



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](http://www.cityofberkeley.info/rent)

**Monday, December 17, 2012**  
**7:00 p.m.**

**1. Special Order of Business**

b. Oath of Office of Boardmembers-elect:

Berkeley City Clerk Mark Numainville administered the Oath of Office to the following Boardmembers-elect: Alejandro Soto-Vigil, Judy J. Hunt, Asa Dodsworth and Judy Shelton.

**2. Approval of Agenda** M/S/C (Soto-Vigil/Harr) APPROVE AGENDA. Voice vote.  
Carried: 9-0-0-0.

**3. Roll call** – Chair Stephens called the meeting to order and asked for the roll to be called at 7:29 p.m.  
Aimee Mueller called roll.  
Commissioners present: Blake, Dodsworth, Harr, Hunt, Shelton, Soto-Vigil, Townley, Webster, Stephens  
Commissioners absent: None  
Staff present: Brown, Kelekian, Mueller, Law (in audience)

**4. Public Forum** – There were four speakers: Councilmember Jesse Arreguin congratulating all the recently-elected Boardmembers and expressing his gratitude to Igor Tregub for his four years of outstanding service to the Berkeley community as a Rent Board Commissioner; Andrés Soto from the City of Richmond, congratulating the recently-elected Boardmembers including his son, Commissioner Soto-Vigil, and thanking Igor Tregub for his service to the people of Berkeley; Jim Smith announcing his new role via his public service organization, “21<sup>st</sup> Century Berkeley” as the representative and advocate for all of Berkeley youth; and Paul Barker spoke about his good landlord.

**Special Order of Business** – The remainder of this item was resumed after Public Forum:

- a. Introduction of Boardmembers-elect – The Chair gave the returning and newly-elected Boardmembers an opportunity to address the public.
- c. Election of Chairperson – the Executive Director opened the floor for nominations.

Commissioner Blake nominated Commissioner Stephens; there were no other nominations.

ELECT COMMISSIONER LISA STEPHENS AS CHAIR OF THE BERKELEY RENT STABILIZATION BOARD. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Soto-Vigil, Townley, Webster, Stephens; NO: None; ABSTAIN: Hunt; ABSENT: None. Carried: 8-0-1-0.

- d. Election of Vice Chairperson: the newly re-elected Chairperson opened the floor for nominations for the Board's Vice Chair.

Commissioner Townley nominated Commissioner Harr; there were no other nominations.

ELECTION COMMISSIONER KATHERINE HARR AS VICE CHAIR OF THE BERKLEY RENT STABILIZATION BOARD. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Soto-Vigil, Townley, Webster, Stephens; NO: None; ABSTAIN: Hunt; ABSENT: None. Carried: 8-0-1-0.

- a. Comments from the newly-elected Chair, Vice Chair and Boardmembers:  
Chair Stephens announced that there is no reason to change the existing Committee structure at this time, but requested that all Commissioners communicate to her over the next several weeks on which Committees they would like to serve and/or on what issues they would like to work.

**5. Special Order of Business**

- a. Resolution to be presented to former Commissioner Nicole Drake acknowledging her four years of service as a Rent Board Commissioner
- b. Resolution to be presented to former Commissioner Igor Tregub acknowledging his four years of service as a Rent Board Commissioner

After Commissioner Townley read aloud the Resolutions for former Commissioners Igor Tregub and Nicole Drake, the Board took the following action:

ADOPT RESOLUTIONS 12-21 AND 12-22 AS WRITTEN IN APPRECIATION OF IGOR TREGUB AND NICOLE DRAKE RESPECTIVELY. Voice vote.  
Carried: 9-0-0-0.

**6. Approval of prior meeting minutes**

a. October 15, 2012 Regular Meeting minutes

M/S/C (Harr/Townley) APPROVE THE OCTOBER 15, 2012 REGULAR MEETING MINUTES WITH THE FOLLOWING CHANGE: CORRECT ITEM 7.b.(7) TO REFLECT THAT IT WAS COMMITTEE CHAIR BLAKE WHO GAVE A BRIEF UPDATE ON THIS COMMITTEE'S WORK. Voice vote. Carried: 7-0-2-0.  
ABSTAIN: Hunt, Soto-Vigil.

b. November 19, 2012 Regular Meeting minutes

M/S/C (Harr/Blake) APPROVE THE NOVEMBER 19, 2012 REGULAR MEETING MINUTES WITH THE FOLLOWING CHANGE: NOTE THAT COMMISSIONER HARR LEFT THE MEETING AT 9:52 P.M. Voice vote. Carried: 7-0-2-0.  
ABSTAIN: Hunt, Soto-Vigil.

**7. Appeal Time Certain – 7:30 p.m.**

**Appeal L-4057 (2708 McGee Avenue)**

Parties present for Appeal: Donna Backstrom (Appellant) and Michael Sims, Esq. (on behalf of Appellant)

M/S/C UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Soto-Vigil, Townley, Webster, Stephens; NO: None; ABSTAIN: Hunt; ABSENT: None. Carried: 8-0-1-0.

**8. Action Items**

a. From Board Members, Executive Director and Committees

- (1) Discussion and possible action regarding approval of the proposed Rent Stabilization Board 2013 Calendar Year Meeting Schedule (Chair Stephens and Executive Director)

M/S/C (Townley/Shelton) APPROVE THE PROPOSED 2013 CALENDAR YEAR MEETING SCHEDULE. Voice vote. Carried: 9-0-0-0.

- (2) Proposal to approve staff recommendation on the following requests for waiver of late registration penalties (Executive Director)

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4167	1533 Harmon Street
4168	1630 Harmon Street
4170	2143 Cedar Street

4173                    1630 University Avenue  
4176                    2018 University Avenue

M/S/C (Harr/Townley) APPROVE THE STAFF RECOMMENDATION FOR WAIVER NOS. 4167, 4168 AND 4173. Voice vote. Carried: 7-0-2-0. ABSTAIN: Hunt, Soto-Vigil.

M/S/C (Harr/Dodsworth) APPROVE STAFF RECOMMENDATION FOR WAIVER NO. 4176. Voice vote. Carried: 7-0-2-0. ABSTAIN: Hunt, Soto-Vigil.

M/S/C (Dodsworth/Harr) DIRECT STAFF TO COMMUNICATE TO THE PROPERTY OWNER THAT THE BOARD IS OFFERING TWO CHOICES FOR RESOLUTION OF THE WAIVER NO. 4170: ACCEPT THE STAFF RECOMMENDATION TO WAIVE SIXTY PERCENT OF THE AMOUNT OWED; OR, THE BOARD WILL WAIVE ONE-HUNDRED PERCENT OF THE AMOUNT OWED IF THE PROPERTY OWNER ATTENDS A RENT STABILIZATION PROGRAM LANDLORD WORKSHOP IN THE NEXT FEW MONTHS. Voice vote. Carried: 8-0-1-0. ABSTAIN: Hunt.

## 9. **Information and Announcements**

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

### a. Reports from Board Members/Staff

- (1) November 27, 2012 Council item titled, “Condominium Conversion Program – Annual Report” (Executive Director) *In packet and self-explanatory.*
- (2) Update on Council action concerning Proposed BMC Chapter 13.79 – Automatically Renewing Leases (Executive Director) – The Executive Director said that he had forwarded the Board’s comments on this matter to the City Council and that this item should be back on the Council’s calendar on January 29, 2013.
- (3) December 5, 2012 East Bay Express article by David Downs titled, “Alameda County Courts the Hackers” (Commissioner Dodsworth) *In packet and self-explanatory*
- (4) July 2012 American Journal of Sociology article by Matthew Desmond of Harvard University titled, “Is Eviction the New Incarceration?” (Executive Director) Several Commissioners expressed interest in the abstract that was included in this item, and requested that the full text of this article be provided as soon as staff could procure it.

### b. Updates and Announcements regarding Committee/Board Meetings

- (1) Budget and Personnel
- (2) Outreach – Committee Chair Webster said this Committee will meet on Dec. 21<sup>st</sup>.
  - a. November 16<sup>th</sup> agenda

- (3) IRA/AGA and Habitability – Committee Chair Stephens gave a brief update on this Committee’s work. Commissioner Townley asked that the Committee add an item regarding the pass through of seismic retrofit costs to their next agenda.
    - a. October 15<sup>th</sup> minutes
    - b. December 14<sup>th</sup> agenda
  - (4) Eviction/Section 8/Foreclosure – Committee Chair Harr said the Committee has not met since they are down to only two members.
    - a. October 10<sup>th</sup> minutes
    - b. November 14<sup>th</sup> agenda
  - (5) Safe & Sustainable Housing – Committee Chair Townley said the Committee hopes to meet in early January.
  - (6) Waivers Committee – Committee Chair Dodsworth gave a brief update on this Committee’s work.
    - a. September 18<sup>th</sup> minutes
    - b. December 10<sup>th</sup> Agenda
  - (7) Ad Hoc Committee on Smoke-Free Housing – Committee Chair Blake gave an update on the Committee’s progress thus far.
    - a. December 21<sup>st</sup> agenda
  - (8) 4 x 4 City Council/RSB Housing Committee
  - (9) Future Special Meetings
- c. Discussion of items for possible placement on future agenda

M/S/C (Hunt/Blake) DIRECT STAFF TO ADD TO A FUTURE BOARD AGENDA AN ITEM THAT WOULD ALLOW FOR DISCUSSION AND INPUT BY THE FULL BOARD ON THE EFFORTS TO DRAFT A PROPOSED SMOKE-FREE HOUSING ORDINANCE IN RESPONSE TO THE JANUARY 31, 2012 CITY COUNCIL REFERRAL REQUESTING THE COMMUNITY HEALTH COMMISSION AND RENT STABILIZATION BOARD ANALYZE A POTENTIAL SMOKE-FREE HOUSING ORDINANCE IN BERKELEY. Voice vote. Carried: 9-0-0-0.

- (1) Commissioner Soto-Vigil asked that the possible modification to the Berkeley Municipal Code regarding mold, that is going before Council soon, be added to a future agenda.
- (2) Commissioner Blake proposed that the language used on Board agendas for Appeal start times (e.g., “Appeal Time Certain – 7:30 p.m.”) possibly be replaced with more clear

wording such as, "Time Before Which An Appeal Will Not Be Heard"; he asked that staff come up with different text.

- 10. Adjournment** M/S/C (Soto-Vigil/Hunt) ADJOURN MEETING AT 9:26 P.M. Voice vote.  
Carried: 8-0-0-1. ABSENT: Blake