



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, April 24, 2017
7:00 p.m.

In accordance with the Brown Act, CA Government Code Section 54953(b)(2), this meeting was also teleconferenced from the following location: 15 Kabanbai Batyr Avenue, Astana, 010010, Kazakhstan.

1. **Roll call** – Chair Selawsky called the meeting to order at 7:49 p.m.*
Aimee Mueller called roll.
Commissioners present: Chang, Laverde-Levine (arrived at 7:52 p.m.), Murphy, Simon-Weisberg, Soto-Vigil, Tregub (via teleconference), Selawsky.
Commissioners Absent: Townley.
Staff present: Brown, Kelekian, Law (in audience), Mueller, Shoquist.

**The meeting start time was delayed due to lack of a quorum.*

2. **Approval of Agenda** – M/S/C (Soto-Vigil/Simon-Weisberg) APPROVE AGENDA WITH THE FOLLOWING CHANGES: HOLD OVER ITEMS 6.a.(1) and 7.a.(4) UNTIL THE JUNE REGULAR MEETING; ***Friendly Amendment by Tregub*** (accepted): MOVE ITEM 6.a.(3) TO THE CONSENT CALENDAR. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Townley. Carried: 7-0-0-1.
3. **Public Forum** – There were four speakers. Jon Marcus spoke regarding his frustrations about a recent interaction with the Rent Stabilization Program staff and the Executive Director. Moni T. Law spoke regarding an upcoming Berkeley Housing Authority event scheduled for April 29, 2017 at 10 a.m. to recruit landlords for participation in housing and rental assistance programs, and about a recent forum on student homelessness at Cal. Christine Schwartz spoke about a Town Hall meeting regarding issues that affect people with disabilities at Ed Roberts Campus on May 3rd, and highlighted an item on Council’s upcoming Agenda. Andrew Marowitz spoke regarding his reaction to Measure AA and its effect on his property.

4. CONSENT ITEMS

Item 6.a.(3) was moved to the Consent Calendar by an earlier vote of the Board.

- a. Approval of the March 20th Regular Meeting minutes
- b. Recommendation that the Board repeal Regulation 509 [Definition of New Construction for Legal Rental Units] and adopt Regulation 510 [Definition of New Construction for Units That Lack a Certificate of Occupancy] – Second reading (IRA/AGA/Registration Committee)
- c. Recommendation that the Board adopt Regulation 520 [Exemptions for Fraternities and Sororities] – Second reading (IRA/AGA/Registration Committee)
- d. Recommendation that the Board adopt Regulation 808 [Registration Fee for Seasonal Rentals in Fraternities and Sororities] – Second reading (IRA/AGA/Registration Committee)
- e. Recommendation that the Board adopt Regulation 1383 [Owner Move-In and Ellis Act Relocation Assistance Disputes - B.M.C. §§ 13.76.130A.9 and 13.77.055] – Second reading (IRA/AGA/Registration Committee)

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

5. APPEAL – Case No. L-4222 (1902 Virginia Street)

Appellant: Andrew M. Zacks appeared on behalf of the Appellant.

Respondents: Audrey Heller and Kristin Argue appeared.

M/S/C (Murphy/Laverde-Levine) MOTION TO UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Tregub, Selawsky; NO: None; ABSTAIN: Soto-Vigil; ABSENT: Townley. Carried: 6-0-1-1.

6. ACTION ITEMS

- a. From Board Members, Executive Director and Committees

Item 6.a.(1) was held over to the June Regular Meeting and Item 6.a.(3) was moved to the Consent Calendar by an earlier vote of the Board.

- (1) Resolution 17-02 to be presented to Jacquelyn Morgan for her years of service to the Berkeley Rent Stabilization Program

- (2) Budget update and recommendation to adopt Resolution 17-03 increasing the maximum expenditure level for the 2017-2018 fiscal year (Budget & Personnel Committee and the Executive Director)

M/S/C (Tregub/Murphy) MOTION TO ADOPT RESOLUTION 17-03 AS WRITTEN. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Townley. Carried: 7-0-0-1.

- (3) Recommendation to update the Rent Stabilization Program Fee Schedule by amending Resolution 03-24 and to set the fee for determining eligibility for short-term rentals (Executive Director)

7. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

**ALL ITEMS BELOW WERE MENTIONED AND/OR BRIEFLY DISCUSSED.
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS AND/OR INFORMATION.**

a. Reports from Board Members/Staff

- (1) Update on Short-Term Rental Ordinance Implementation Timeline (Executive Director)
- (2) Market Medians Report through the Fourth Quarter of 2016 (Executive Director)
- (3) Report agendized for the February 27 – March 24, 2017 session of the United Nations’ Human Rights Council titled, “Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context” (Executive Director)
- (4) March 20, 2017 memo regarding the Rent Board’s Commissioner E-mail Policy (Commissioner Soto-Vigil)

Item 7.a.(4) was held over until the June Regular Meeting by an earlier vote of the Board.

- (5) Report from California State Representatives Denny Heck, Juan Vargas and Stephanie Murphy on the New Dem Housing Task Force (Commissioner Tregub)
- (6) March 9, 2017 e-mail communication from Julie Ashworth, a long-term Berkeley tenant, regarding the adverse impact of Airbnb on her housing situation (Executive Director)
- (7) March 22, 2017 communication from Jonathan Weldon to Berkeley City Attorney questioning the legality of Ellis Act relocation fees (Executive Director)
- (8) March 29, 2017 *Fortune.com* article by Annalyn Kurtz titled, “Black and Hispanic Communities Are Spending Almost Half Their Incomes on Rent” (Executive Director)
<http://fortune.com/2017/03/30/rent-black-hispanic-neighborhoods/>

- (9) April 5, 2017 article from *The Atlantic CityLab* by Kriston Capps titled, “In California, Landlords Threaten Immigrant Tenants with Deportations” (Executive Director)
<https://www.citylab.com/housing/2017/04/landlords-are-threatening-immigrant-tenants-with-ice-deportations/521370/>

8. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Chair Selawsky reported that this committee is meeting on April 25.
- (1) April 4th agenda
 - (2) April 17th agenda
 - (3) April 25th agenda
- b. Eviction/Section 8/Foreclosure
- (1) April 13th agenda
 - (2) April 26th agenda
- c. Habitable & Sustainable Housing (HASH) – Committee Chair Laverde-Levine announced that the Committee will meet next month, but the date is still being determined.
- d. IRA, AGA and Registration – Staff Attorney Matt Brown will contact Committee members to schedule the next meeting.
- e. Outreach – Committee Chair Chang reported that the Committee is meeting on May 5 at 5:30 p.m.
- (1) February 24th minutes
 - (2) April 7th agenda
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Selawsky reported that the next meeting has not been scheduled yet.
- g. 4 x 4 Ad Hoc Committee on Safety, Occupancy and Affordability of Converted Artist Warehouses and Workspaces
- h. Ad Hoc Committee on the Effects of Costa-Hawkins
- i. Ad Hoc Committee on Technology Issues

- j. Ad Hoc Replacement Committee to Fill Board Vacancy
- k. 2 x 2 x 2 Committee on Housing: Council / Rent Board / BUSD – Chair Selawsky reported that he had not made headway with school board members, and he will talk to the mayor about the issue.
- l. Updates and Announcements regarding future Special Meetings
The next Special Meeting of the Rent Board will take place on Monday, May 1st at 7:00 p.m.
- m. Discussion of items for possible placement on future agenda – The Executive Director will submit the full communications between Mr. Marcus and himself. Commissioner Simon-Weisberg asked for an update on whether any jurisdictions have added new rent control or just cause provisions since the last meeting.

9. ADJOURNMENT – Chair Selawsky adjourned the meeting at 9:32 p.m.