (6) October 13, 2014 KTVU.com article titled, "2 Investigates: Landlords use questionable tactics to evict low-income tenants" (Executive Director)
- (7) October 3, 2014 SFGate article by Katherine Sharpe titled, "Please don't call the landlords" (Commissioner Dodsworth)
- (8) September 23, 2014 Finance & Commerce article by Bloomberg News titled, "Affordable housing scarce in California" (Chair Stephens)

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel – Committee Chair Stephens said that most of the Committee’s work has come before the Board as either an Action Item or an Information Item recently.
 - a. July 23rd minutes
- (2) Outreach – Committee Chair Webster said the Committee met on Friday, October 17th. She gave an overview of the Committee’s recent work and made two announcements: the Rent Board’s Tenants’ Rights Workshop at the Berkeley Central Library on October 28th at 6:00 p.m.; and the signage for the Rent Board office has been approved and will hopefully be installed soon. Commissioner Hunt expressed concern about how the Rent Board’s workshops are conducted in terms of allowing sufficient time for attendees to ask questions so they don’t feel rushed at the end of the workshop. Commissioner Hunt also emphasized that the location of the workshops should change given parking and time constraints related to the current venue. Commissioner Dodsworth also highlighted several other items the Committee is working on including more comprehensive outreach to communities of color; a property owner checklist; and identification of problem properties with multiple housing code violations.
 - a. October 17th agenda
- (3) IRA/AGA and Habitability – Committee Chair Stephens said the Board approved two of the Committee’s items this evening and there will be another regulation item at the Board’s next meeting.
 - a. March 21st minutes
 - b. October 17th agenda
- (4) Eviction/Section 8/Foreclosure – Committee Chair Harr directed Commissioners’ attention to an article that Commissioner Blake had distributed earlier about Utah’s “Housing First” program and its pilot phase in Salt Lake City. She discussed this program’s implementation in other cities and highlighted one of the key socioeconomic impacts of eviction protections: it’s less expensive to keep people in their housing than it is to re-house them after they’re homeless; and it is more effective to get people into the services they need when their housing is stable.
 - a. July 10th minutes
- (5) Safe & Sustainable Housing – Committee Chair Townley said the Committee met with the City’s new Chief Resiliency Officer, Tim Burroughs, and announced that there are two City positions funded by a grant from the Rockefeller Foundation as part of their “100 Resilient Cities” program, of which Berkeley is one. This program, and the positions it funds, are designed to help participant cities increase their ability to survive, adapt and grow in the face of chronic stressors or acute shocks” such as earthquakes, floods, economic depression, etc. Commissioner Townley explained

some of the ways that the Committee and the Rent Board could potentially support this program.

a. September 11th minutes

b. October 9th agenda

(6) Waivers Committee – Committee Chair Dodsworth said the Committee had reviewed all the waivers on tonight’s agenda and will be busy soon.

a. October 14th agenda

(7) 4 x 4 City Council/RSB Housing Committee – Chair Stephens said the Committee will meet soon.

(8) Future Special Meetings – Chair Stephens alerted Commissioners to the possibility that the Board might need to meet twice in November.

c. Discussion of items for possible placement on future agenda

Commissioner Townley – said that the Ad Hoc Committee on Paperless Agendas have not been able to meet he’d like this subject put on a future agenda for the new Board.

7. **Adjournment** – The meeting was adjourned at 10:00 p.m. in honor of Ted Gullicksen, long-time advocate for tenants in San Francisco.