



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

Thursday, January 19, 2017
7:00 p.m.

1. **Roll call** – Chair Selawsky called the meeting to order at 7:07 p.m. Prior to roll call, he thanked the public who were present for attending and reminded those who wanted to speak to fill out a blue Public Comment card.
Aimee Mueller called roll.
Commissioners present: Chang, Laverde-Levine, Murphy, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Townley.
Commissioners absent: Harr.
Staff present: Brown, Darrow, Kelekian, Mueller
2. **Approval of Agenda** – M/S/C (Laverde-Levine/Townley) APPROVE AGENDA AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Harr.
3. **Public Forum** – There were five speakers. Wyndy Knox Carr expressed concern about possible federal housing policy changes affecting affordable housing at Redwood Gardens. Christine Schwartz talked about tenant harassment by landlords, and frustrations around obtaining necessary repairs to a unit. Marcia Poole also spoke about tenant harassment, and difficulties getting longstanding code violations addressed. WBC spoke about feeling unsafe in his unit due to habitability issues that remain unaddressed by the landlord, his anger and frustration with the Rent Stabilization Program and the lack of a tenant protection ordinance in Berkeley. Belinda Bell spoke about her displacement from Berkeley due to the lack of affordable housing.
4. **CONSENT ITEMS**
 - a. Approval of the December 19th Regular Meeting minutes
 - b. Proposed changes to the Rent Board’s Committee structure (Chair Selawsky and Executive Director)

M/S/C (Tregub/Laverde-Levine) MOVE BOTH ITEMS AS WRITTEN. Voice vote.
Carried: 8-0-0-1. ABSENT: Harr

5. ACTION ITEMS

a. From Board Members, Executive Director and Committees

- (1) Discussion and possible action recommending support for a Safe and Affordable Housing Policy proposal (Commissioners Tregub & Simon-Weisberg)

M/S/C (Townley/Chang) MOVE RECOMMENDATION AS WRITTEN with *friendly amendment* by Soto-Vigil: specify to Council that this is a high priority item. Roll call vote: YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Harr. Carried: 8-0-0-1.

- (2) Discussion and possible action regarding the Rent Board recommending that the City Council Create Additional Administrative Powers of Zoning Officer to Deny or Hold in Abeyance New Permit Applications Until Outstanding Code Enforcement Issues are Resolved (Commissioners Tregub & Simon-Weisberg)

M/S/C (Tregub/Townley) MOVE ITEM AS WRITTEN. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Harr. Carried: 8-0-0-1.

- (3) Discussion and possible action regarding the Short-term Rentals Ordinance (Commissioners Harr & Simon-Weisberg)

M/S/C (Tregub/Townley) MOVE TO SUPPORT THE LATEST PROPOSED SHORT-TERM RENTALS ORDINANCE WITH AMENDMENTS TO SECTION 23C.22.020 AS FOLLOWS:

D. Short-Term Rentals are allowed in Accessory Buildings and in existing Accessory Dwelling Units (“ADU”s) unless such ADUs or Accessory Buildings have a history of use are used for for long term rentals, as determined by evidenced by current registration with the Rent Stabilization Board. Short-Term Rentals shall not be allowed in Accessory Dwelling Units permitted after the date of this ordinance.

Amend Section 23C.22030 as follows, re-lettering the subsections accordingly:

E. “Host Residence” means a Host’s ~~domicile~~ principal place of residence, as defined by whether the Host carries on basic living activities at the dwelling place and is the Host’s usual place of return. ~~as documented by~~ Motor vehicle registration, driver’s license, voter registration or other evidence as may be required by the City shall be indicia of principal residency.

G. “Long Term Rentals” are rentals for residential purposes lasting 14 consecutive days or longer.

THE BOARD ALSO RECOMMENDED THE ADDITION OF ENFORCEMENT

LANGUAGE SIMILAR TO THAT IN SAN FRANCISCO'S SHORT TERM RENTAL ORDINANCE AS PRESENTED BY COMMISSIONER SOTO-VIGIL, AND MODIFICATIONS TO THE LANGUAGE SO THAT IT STATES "HOST OR HOSTING PLATFORM."

Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Harr. Carried: 8-0-0-1.

- (4) Proposal to approve staff recommendations on the following requests for waiver of late registration penalties (Executive Director)

Ministerial Waivers

Waiver No. Property Address

4607	3122 College Avenue
4609	1344 Hearst Avenue

M/S/C (Townley/Simon-Weisberg) MOVE BOTH MINISTERIAL WAIVERS AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Harr.

6. INFORMATION AND ANNOUNCEMENTS

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

a. Reports from Board Members/Staff

- (1) Update on Deputy Director recruitment – *Verbal* (Executive Director) – The Executive Director informed the Board that the Human Resources Department is still finalizing the offer to the selected candidate, and he hopes to announce the new Deputy before the Board's February meeting.
- (2) Updated Commissioner attendance records for 2016 (Executive Director)
- (3) 2016 Performance Audit of the City of Oakland Rent Adjustment Program (Executive Director) – The Director shared that this audit of Oakland's Rent Program was forwarded to the Berkeley City Manager and City Council Members, and he was copied on the message. The Oakland's City Auditor made recommendations and cited aspects of Berkeley's Rent Stabilization Program as best practices which Oakland might want to follow.
- (4) January 10, 2017 letter from Rent Board to Honorable Mayor Libby Schaaf regarding the Ghost Ship tragedy and the sudden increase in evictions of creative spaces across the Bay Area (Chair Selawsky)
- (5) November 15, 2016 *Mountain View Voice* article by Mark Noack titled, "City Council backs immediate eviction protections" (Vice-Chair Laverde-Levine)

<http://www.mv-voice.com/news/2016/11/15/fearing-evictions-city-backs-immediate-tenant-protections>

- (6) November 16, 2016 *New Times San Luis Obispo.com* article by Peter Johnson titled, “No easy fix: SLO’s embattled Rental Housing Inspection Program faces an uncertain future” (Commissioner Harr)
<http://www.newtimeslo.com/cover/14617/no-easy-fix-slos-embattled-rental-housing-inspection-program-faces-an-uncertain-future/>
- (7) January 3, 2017 *Bloomberg.com* article by Prashant Gopal titled, “Wall Street, America’s New Landlord, Kicks Tenants to the Curb” (Executive Director)
<https://www.bloomberg.com/news/articles/2017-01-03/wall-street-america-s-new-landlord-kicks-tenants-to-the-curb?bcomANews=true>
- (8) December 21, 2016 *Press Democrat.com* article by Kevin McCallum titled, “Opponents of Santa Rosa rent control able to force referendum” (Vice-Chair Laverde Levine)
<http://www.pressdemocrat.com/news/6462139-181/opponents-of-santa-rosa-rent>
- (9) December 23, 2016 *The Mercury News.com* article by Jason Green titled, “Mountain View: Rent-control measure sidelined by judge’s order” (Vice-Chair Laverde Levine)
<http://www.mercurynews.com/2016/12/23/mountain-view-rent-control-measure-sidelined-by-judges-order/>
- (10) December 24, 2016 *Daily Republic.com* article by Tim Jones titled, “A landlord can charge as much for rent as he wants” (Vice-Chair Laverde Levine) – 1 min.*
<http://www.dailyrepublic.com/news/business-local/a-landlord-can-charge-as-much-for-rent-as-he-wants/?replytocom=1347274#respond> (with comment from Vice-Chair Laverde Levine)

b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel
- (2) Outreach – This Committee has not met.
 - a. November 18, 2016 agenda
- (3) IRA, AGA and Registration – Staff Attorney Matt Brown reported that he will contact the Committee within the next few days to set up a meeting schedule in light of the need to draft regulations to administer recent changes in the law.
- (4) Eviction/Section 8/Foreclosure
- (5) Resilience and Sustainability – Commissioner Townley reported that the Committee is talking about a Rent Board post-disaster policy, and got input on the draft green lease from Ecology Center staff. He believes the Committee will have

the draft ready to present to the Board soon. Commissioner Tregub commented that once the Resilience & Sustainability Committee and the Habitability Committee combine, he would like to revisit the Lead Paint Ordinance.

- a. November 17, 2016 minutes
 - b. December 8, 2016 agenda
 - c. January 12th agenda
- (6) Habitability
- a. October 4, 2016 minutes
- (7) 4 x 4 City Council/RSB Housing Committee
- a. December 12, 2016 agenda
- (8) 4 x 4 Ad Hoc Committee on Safety, Occupancy and Affordability of Converted Artist Warehouses and Workspaces – Commissioner Townley shared that the Committee discussed adding money to the City of Berkeley’s budget for relocation benefits in cases where the landlord does not or cannot comply with the law, and asked the IRA/AGA and Registration Committee to add “including warehouses and live/work” to the Relocation Ordinance regulations. The Committee also discussed challenges to the Planning Department’s ability to make changes to building codes, and issues that arise from difference between the demonstrated use versus the permitted use of a unit.
- a. January 13th agenda
- (9) Ad Hoc Committee on the Effects of Costa-Hawkins
- (10) Ad Hoc Committee on Paperless Agendas
- (11) Ad Hoc Committee on Short-Term Rentals
- (12) Future Special Meetings
- c. Discussion of items for possible placement on future agenda

At this point, the Board adjourned to reconvene in Closed Session to discuss the items listed below.

CLOSED SESSION

The Board convened in closed session for an update on litigation pursuant to California Government Code Section 54956.9(d)(1):

Winslett v. 1811 27th Avenue LLC, Yuval Sagi, et al, (California Court of Appeal First Appellate District, Division Four Case No. A146932)

Gabriela Del Hoyo, et al. v. Superior Court of Alameda County (Alameda County Appellate Division, Case No. RG17844740)

California Apartment Association v. City of Mountain View, (Santa Clara County Superior Court Case No. 16CV304253)

California Apartment Association v. City of Richmond, (Contra Costa County Superior Court Case No. MSC17-00005)

Following the Board's return from closed session Chair Selawsky announced that no formal action was taken, but the Board provided guidance to staff regarding several pending legal cases.

ADJOURNMENT – The quorum dissolved at 10:41 p.m. **The Board adjourned in memory of Laura Jadwin, a horticulturist and landscaper who died homeless in a lot on MLK Blvd.; Alex Zavell, Senior Regulatory Analyst for Robert A. Raich Law Corp.; and Gina Lerma.**