



Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**Regular Meeting Minutes**  
(Unapproved)

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 11, 2015**  
**7:00 p.m.**

1. **Roll call** – 7:00 p.m. Chair Townley called the meeting to order at 7:02 p.m. Aimee Mueller called roll.  
Commissioners present: Chang, Dodsworth (arrived 7:12), Harr, Hunt, Selawsky, Shelton (arrived 7:03; left 10:57), Soto-Vigil, Townley  
Commissioners absent: Laverde  
Staff present: Brown, Kelekian, Mueller
2. **Approval of Agenda** M/S/C (Soto-Vigil/Hunt) APPROVE AGENDA WITH ONE CORRECTION: NOTE THAT ITEM 6.a.(5) IS FROM THE EXECUTIVE DIRECTOR, NOT THE AD HOC COMMITTEE ON SHORT-TERM RENTALS. Voice vote. Carried: 7-0-0-2. ABSENT: Dodsworth, Laverde.
3. **Public Forum** – There were five speakers: Marium Navid spoke in support of increasing Board’s annual Registration Fee to at least \$213; Diana Sewell spoke about the need to continue and even increase funding to legal aid organizations that protect vulnerable Berkeley tenants from eviction; Marilyn Sagna spoke about her living conditions and urged the Board to continue funding the Eviction Defense Center and the East Bay Community Law Center; “Matthew” spoke in support of the services that the Rent Board provides and his support of increasing the annual registration fee to at least \$213; and Alex Pakter spoke in opposition to increasing the annual registration fee.
4. **Approval of the prior meeting minutes**
  - a. April 13<sup>th</sup> Special Board Meeting minutes M/S/C (Selawsky/Hunt) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 7-0-1-1. ABSTAIN: Harr; ABSENT: Laverde.
  - b. April 20<sup>th</sup> Regular Board Meeting minutes M/S/C (Selawsky/Harr) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Laverde.

5. **Appeal** – 7:15 p.m.\*

*\*This appeal will not be heard before 7:15 p.m. but may be heard any time thereafter.*

**Case Nos. T-5447 / T-5448** (1528 University Avenue)

Parties present for appeal: Guo Wei Zhu (Appellant); Melissa (“Joanne”) Perez-Winder and Vincent Larocca (Respondents)

M/S/C (Selawsky/Soto-Vigil) AFFIRM THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Chang, Dodsworth, Harr, Hunt, Selawsky, Soto-Vigil, Townley; NO: None; ABSTAIN: None; ABSENT: Laverde, Shelton (stepped out). Carried: 7-0-0-2.

M/S/C (Hunt/Selawsky) REFER THE ISSUE OF SEVERE ENVIRONMENTAL HEALTH CONCERNS, USING THE SPECIFIC EXAMPLE PROVIDED IN THIS APPEAL, TO THE IRA/AGA/REGISTRATION COMMITTEE FOR REVIEW AND POSSIBLE RECOMMENDATION TO THE FULL BOARD. Roll call vote. YES: Chang, Dodsworth, Harr, Hunt, Selawsky, Shelton, Soto-Vigil, Townley; NO: None; ABSTAIN: None; ABSENT: Laverde. Carried: 8-0-0-1.

6. **Action Items**

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

- (1) **Recommendation to set the Annual Registration Fee (Due July 1, 2015) at \$212 per unit** (Executive Director and Budget & Personnel Committee)

***Substitute motion:*** M/S/F (Selawsky/Shelton) SET THE ANNUAL REGISTRATION FEE (DUE JULY 1, 2015) AT \$212 PER UNIT. Roll call vote. YES: Selawsky, Shelton; NO: Dodsworth, Harr, Hunt, Soto-Vigil, Townley; ABSTAIN: Chang; ABSENT: Laverde. Failed: 2-5-1-1.

***Main motion:*** M/S/C (Soto-Vigil/Chang) SET THE ANNUAL REGISTRATION FEE (DUE JULY 1, 2015) AT \$213 PER UNIT. Roll call vote. YES: Chang, Dodsworth, Harr, Selawsky, Shelton, Soto-Vigil, Townley; NO: Hunt; ABSTAIN: None; ABSENT: Laverde. Carried: 7-1-0-1.

- (2) **Recommendation to authorize the direct pass-through to certain tenants of a portion of the Fiscal Year 2016 Annual Registration Fee to supplement the portion already included via the Annual General Adjustment (AGA)** (Executive Director and Budget & Personnel Committee)

M/S/C (Chang/Dodsworth) AUTHORIZE THE DIRECT PASS-THROUGH TO CERTAIN TENANTS OF A PORTION OF THE FISCAL YEAR 2016 ANNUAL REGISTRATION FEE UP TO \$6.00 PER MONTH PER QUALIFYING TENANT. Roll call vote. YES: Chang, Dodsworth, Harr, Selawsky, Shelton; NO: Soto-Vigil; ABSTAIN: Hunt, Townley; ABSENT: Laverde. Carried: 5-1-2-1.

- (3) Recommendation to adopt a resolution to establish a “summer rental” registration fee for qualifying fraternities and sororities for the 2015-2016 fiscal year (Executive Director)

M/S/C (Soto-Vigil/Selawsky) ADOPT RESOLUTION ESTABLISHING A “SUMMER RENTAL” REGISTRATION FEE OF \$50 FOR QUALIFYING FRATERNITIES AND SORORITIES FOR THE 2015-2016 FISCAL YEAR. Roll call vote. YES: Chang, Dodsworth, Harr, Selawsky, Shelton, Soto-Vigil, Townley; NO: None; ABSTAIN: Hunt; ABSENT: Laverde. Carried: 7-0-1-1.

- (4) Discussion and possible action regarding comments to Council regarding Short-Term Rentals (Ad Hoc Committee on Short-Term Rentals)

M/S/C (Harr/Chang) APPROVE RECOMMENDATION #1 ONLY: DIRECT STAFF TO SEND THE LETTER ATTACHED TO THIS ITEM TO BERKELEY’S CITY COUNCIL WITHIN 48 HOURS OF APPROVAL AND LET THE MEMBERS OF THE AD HOC COMMITTEE ON SHORT-TERM RENTALS KNOW IT HAS BEEN SENT. Voice vote. Carried: 8-0-0-1. ABSENT: Laverde.

M/S/C (Harr/Chang) APPROVE RECOMMENDATION #2: THAT THE BOARD MOVE THE ISSUE OF SHORT-TERM RENTALS TO THE 4X4 COMMITTEE FOR DISCUSSION with a *Friendly amendment by Townley* THAT THE 4X4 COMMITTEE REPORT BACK TO THE FULL BOARD ON OR BY JUNE 15, 2015. Voice vote. Carried: 7-0-1-1. ABSTAIN: Selawsky; ABSENT: Laverde.

- (5) Recommendation to support and advocate the passage of California Senate Bill (SB) 593 (McGuire) (Executive Director)

M/S/C (Harr/Shelton) SUPPORT AND ADVOCATE THE PASSAGE OF SB 593 (MCGUIRE). Voice vote. Carried: 8-0-0-1. ABSENT: Laverde.

- (6) 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>
4476	1832 Delaware Street
4487	1035 Allston Way
4495	1512 Harmon Street
4496	2627 Ashby Avenue

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4464	1674 Euclid Avenue
4465	2421 Hilgard Avenue
4466	1538 Arch Street

**Discretionary Waivers, Cont'd**

<u>Waiver No.</u>	<u>Property Address</u>
4467	1192 Arch Street
4468	2339 Hilgard Avenue
4478	968 Addison Street
4479	976 Addison Street
4480	984 Addison Street
4481	2100 9th Street

M/S/C (Hunt/Selawsky) APPROVE THE STAFF RECOMMENDATION FOR ALL MINISTERIAL AND DISCRETIONARY WAIVERS. Voice vote. Carried: 8-0-0-1. ABSENT: Laverde.

M/S/C (Soto-Vigil/Harr) MOTION TO RECONSIDER ITEM 6.a.(6). Roll call vote. YES: Chang, Dodsworth, Harr, Hunt, Selawsky, Shelton, Soto-Vigil, Townley; NO: None; ABSTAIN: None; ABSENT: Laverde. Carried: 8-0-0-1.

M/S/C (Selawsky/Hunt) APPROVE THE STAFF RECOMMENDATION FOR ALL MINISTERIAL WAIVERS ONLY. Voice vote. Carried: 8-0-0-1. ABSENT: Laverde.

*Following the Board's action to reconsider Item 6.a.(6), Commissioner Shelton pulled all the Discretionary Waivers for discussion.*

M/S/C (Soto-Vigil/Chang) WAIVE ONE-HUNDRED PERCENT OF THE PENALTY FOR WAIVER NOS. 4464, 4465, 4466, 4467 AND 4468; AND IMPOSE A PENALTY OF FIFTY DOLLARS PER PROPERTY FOR WAIVER NOS. 4478, 4479, 4480 AND 4481. Roll call vote. YES: Chang, Dodsworth, Harr, Selawsky, Shelton, Soto-Vigil, Townley; NO: Hunt; ABSTAIN: None; ABSENT: Laverde. Carried: 7-1-0-1.

**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 California Senate Bill 593 (McGuire) regarding short-term rentals (Ad Hoc Committee on Short-Term Rentals) Discussed earlier during Item 6.a.(5).
- (2) Copy of May 5, 2015 letter to City of Berkeley Planning Commission conveying the Rent Board's position and concerns regarding short-term rentals (Chair Townley) Briefly mentioned.
- (3) Copy of May 5, 2015 letter to Mayor Bates and City Council Members regarding inclusion of Berkeley Rent Board Members in the 2x2 Joint Task Force (Chair Townley) Briefly mentioned.

- (4) Copy of May 5, 2015 letter to Berkeley School Board President Judy Appel and School Board Members regarding inclusion of Berkeley Rent Board Members in the 2x2 Joint Task Force (Chair Townley) Briefly mentioned.
- (5) 13 e-mail communications from members of the public conveying their support for increasing the Annual Registration Fee (due July 1, 2015) and/or opposing a reduction in services (Executive Director) Briefly mentioned.

*The following items are carried over from the April 20<sup>th</sup> Regular Meeting:*

- (6) April 7, 2015 Council action regarding Property Assessed Clean Energy (“PACE”) Seismic Funding (Executive Director) Briefly mentioned.
- (7) March 10, 2015 Town & Village Blog article by Maria Rocha-Buschel titled, “Mendez bill would make illegal hotels a form of tenant harassment” (Commissioner Harr) Commissioner Harr spoke briefly about this item.
- (8) March 17, 2015 Sacramento Bee article by Dan Walters titled, “Opinion: California’s housing squeeze divides the state” (Commissioner Harr) Commissioner Harr spoke briefly about this item.
- (9) March 23, 2015 SFGate article by Emily Green titled, “2 supervisors want to tighten ‘Airbnb law’ on short-term rentals” (Commissioner Laverde) In packet and self-explanatory.
- (10) March 25, 2015 East Bay Express article by Sam Levin titled, “An Eviction Nightmare at Oregon Park Senior Apartments” (Commissioner Laverde) In packet and self-explanatory.
- (11) March 25, 2015 East Bay Express article by Robert Gammon titled, “It’s Time To Overturn the State Ban on Rent Control” (Commissioner Harr) In packet and self-explanatory.
- (12) April 1, 2015 East Bay Express article by Sam Levin titled, “When Landlords Harass Tenants” (Chair Townley) Chair Townley spoke briefly about this article.

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel – The results of the Committee’s most recent work were discussed earlier this evening as Action Items.
  - a. March 19<sup>th</sup> minutes
  - b. April 16<sup>th</sup> agenda
  - c. April 30<sup>th</sup> agenda

- (2) Outreach – Vice-Chair Soto-Vigil suggested that this Committee might consider adding a line to the appropriate outreach materials reminding the public that they can call the Rent Board for information if they are having issues with bedbugs.
- (3) IRA, AGA and Registration – Committee Chair Townley updated the Board on this Committee’s recent work.
  - a. March 20<sup>th</sup> minutes
  - b. May 8<sup>th</sup> agenda
- (4) Eviction/Section 8/Foreclosure – Committee Chair Harr said that the Committee heard presentations from the Eviction Defense Center and the East Bay Community Law Center about their services and trends affecting the work that they do, including an increase in what are referred to as “pretextual” evictions.
  - a. May 8<sup>th</sup> agenda
- (5) Resilience and Sustainability – Committee Chair Chang said the Committee’s next meeting is this Thursday, May 14<sup>th</sup>.
- (6) Habitability – Commissioner Selawsky said the Committee’s next meeting is May 19<sup>th</sup> and they are focusing on their work plan.
- (7) 4 x 4 City Council/RSB Housing Committee – Chair Townley announced that this Committee is scheduled to meet in a week-and-a-half (on Thursday, May 21<sup>st</sup>).
- (8) Ad Hoc Committee on Paperless Agendas – This Committee has not met. The Executive Director announced that staff are currently booked with contracts/billing and end-of-fiscal year duties and will not be available to meet until after July 1<sup>st</sup>.
- (9) Ad Hoc Committee on Short-Term Rentals
  - a. April 3<sup>rd</sup> minutes
  - b. April 8<sup>th</sup> minutes
  - c. April 16<sup>th</sup> minutes
  - d. April 21<sup>st</sup> agenda
  - e. April 27<sup>th</sup> agenda
  - f. May 7<sup>th</sup> agenda
- (10) Future Special Meetings – Chair Townley announced that due to a backlog of appeals and the anticipated absence of key staff on July 20<sup>th</sup>, the Board should consider

scheduling at least one Special Meeting in July or August for the purpose of hearing at least two appeals. After discussion, the Board took the following actions:

M/S/C (Selawsky/Hunt) SCHEDULE A SPECIAL MEETING ON MONDAY, AUGUST 10<sup>TH</sup> AT WHICH TIME THE BOARD EXPECTS TO HEAR TWO APPEALS. Roll call vote. YES: Chang, Dodsworth, Hunt, Selawsky, Soto-Vigil, Townley; NO: Harr\*; ABSTAIN: None; ABSENT: Laverde, Shelton (left early). Carried: 6-1-0-2.

*\*It is noted for the record that Commissioner Harr informed the Board that she would not be able to attend the August 10<sup>th</sup>.*

M/S/C (Chang/Selawsky) RESCHEDULE THE JULY 20<sup>TH</sup> REGULAR MEETING TO MONDAY, JULY 13<sup>TH</sup>. Roll call vote. YES: Chang, Dodsworth, Harr, Hunt, Selawsky, Soto-Vigil, Townley; NO: None; ABSTAIN: None; ABSENT: Laverde, Shelton (left early). Carried: 7-0-0-2.

c. Discussion of items for possible placement on future agenda

8. Adjournment M/S/C (Hunt/Townley) ADJOURN MEETING AT 11:05 P.M. Voice vote. Carried: 7-0-0-2. ABSENT: Laverde, Shelton (left early).