



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, October 15, 2020
7:00 p.m.

Regular Meeting Minutes - *Approved*

1. **Roll call** – Chair Laverde called the meeting to order at 7:02 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang, Mendonca, Selawsky, Simon-Weisberg (signed on at 7:04 p.m.), Soto-Vigil (signed on at 8:09 p.m.), Tregub, Laverde.
Commissioners Absent: None.
Staff present: Brown, Fabish, Mueller, Pretto, Wu.

Prior to the approval of the agenda, the Acting Executive Director requested that the closed session be withdrawn as staff did not have the updated information they'd anticipated having.

2. **Approval of Agenda** – M/S/C (Tregub/Alpert) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: REMOVE ITEM 9 (CLOSED SESSION), AND MOVE ITEMS 6.a.(2) AND 6.a.(3) TO CONSENT. Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Simon-Weisberg, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 7-0-0-1.
3. **Public Comment** – The Board Secretary read aloud an anonymous written comment regarding alleged discrimination by a landlord. There were no other speakers.

4. **CONSENT ITEMS**

Items 6.a.(2) and 6.a.(3) were moved to Consent by a prior vote of the Board.

- a. Approval of the September 17th regular meeting minutes

M/S/C (Alpert/Mendonca) MOTION TO APPROVE ALL CONSENT ITEMS, INCLUDING ITEMS 6.a.(2) and 6.a.(3) AS WRITTEN. Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Simon-Weisberg, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 7-0-0-1.

5. **APPEAL** – Case No. RWN-1640 / T-5823 (1659 Arch Street)

Appearances:

Roger Smith-Truss, Appellant

Karen Koelker, Respondent

Donnette Chatters, on behalf of Respondent

M/S/C (Laverde/Chang) MOTION TO DENY APPELLANT'S REQUEST TO CONTINUE THE APPEAL. Roll call vote. YES: Alpert, Chang, Mendonca, Simon-Weisberg, Tregub, Laverde; NO: Selawsky; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 6-1-0-1.

M/S/C (Alpert/Soto-Vigil) MOTION TO AFFIRM THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Alpert, Mendonca, Selawsky, Soto-Vigil, Tregub, Laverde; NO: Chang, Simon-Weisberg; ABSTAIN: None; ABSENT: None. Carried: 6-2-0-0.

6. **ACTION ITEMS**

Items 6.a.(2) and 6.a.(3) were moved to consent by a prior vote of the Board.

a. From Board Members, Committees, and Executive Director

- (1) Recommendation to adopt Resolution 20-19 confirming the 2021 Annual General Adjustment (AGA) of 1.0% and order that the 2021 AGA be published as Regulation 1143 (IRA/AGA/Registration Committee & Acting Executive Director)

M/S/C (Tregub/Selawsky) MOTION TO ADOPT RESOLUTION 20-19 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Simon-Weisberg, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 7-0-0-1.

- (2) Recommendation that the Board adopt Resolution 20-20 to publish that the relocation assistance payments set forth in Berkeley Municipal Code sections 13.76.130.A.9.g. (Owner Move-In) and 13.77.055.A (Ellis Act) shall increase by 1.6% effective January 1, 2021 (IRA/AGA/Registration Committee & Acting Executive Director)

MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

- (3) Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Acting Executive Director)

Administrative Waivers

Waiver No. Property Address

4927 2223 Ward Street

Ministerial Waivers

Waiver No. Property Address

4926 840 Delaware Street

Discretionary Waivers

Waiver No. Property Address

4924 1326 Oxford Street

MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

7. **INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES**

**THE ITEMS BELOW WERE EACH MENTIONED OR BRIEFLY DISCUSSED.
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.**

a. Reports from Board Members/Staff

- (1) Update on the annual registration process and amnesty program to forgive penalties for COVID-related non-payment of registration fees (Acting Executive Director) –The Acting Executive Director reported that the Board has waived approximately \$75,000 of penalties under the amnesty program, and that revenue collection is on par with prior years.
- (2) Market Medians report updated through June 2020 (Acting Executive Director)
- (3) Update on recent Rent Board outreach events (Acting Executive Director)
 - a. Rent Board infographics: Rent Board Services, COVID-19 & Landlord Entry, and COVID-19: Tenant Relief Act & Berkeley’s Eviction Moratorium
 - b. Sept. 9th Tenant 101 Webinar (PowerPoint slides attached)
 - c. Sept. 30th Landlord 101 Webinar (PowerPoint slides attached)
 - d. October 14th @ 10:30 a.m. – Security Deposits Webinar
 - e. October 21st @ 10:30 a.m. – Rental Housing & COVID-19 Webinar
 - f. Virtual Cal Counseling – 1st and 3rd Thursdays of the month (excluding holidays)
- (4) September 28, 2020 *Berkeleyside* article by John Metcalfe titled, “I’ve never had a month like this; this is the worst I’ve seen.’ Berkeley businesses struggle with few Cal students around” (Chair Laverde)
<https://www.berkeleyside.com/2020/09/28/with-most-cal-classes-online-berkeley-ca-feels-like-a-ghost-town-businesses-struggling>

8. **COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

- a. Budget and Personnel – Committee Chair Tregub will discuss scheduling the next meeting with the Acting Executive Director.
- b. Eviction/Section 8/Foreclosure – Committee Chair Mendonca reported the Committee met on October 6th, when she was elected chair. The Committee received updates on reports regularly created for the Committee, and will discuss its work plan at its next meeting.
 - (1) October 6th agenda

c. Habitable & Sustainable Housing (HASH) – Committee Chair Chang said the Committee will not meet for the rest of the year.

d. IRA, AGA and Registration – Committee Chair Simon-Weisberg reported that the Committee will be working on items related to Measure MM at its next meeting.

(1) October 13th agenda

e. Outreach – Committee Chair Chang said the Committee received a presentation by Krista Gulbransen of the Berkeley Property Owner’s Association. The Committee continues to discuss the 2020 Census and the tenant survey.

(1) October 7th agenda

f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Laverde reported that the Committee’s next meeting is on October 28. At its last meeting the Committee discussed the Rental Housing Safety Program, Housing Retention Grants, Short-term Rentals Ordinance updates, and the COVID-19 Emergency Response Ordinance.

(1) September 23rd agenda packet

g. Ad Hoc Committee on Technology Issues

h. Updates and Announcements regarding future Special Meetings

i. Discussion of items for possible placement on future agenda – The Acting Executive Director said the next meeting will likely focus on actions related to Measure MM if it passes.

9. CLOSED SESSION:

THIS ITEM WAS REMOVED FROM THE AGENDA BY A PRIOR VOTE OF THE BOARD.

Pursuant to California Government Code Section 54956.9(d)(1), the Board will convene in closed session for an update on litigation:

- *NCR Properties, LLC v. City of Berkeley Rent Stabilization Board* (Alameda County Superior Court Case #RG19024268)

10. ADJOURNMENT – MSC (Tregub/Soto-Vigil) Adjourn tonight’s meeting in honor and memory of the Associate Justice of the Supreme Court Ruth Bader Ginsburg – may she rest in peace and power. Roll call vote. YES: Alpert, Chang, Mendonca, Simon-Weisberg, Soto-

Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Selawsky (inaudible response). Carried: 7-0-0-1.

The meeting was adjourned at 9:59 p.m.