



Rent Stabilization Board

RENT STABILIZATION BOARD Regular Meeting Minutes - *Unapproved*

NEW Location:

Berkeley Unified School District Board Room

1231 Addison Street

Broadcast Live on KPFB – 89.3 and BTV Cable Channel 33

Live Webcasting at www.cityofberkeley.info/rent

Thursday, June 20, 2019

7:00 p.m.

This meeting was conducted in accordance with the Brown Act, CA Government Code Section 54953(b)(2), and Teleconferenced from the following location: 3225 Simon Road, Manitowoc, WI 54220.

1. **Roll call** – Chair Laverde called the meeting to order at 7:12 p.m.
Aimee Mueller called roll.
Present: Alpert, Chang, Selawsky (left at 9:38 p.m.), Simon-Weisberg (present via teleconference from 7:12 - 8:28 p.m.), Soto-Vigil (arrived at 7:14 p.m.), Tregub, Laverde.
Absent: Poblet.
Staff Present: Brown, Kelekian, Law (in audience), Mueller.
2. **Approval of Agenda** – M/S/C (Chang/Tregub) MOTION TO APPROVE THE AGENDA WITH *friendly amendment by Tregub (accepted)*: MOVE ACTION ITEMS 9.a.(2), 9.a.(3), 9.a.(4), 9.a.(5), AND 9.a.(6) TO CONSENT, AND ADD COMMISSIONER TREGUB AS A CO-SPONSOR OF ITEM 4.d.; AND *friendly amendment by Laverde (accepted)*: HOLD OVER ITEM 4.a. UNTIL THE NEXT MEETING. Roll call vote. YES: Alpert, Chang, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Poblet. Carried: 7-0-0-1.
3. **Public Forum** – There were three speakers. Moni Law spoke about the NAACP's Status of Black Berkeley survey. Marcia Poole spoke about carbon monoxide issues in rental units. Christina Murphy announced a meeting on Sunday, June 23 from 2-5 p.m. at the South Berkeley Community Church (at Ellis and Fairview Streets) to discuss the City's draft Adeline Corridor Plan.
4. **CONSENT ITEMS**

Action items 9.a.(2), 9.a.(3), 9.a.(4), 9.a.(5), and 9.a.(6) were moved to consent, and consent item 4.a. was held over to the next meeting by an earlier vote of the Board.

- a. Approval of the April 18th regular meeting minutes

HELD OVER UNTIL THE NEXT MEETING BY AN EARLIER VOTE OF THE BOARD.

- b. Approval of the May 16th regular meeting minutes
- c. Request that Commissioner Tregub's absence from portions of the June 3, 2019 4 x 4 Committee Meeting be considered "excused" with no stipend deduction (Commissioner Tregub & Chair Laverde)
- d. Suspension of Collection of Registration Fees pursuant to Rent Board Regulation 503(B) for properties held in living trust (Commissioners Selawsky, Chang & Soto-Vigil)
- e. Recommendation that the Board withdraw their support for AB 53

M/S/C (Selawsky/Tregub) MOVE ITEMS 4.b., 4.c., 4.d., 4.e., 9.a.(2), 9.a.(3), 9.a.(4), 9.a.(5), AND 9.a.(6); ADD COMMISSIONER TREGUB AS A CO-SPONSOR OF ITEM 4.d.; AND HOLD OVER ITEM 4.a. TO THE NEXT MEETING. Roll call vote. YES: Alpert, Chang, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Poblet. Carried: 7-0-0-1.

5. SPECIAL ORDER OF BUSINESS: Presentation of honorary resolution and gift to former Commissioner Christina Murphy

Commissioner Selawsky read aloud Resolution 19-12.

MOTION TO APPROVE HONORARY RESOLUTION FOR FORMER COMMISSIONER CHRISTINA MURPHY. Roll call vote. YES: Alpert, Chang, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Poblet. Carried: 7-0-0-1.

After the vote, Chair Laverde presented Ms. Murphy with her gift, and members of the public presented Ms. Murphy with an honorary plaque. Ms. Murphy made comments to the Board and the public, and Board members expressed their deep appreciation and admiration for Ms. Murphy and their sadness at losing her as a member of the Board.

6. SPECIAL ORDER OF BUSINESS: Presentation of Rent Board proclamation to Christine Schwartz

Commissioner Chang read aloud the proclamation in honor of Christine Schwartz. Following Chair Laverde's presentation of the proclamation to Ms. Schwartz, Ms. Schwartz made comments. Several Commissioners, Gradiva Couzin and other members of the public, Council Member Cheryl Davila, the former chair of Berkeley's Commission on Disability, and City Auditor Jenny Wong spoke about Ms. Schwartz.

7. APPEAL – Case No. T-5738 (3050 Stanton Street)

Parties Present:

Chad Andrews, Appellant
Sonthonax Vernard, Respondent

M/S/C (Laverde/Alpert) MOTION TO VACATE THE VOTE ON THIS APPEAL REACHED AT THE MAY 16, 2019 BOARD MEETING. Voice vote. Carried: 6-0-0-2. Absent: Poblet, Simon-Weisberg.

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

8. APPEAL – Case No. T-5752 (1675 Euclid Avenue #1)

Parties Present:

Jenny Crofton, Respondent

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

9. ACTION ITEMS

Action items 9.a.(2), 9.a.(3), 9.a.(4), 9.a.(5), and 9.a.(6) were moved to consent by an earlier vote of the Board.

a. From Board Members, Executive Director and Committees

(1) Discussion and possible action concerning the selection and appointment to fill the vacancy on the Rent Board

- a. Recommendations to the Board regarding developing and adopting a process to fill the seat vacated by Christina Murphy (Chair Laverde & Commissioner Selawsky)
- b. Memo from the Executive Director and Legal Staff regarding selection and appointment to fill the vacancy on the Rent Board

M/S/C (Laverde/Alpert) MOTION TO ESTABLISH AN AD HOC COMMITTEE TO DEVELOP RECOMMENDATIONS FOR A PROCESS TO SELECT AND VOTE ON A PROPOSED INTERIM COMMISSIONER. Roll call vote. YES: Alpert, Chang, Selawsky, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Poblet, Simon-Weisberg. Carried: 6-0-0-2.

(2) Recommendation to adopt Resolution 19-13 authorizing the Fiscal Year (FY) 2019-2020 Line-item Budget, Staffing Model and Expenditure Level (Executive Director and Budget & Personnel Committee)

MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

(3) Recommendation to adopt Resolutions 19-14 and 19-15 authorizing the Executive Director to modify the contracts with the Eviction Defense Center in an amount not to exceed \$150,000, and the East Bay Community Law Center in an amount not to exceed \$142,500 for FY 2019-2020 (Executive Director and Budget & Personnel Committee)

MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

- (4) Recommendation to adopt Resolution 19-16 authorizing the Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy in FY 2019-2020 in an amount not to exceed \$60,000 (Executive Director and Budget & Personnel Committee)

MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

- (5) Recommendation to adopt Resolution 19-17 authorizing the Executive Director to modify the contract with Berkeley Community Media in an amount not to exceed \$22,000 for specified services in FY 2019-2020 (Executive Director and Budget & Personnel Committee)

MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

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

Ministerial Waivers

Waiver No. Property Address

4820 2224 Derby Street

Discretionary Waivers

Waiver No. Property Address

4805 3342 California Street
4806 1330 Martin Luther King Jr. Way
4807 2737 Ashby Place
4808 1708 Franklin Street
4817 3036 Dohr Street
4818 2609 San Pablo Avenue
4819 2423 San Pablo Avenue

MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

10. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

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

a. Reports from Board Members/Staff

- (1) Update on the Request for Proposal (RFP) to digitize files and the RFP for new database solution options (Executive Director) – The Executive Director reported that staff hope to issue the RFP for the database solution in time for the Board to select a vendor in August, and then issue the RFP for scanning in August once more is known about the potential database solution platform.
- (2) Market Medians report through the 1st Quarter of 2019 (Executive Director)

- (3) Copy of letter to Council conveying the Board’s recommendations regarding Ordinance No. 7,643-N.S. (BMC Section 14.20.120 C.) pertaining to parking of recreational vehicles (RVs) or campers (Executive Director)
- (4) Update on recent and upcoming Rent Board outreach events (Executive Director)
- (5) Rent Board’s May 2019 “Tip of the Month” – *Security Deposits* (Executive Director)
- (6) Rent Board’s June 2019 “Tip of the Month” – *Rental Unit Safety* (Executive Director)
- (7) May 24, 2018 [sic] *TheNation.com* article by Jimmy Tobias titled, “Meet the Rising New Housing Movement That Wants to Create Homes for All” (Executive Director) <https://www.thenation.com/article/the-way-home/>
- (8) May 13, 2019 *Berkeleyside.com* obituary by Nicola Bourne titled, “Remembering Bill Lutkenhouse: Charming, obstreperous, insightful, kind” (Executive Director) <https://www.berkeleyside.com/2019/05/13/remembering-bill-lutkenhouse-charming-obstreperous-insightful-kind>
- (9) May 22, 2019 *SFGate.com* article by Michelle Robertson titled, “28 affordable rentals just hit the market in Oakland. 4,000 people applied.” (Executive Director) <https://www.sfgate.com/bayareahousingcrisis/article/redwood-hill-townhomes-oakland-4k-28-units-schaaf-13874753.php>
- (10) May 25, 2019 *Los Angeles Times* article by Colleen Shalby titled, “A 102-year-old woman faces eviction so the landlords’ daughter can move in. It’s completely legal” (Executive Director) <https://www.latimes.com/local/lanow/la-me-woman-evicted-20190523-story.html>
- (11) June 1, 2019 *Times of San Diego.com* article by Matt Levin titled, “Rare Victory for Rent Control Shows California Tenants’ Limited Political Power” (Chair Laverde) <https://timesofsandiego.com/politics/2019/06/01/rare-victory-for-rent-control-shows-california-tenants-limited-political-power/>
- (12) June 4, 2019 *Berkeleyside.com* obituary by Alastair Boone titled, “Remembering William Barclay Caldeira – aka ‘300’” (Executive Director) <https://www.berkeleyside.com/2019/06/04/remembering-william-barclay-caldeira-aka-300>
- (13) June 6, 2019 *Los Angeles Times* editorial titled, “Crisis? What crisis? California refuses to protect renters even as homelessness surges” (Chair Laverde) <https://www.latimes.com/opinion/editorials/la-ed-homeless-crisis-tenant-protections-20190606-story.html>
- (14) June 11, 2019 *The New York Times* article by Luis Ferré-Sadurní, Jesse McKinley and Vivian Wang titled, “Landmark Deal Reached on Rent Protections for Tenants in N.Y.” (Executive Director)

<https://www.nytimes.com/2019/06/11/nyregion/rent-protection-regulation.html?action=click&module=Top%20Stories&pgtype=Homepage>

- (15) June 11, 2019 *The Bay City Beacon* article by Diego Aguilar-Canabal titled, “California Voters Could Repeal Article 34 Next Year” (Chair Laverde)
https://www.thebaycitybeacon.com/politics/california-voters-could-repeal-article-next-year/article_8a9ba882-8c64-11e9-a71e-03e9d5dc7c73.html
- (16) June 12, 2019 *The New York Times* article by J. David Goodman, Vivian Wang and Luis Ferré-Sadurní titled, “Titans of Real Estate in ‘Shock’ Over New York Rent Law Deal” (Executive Director)
<https://www.nytimes.com/2019/06/12/nyregion/landlord-rent-protection-regulation.html?action=click&module=Top%20Stories&pgtype=Homepage>

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Committee Chair Tregub announced that the Committee had completed the budget process and commended the Executive Director and staff for their work. The Executive Director stated that multiple staff contributed to the budget, with significant contributions from Lief Bursell, Allison Pretto, and Sharon Gostlin.
- (1) June 11th agenda
- b. Eviction/Section 8/Foreclosure
- c. Habitable & Sustainable Housing (HASH) – Committee Chair Chang reported that the Committee will meet after certain staff reports are complete.
- d. IRA, AGA and Registration – Chair Laverde reported that the Committee will meet on July 2nd.
- e. Outreach – Committee Chair Chang reported that the Committee has made recommendations on the tenant survey, and will do a traditional sampling survey versus a 360 degree survey.
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – The Executive Director reported the next meeting will be June 26th.
- (1) May 21st agenda packet
- (2) June 3rd agenda packet
- g. Ad Hoc Committee on Technology Issues – Committee Chair Chang reported that the Committee is looking at cost, user experience, and other issues. Chair Chang also asked Commissioners to give any technology feedback to Aimee Mueller.
- (1) May 23rd agenda
- h. 2 x 2 x 2 Committee on Housing: Council / Rent Board / BUSD

- i. Updates and Announcements regarding future Special Meetings
- j. Discussion of items for possible placement on future agenda

12. ADJOURNMENT

M/S/C (Laverde/Tregub) MOTION TO ADJOURN THE MEETING IN HONOR AND MEMORY OF WILLIAM “300” CALDEIRA AND WILLIAM “BILL” LUTKENHOUSE. Voice vote. Carried: 6-0-0-2. Absent: Poblet, Simon-Weisberg.

The meeting adjourned at 9:50 p.m.