



4x4 Committee on Housing
City Council and Rent Board

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Minutes - Approved

4 X 4 JOINT COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD

Monday, December 12, 2016 – 10:00 a.m.

2001 Center Street, Second Floor – Rent Board Law Library

1. **Roll Call.** Meeting started at 10:05 a.m.
Present: Mayor Arreguin, CM Ben Bartlett (left meeting at 11:02 a.m.), CM Cheryl Davila, CM Linda Maio, RBC Laverde, RBC Selawsky, and RB Chairperson Townley.

Staff Present:

Planning and Development Department: Director Carol Johnson.

Rent Board: Matt Brown, Lief Bursell, Brendan Darrow, and Jay Kelekian.

2. **Public Comment.** 1 speaker.
3. **Approval of Minutes for the Meeting of September 2, 2016.** M/S/C
(Selawsky/Townley 7-0-0-0) Minutes amended and approved.
4. **Update on Nexus Study and continued discussion on revisions to the Demolition Ordinance.** Planning and Development Director Carol Johnson updated the committee on recommendations made to City Council based on the completed nexus study. The committee discussed the following:
 - The merits of requiring one-to-one replacement of demolished below-market-rate units verses requiring a demotion mitigation fee to be paid into the Housing Trust Fund;
 - The legality of requiring one-to-one replacement and requesting an opinion from the City Attorney; and
 - The requirement in Southern California rent control jurisdictions that tenants in controlled units slated for demolition must first be subject to Ellis evictions.

Mayor Arreguin stated that the City Council will likely continue tomorrow's discussion of the Demolition Ordinance revisions until February or March of 2017 in order to allow more time to explore the one-to-one replacement option.

5. **Update and discussion on potential Short-Term Rental Ordinance.** The committee discussed how to assess whether a unit currently being rented as a short-term rental was once a long-term rental, and which City data bases should be

used to make that determination. CM Maio expressed concern that the ordinance should include a way to allow owner-occupiers to use their homes as short-term rentals even if they did not use the formal OMI process to evict, but rather made the displaced tenant whole via a private agreement. CM Davila questioned the amount of liability insurance operators of short-term rentals would be required to maintain.

6. **Update on proposal to create a position of Rental Housing Safety Program**

Manager. Director of Planning and Development Carol Johnson informed the committee that the process of creating this job title has stalled based on a lack of current HR capacity. Planning and Development is also entering its budgeting phase and must assess how long the position could be maintained. She estimates it may be up to a two year process to create the position. The committee discussed:

- The critical need for such a position in light events like last year's balcony collapse in Berkeley and the Ghost Ship fire in Oakland;
- Having a current consultant begin mapping out process improvements rather than waiting for HR to create the new job position;
- Requiring landlords to file Schedule A inspections with the City and/or tying Schedule A inspections to Rent Board Registration.
- Raising re-inspection fees to encourage code compliance.

7. **Discussion on safety, occupancy and affordability of converted artist**

warehouses and workspaces. Rent Board Chair Townley discussed the NY Loft Law and the potential for using it as a starting point for creating a similar law in Berkeley. The committee discussed issues around determining how many converted spaces exist in Berkeley, and how to preserve affordable live/work and event spaces while ensuring safety and what the appropriate land use definition are for these group-living/live-work situations. Mayor Arreguin appointed an Ad Hoc Committee — consisting of Mayor Arreguin, Council Member Maio, and Rent Board Chairperson Townley — to further explore this issue.

8. **Update on City Council referral on community emergency response training and emergency cache program tailored for multi-unit residential buildings.**

Mayor Arreguin stated that he will check with the City Manager to determine the status of the referral.

9. **Discussion of possible future agenda items and setting a regular meeting schedule.**

The committee discussed setting a regular, quarterly meeting schedule on the 2nd Monday of the month. The next meeting is tentatively scheduled for March 13, 2017 at 10 a.m.

10. **Adjournment.** M/S/C (Maio/Townley 7-0-0-0). Meeting Adjourned at 11:51 a.m.