



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting and Public Hearing
on Proposed Increases to the Rent Stabilization Program Fee Schedule
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

Monday, June 19, 2017
7:00 p.m.

1. **Roll call** – Chair Selawsky called the meeting to order at 7:21 p.m.
Aimee Mueller called roll.
Commissioners present: Chang, Laverde-Levine, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky.
Commissioners absent: None.
Staff present: Brown, Kelekian, Mueller, Shoquist.
2. **Approval of Agenda** – M/S/C (Laverde-Levine/Murphy) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEM 6.a.(1) TO BE HEARD IMMEDIATELY AFTER THE PUBLIC HEARING; MOVE ACTION ITEM 6.a.(7) TO CONSENT; MOVE ACTION ITEM 6.a.(3) TO CONSENT; MOVE CONSENT ITEM 4.b. TO BE THE FIRST ACTION ITEM. Voice vote. Carried 9-0-0-0.
3. **Public Forum** – Krista Gulbransen spoke about item 6.a.(6).
4. **CONSENT ITEMS**

Via an earlier vote of the Board, Consent item 4.b. was moved to Action, and Action items 6.a.(3) and 6.a.(7) were moved to Consent.

- a. Approval of the May 15th Regular Meeting and Public Hearing minutes
- b. Recommendation that the Board adopt a symbolic resolution denouncing the Presidential Executive Order Protecting The Nation From Foreign Terrorist Entry Into The United States (also known as “Muslim Ban 2.0”); and that the Board recommend to the Berkeley City Council that it draft a similar resolution (Commissioners Tregub, Poblet & Simon-Weisberg)

- c. Recommendation to disband the Ad Hoc Committee to Fill the Board Vacancy – Verbal

M/S/C (Tregub/Townley) MOTION TO APPROVE ITEMS 4.a. AND 4.c., AND ITEMS 6.a.(3) AND 6.a.(7) AS WRITTEN. Voice vote. Carried 9-0-0-0.

M/S/C (Chang/Murphy) MOTION TO ADOPT THE VERSION OF RESOLUTION 17-15 CONTAINING THE ALTERATIONS MADE BY COMMISSIONER TREGUB AND DISTRIBUTED AT THE MEETING, DENOUNCING THE PRESIDENTIAL EXECUTIVE ORDER PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES (ALSO KNOWN AS “MUSLIM BAN 2.0”); AND RECOMMEND TO THE BERKELEY CITY COUNCIL THAT IT DRAFT A SIMILAR RESOLUTION. Voice vote. Carried 9-0-0-0.

5. Public Hearing on Proposed Increases to the Rent Stabilization Program Fee Schedule

- a. Public testimony on the Proposed Increases to the Rent Stabilization Program Fee Schedule – There were no speakers.
- b. Comments from the Board, Executive Director and/or staff – Staff responded to questions from the Board.

M/S/C (Laverde-Levine/Simon-Weisberg) MOTION TO AFFIRM RESOLUTION 17-04 WITH THE FOLLOWING CORRECTION TO THE RELATED STAFF MEMO, PAGE 2 AFTER THE FIRST ASTERISK: CHANGE “...available for fee...” TO “...available for free....” Voice vote. Carried 9-0-0-0.

6. ACTION ITEMS

- a. From Board Members, Executive Director and Committees

Via an earlier vote of the Board, Action Item 6.a.(1) was heard immediately after the Public Hearing, Action items 6.a.(3) and 6.a.(7) were moved to Consent, and Consent item 4.b. was moved to Action and heard as the first Action item.

- (1) Resolution 17-02 to be presented to Jacquelyn Morgan for her years of service to the Berkeley Rent Stabilization Program – Commissioner Soto-Vigil read aloud the resolution and Jacquelyn Morgan made comments to the Board.

M/S/C (Tregub/Soto-Vigil) MOTION TO APPROVE RESOLUTION 17-02 AS WRITTEN. Voice vote. Carried 9-0-0-0.

- (2) Recommendation to adopt Resolution 17-08 approving the Line-item Budget and Staffing Model for Fiscal Year (FY) 2017-2018 (Executive Director)

M/S/C (Soto-Vigil/Chang) MOTION TO ADOPT RESOLUTION 17-08 WITH THE FOLLOWING CHANGE: SET THE MAXIMUM EXPENDITURE LEVEL FOR FISCAL YEAR 2017-2018 AT \$5,525,740 WITH *friendly amendment by Townley (accepted)*: IF THE CITY COUNCIL APPROVES \$500,000 OR MORE FOR ANTI-DISPLACEMENT, THE MAXIMUM EXPENDITURE LEVEL WILL

REVERT BACK TO \$5,500,000. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub; NO: None; ABSTAIN: None; ABSENT: None; RECUSED: Selawsky.*
Carried 8-0-0-0-1.

*Chair Selawsky recused himself due to a personal conflict of interest as his son works for the Eviction Defense Center.

- (3) Recommendation to adopt Resolution 17-09 authorizing the Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy by an amount not to exceed \$54,000 plus up to \$1,000 for out-of-pocket expenses for FY 2017-2018 (Executive Director)

MOVED TO CONSENT.

- (4) Recommendation to adopt Resolution 17-10 authorizing the Executive Director to modify the contract with Eviction Defense Center by an amount not to exceed \$140,000 for FY 2017-2018 (Executive Director)

M/S/C (Soto-Vigil/Townley) MOTION TO ADOPT RESOLUTION 17-10 AS WRITTEN. Voice vote. Carried 8-0-0-0-1. Recused: Selawsky.*

*Chair Selawsky recused himself due to a personal conflict of interest as his son works at the Eviction Defense Center.

- (5) Recommendation to adopt Resolution 17-11 authorizing the Executive Director to modify the contract with East Bay Community Law Center by an amount not to exceed \$142,500 for FY 2017-2018 (Executive Director)

M/S/C (Soto-Vigil/Tregub) MOTION TO ADOPT RESOLUTION 17-11 AS WRITTEN. Voice vote. Carried 9-0-0-0.

- (6) Recommendation to adopt Resolution 17-12 and Resolution 17-13 to clarify when exemptions attach to units after construction of new legal units or change in use of existing units (IRA/AGA/Registration Committee and Executive Director)

M/S/C (Tregub/Chang) MOTION TO ADOPT RESOLUTION 17-12 AS WRITTEN. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSENT: None; ABSTAIN: None. Carried 9-0-0-0.

M/S/C (Townley/Simon-Weisberg) MOTION TO ADOPT RESOLUTION 17-13 AS WRITTEN. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSENT: None; ABSTAIN: None. Carried 9-0-0-0.

- (7) Recommendation to adopt Resolution 17-14 authorizing the Executive Director to modify the contract with Berkeley Community Media (BCM) by extending the term through June 30, 2018 and increasing the amount by \$21,000 for FY 2017-2018

MOVED TO CONSENT.

7. **APPEAL – Case No. C-274 / IRD-109 / T-5578 (1359 Hearst Avenue, Apt 3)**

Appearances:

Appellant Jordan Turner, and Dennis Phillips on behalf of appellant.

Respondent Gayle Tapscott, and John Gutierrez on behalf of respondent.

M/S/C (Murphy/Soto-Vigil) MOTION TO OVERTURN THE HEARING EXAMINER'S DECISION AND RESTORE THE RENT CEILING TO THE 2011 LEVEL PLUS APPLICABLE ANNUAL GENERAL ADJUSTMENTS. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSENT: None; ABSTAIN: None. Carried 9-0-0-0.

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

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

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

a. Reports from Board Members/Staff

- (1) Quarterly update on legislation and/or new rent control or eviction protections in other cities, *if any* (Executive Director) – 2 min.*
- (2) Market Medians report through the 1st Quarter of 2017 (Executive Director) – 2 min.*
- (3) March 20, 2017 memo regarding the Rent Board's Commissioner E-mail Policy (Commissioner Soto-Vigil) – 2 min.* *Held over from the March 20th and April 24th meetings*
- (4) Observations and Concerns about Commissioner Soto-Vigil's memo regarding the Rent Board's Commissioner E-mail Policy (Executive Director)
- (5) Rent Stabilization Program's Communication and Outreach Work Plan 2017-2018 (Outreach Committee) – Outreach Committee Chair Chang encouraged Commissioners to be involved with Rent Board outreach efforts at community events.
- (6) May 16, 2017 *Berkeleyside.com* article by Frances Dinkelspiel titled, "Prominent tenants' rights activist appointed to Berkeley Rent Board" (Executive Director) – 1 min.* <http://www.berkeleyside.com/2017/05/16/prominent-tenants-rights-activist-appointed-berkeley-rent-board/#>

- (7) May 18, 2017 *DailyCal.org* article by Audrey McNamara titled, “Commencement weekend leads to spike in Airbnb use, press release says” (Commissioner Tregub) – 1 min.* <http://www.dailycal.org/2017/05/18/commencement-weekend-leads-spike-airbnb-use-press-release-says/>
- (8) May 25, 2017 *Berkeleyside.com* article by Jim Emerson titled, “Berkeley sees an increase in ‘owner move-in’ evictions by landlords” (Commissioner Tregub) – 1 min.* <http://www.berkeleyside.com/2017/05/25/berkeley-sees-increase-owner-move-evictions-landlords/>
- (9) June 14, 2017 *DailyCal.org* article by Bobby Lee titled, “Mayor Arreguín’s proposed budget addresses homelessness, affordable housing, city initiatives” (Executive Director) – 1 min.* <http://www.dailycal.org/2017/06/14/mayor-arreguins-proposed-budget-addresses-homelessness-affordable-housing-city-initiatives/>

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

Chair Selawsky added Commissioner Poblet to the IRA/AGA/ Registration Committee, and the Ad Hoc Committee on the Effects of Costa-Hawkins; he also added Vice-Chair Laverde-Levine to the 4 x 4 Ad Hoc Committee on Safety, Occupancy and Affordability of Converted Artist Warehouses and Workspaces.

- a. Budget and Personnel
 - (1) June 8th agenda
 - (2) June 19th agenda
- b. Eviction/Section 8/Foreclosure – Committee Chair Simon-Weisberg updated the Board on the Committee’s activities related to Section 8 legislation the City Council is considering, and clarified her comments to the media regarding the Owner Move-In report.
 - (1) May 17th agenda
 - (2) June 21st agenda
- c. Habitable & Sustainable Housing (HASH) – Committee Chair Laverde-Levine reported that the next meeting will be on June 22, and a representative from the Office of Energy and Sustainable Development will be there to discuss green building standards.
 - (1) March 2nd minutes
 - (2) May 11th agenda
 - (3) June 22nd agenda

- d. IRA, AGA and Registration
 - (1) June 8th agenda
- e. Outreach – Committee Chair Chang reported that the next meeting is on July 10 at 5:30 p.m.
 - (1) May 9th minutes
 - (2) June 12th agenda
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board
- g. 4 x 4 Ad Hoc Committee on Safety, Occupancy and Affordability of Converted Artist Warehouses and Workspaces – Commissioner Townley updated the Board on the committee’s two-phase plan.
 - (1) May 26th agenda
- 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 – Board Chair Selawsky reported on the possibility of having one meeting. He will work to arrange it.
- l. Updates and Announcements regarding future Special Meetings – A Special Meeting was scheduled for July 24th at 7 p.m. for the purpose of hearing two appeals. All commissioners indicated they could attend on that date.
- m. Discussion of items for possible placement on future agenda

10. ADJOURNMENT – Chair Selawsky adjourned the meeting at 11:20 p.m. in honor of Charles Austin. Prior to adjournment, Commissioner Murphy made comments about Mr. Austin.