



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting 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, February 6, 2017
7:00 p.m.

1. **Roll call** – Chair Selawsky called the meeting to order at 7:05 p.m. He announced that the Board would adjourn in memory of the victims of the recent carbon monoxide poisoning tragedy in Berkeley: Valerie and Roger Morash.
Aimee Mueller called roll.
Commissioners present: Chang (arrived at 7:56 p.m.), Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil (left at 8:05 p.m.), Townley, Tregub, Selawsky
Staff present: Brown, Darrow, Law (in audience), Mueller, Kelekian
2. **Approval of Agenda** – M/S/C (Townley/Laverde-Levine) APPROVE AGENDA AS AMENDED TO INCLUDE THE HONORARY ADJOURNMENT. Voice vote.
Carried: 7-0-0-1. ABSENT: Chang.
3. **Public Forum** – There were five speakers. Christine and Francine Schwartz spoke about gentrification, and Christine stated that the housing situation in Berkeley is so bad that people are staying in abusive relationships just to keep their housing. Former Rent Board Commissioner Judy J. Hunt thanked the Board and staff for the resolution honoring her years of service presented at the last meeting, and congratulated the new Commissioners; she also spoke about the recent carbon monoxide poisoning and suggested that the Board consider filling Commissioner Harr’s vacated seat with an owner of rental property. Wyndy Knox Carr spoke about the difficulties senior citizens have finding affordable housing; she also urged the Board to be proactive about opposing any withdrawal of HUD funding in retaliation by the federal government against Berkeley for remaining a sanctuary city.
4. **CONSENT ITEMS**
 - a. Approval of the January 19th Regular Meeting minutes
 - b. Recommendation to support the Draft Tenant Protection Ordinance
(Chair Selawsky & Commissioners Murphy, Chang & Soto-Vigil)

- c. Meeting excusal and stipend reimbursement for Commissioner Soto-Vigil
(Commissioner Soto-Vigil & Chair Selawsky)
- d. Recommendation to honor Katherine Harr for her years of service on the Rent Stabilization Board at the March 20th meeting

Commissioner Tregub pulled item 4.a. and it was moved to the Action calendar.

Commissioner Simon-Weisberg pulled item 4.b and it was moved to the first item on the Action calendar.

Commissioner Laverde-Levine pulled item 4.c and it was moved to the Action calendar.

M/S/C (Townley/Tregub) APPROVE ITEM 4.d. AS WRITTEN. Voice vote.
Carried: 7-0-0-1. ABSENT: Chang.

5. ACTION ITEMS

- a. From Board Members, Executive Director and Committees

Item 4.b. was pulled from Consent and moved to the first Action item by an earlier vote.

Recommendation to support the Draft Tenant Protection Ordinance
(Chair Selawsky & Commissioners Murphy, Chang & Soto-Vigil)

M/S/C (Tregub/Laverde-Levine) ENDORSE AS WRITTEN THE PROPOSAL DISTRIBUTED BY COMMISSIONER SOTO-VIGIL AT TONIGHT'S MEETING AND REQUEST THAT COUNCIL ADOPT IT AT THEIR FEBRUARY 28 MEETING. ALSO ENCOURAGE A STRONG ENFORCEMENT MECHANISM AND REMIND COUNCIL TO UTILIZE THE EXPERTISE OF RENT STABILIZATION PROGRAM STAFF WITH THE UNDERSTANDING THAT THE PROGRAM WILL BE REIMBURSED FOR COSTS. Roll call vote. YES: Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 7-0-0-1.

- (1) Discussion and possible action regarding support for a county-wide Anti-Displacement funding and policy plan proposal (Vice-Chair Laverde-Levine and Commissioners Murphy & Simon-Weisberg)

Margaretta Lin of The Dellums Institute for Social Justice gave a presentation concerning item 5.a.(1). Afterwards she answered questions from the Board.

M/S/C (Townley/Laverde-Levine) ENDORSE AND SUPPORT DRAFT PLAN AND ONGOING EFFORTS TO DEVELOP A COUNTY-WIDE ANTI-DISPLACEMENT FUNDING AND POLICY PLAN with *friendly amendment by Tregub* (accepted): FORWARD THIS ITEM TO COUNCIL WITH A REQUEST THAT THEY ENDORSE IT. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 7-0-0-1.

Item 4.a. was pulled from Consent and moved to Action by an earlier vote.

Approval of the January 19th Regular Meeting minutes

M/S/C (Chang/Tregub) MOVE MINUTES AS WRITTEN WITH THE FOLLOWING CHANGES:

- ADD MODIFIED LANGUAGE TO ITEM 5.a.(3) REGARDING HOSTING PLATFORMS.
- IN ITEM 6.b.(8) CHANGE “VERSES” TO “VERSUS”
- CLOSED SESSION: DELETE “WILL” IN FIRST PARAGRAPH AND CHANGE TO “CONVENED.”

Voice vote. Carried: 7-0-0-1. ABSENT: Soto-Vigil.

Item 4.c. was pulled from Consent and moved to Action by an earlier vote.

Meeting excusal and stipend reimbursement for Commissioner Soto-Vigil
(Commissioner Soto-Vigil & Chair Selawsky)

This item was continued to the March 20, 2017 Regular Meeting given that Commissioner Soto-Vigil had to leave the meeting early.

- (2) Discussion and possible action concerning the selection and appointment to fill the vacancy on the Rent Board (Chair Selawsky and Executive Director)
- a. Memo from the Executive Director and Legal Staff regarding selection and appointment to fill a vacancy on the Rent Board
 - b. Proposed process to select a replacement for outgoing Board Member Harr (Chair Selawsky & Vice-Chair Laverde-Levine)

M/S/C (Townley/Tregub) MOVE TO ADOPT THE PROCESS PROPOSED IN THE MEMORANDUM FROM THE CHAIR AND VICE-CHAIR WITH THE FOLLOWING MODIFICATION: WHEN RANKING THE RESULTS OF THE STRAW POLL TO DETERMINE THE ORDER IN WHICH THE CANDIDATES WILL BE FORMALLY VOTED ON, THE CANDIDATE WITH THE MOST FIRST PLACE VOTES (RATHER THAN TOTAL VOTES) WILL GET VOTED ON FIRST. IF CANDIDATES HAVE THE SAME NUMBER OF FIRST PLACE VOTES, THE TOTAL NUMBER OF VOTES DETERMINES THE FORMAL VOTING ORDER. IF THERE ARE STILL TIES AFTER USING THIS METHODOLOGY, THE FORMAL VOTING ORDER WILL BE DETERMINED BY THE CHAIR. Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Townley, Tregub, Selawsky; NO: None; ABSTAIN: Murphy*; ABSENT: Soto-Vigil. Carried: 6-0-1-1.

*Commissioner Murphy stated that she abstained because she was not clear on the process described in the motion.

- (3) Recommendation regarding the California Department of Housing and Community Development's report: "California's Housing Future: Challenges and Opportunities Public Draft – Statewide Housing Assessment 2025" (Vice-Chair Laverde-Levine & Chair Selawsky)

M/S/C (Tregub/Laverde-Levine) EMPOWER THE CHAIR TO SUBMIT WRITTEN COMMENTS ON BEHALF OF THE BOARD (BASED ON THE BOARD'S DISCUSSION THIS EVENING) REGARDING THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S ASSESSMENT AND DRAFT REPORT BY MARCH 4TH. THE CHAIR IS ALSO AUTHORIZED TO SPEAK ON BEHALF OF THE BOARD AT THE FEBRUARY 17 PUBLIC HEARING. THE CHAIR'S COMMENTS SHOULD INCLUDE A REQUEST TO EXTEND THE PUBLIC COMMENT PERIOD BEYOND MARCH 4, 2017. STAFF MAY CONTACT OTHER GROUPS AND RENT CONTROL JURISDICTIONS TO MAKE SURE THEY ARE AWARE OF THE OPPORTUNITY TO COMMENT. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 7-0-0-1.

- (4) Update and possible action regarding the Short-term Rental Ordinance (Executive Director)

M/S/C (Townley/Murphy) MOVE TO SEND A COMMUNICATION TO COUNCIL CONVEYING THE RENT STABILIZATION BOARD'S STRONG OPPOSITION TO THE INCLUSION OF THE LANGUAGE "BY THE CURRENT OWNER" IN THE AMENDMENT TO THE SHORT-TERM RENTAL ORDINANCE. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 7-0-0-1.

6. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

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

- a. Reports from Board Members/Staff

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

- (1) Update on Deputy Director recruitment (Executive Director) – The Executive Director announced the selection of Cherie Shoquist as Deputy Director. She will start on February 21st.
- (2) Commissioner Katherine Harr's January 26, 2017 letter of resignation from the Rent Board (Executive Director)
- (3) Revised 2017 Committee Assignments (Chair Selawsky)

- (4) January 23, 2017 communication to City Council regarding Support for Short-term Rentals Ordinance with Amendments (Chair Selawsky & Executive Director)
- (5) Updated Rent Board Regulation Appendices B, C and D (Executive Director)
- (6) October 23, 2015 article prepared for the Markkula Center for Applied Ethics by Judy Nadler and Miriam Schulman titled, "Relationships Between Elected Officials and Staff" (Commissioner Harr)
<https://www.scu.edu/ethics/focus-areas/government-ethics/resources/what-is-government-ethics/relationships-between-elected-officials-and-staff/>
- (7) September 23, 2016 *First Tuesday Journal* Editorial Staff article titled, "Conflict over redevelopment of rent-controlled units plagues Berkeley" (Commissioner Harr)
<http://journal.firsttuesday.us/conflict-over-redevelopment-of-rent-controlled-units-plagues-berkeley/54738/>
- (8) January 6, 2017 *East Bay Times.com* article by Karina Ioffe titled, "Richmond: Rent control gets reprieve; industry group files suit" (Vice-Chair Laverde-Levine)
<http://www.eastbaytimes.com/2017/01/06/richmond-rent-control-gets-reprieve-industry-group-files-suit/>
- (9) January 9, 2017 *LA Times.com* article by Anthony Clark Carpio titled, "City Council candidate wants to focus on rent control and affordable housing" (Vice-Chair Laverde-Levine)
<http://www.latimes.com/socal/burbank-leader/news/tn-blr-me-council-anthony-20170106-story.html>
- (10) January 9, 2017 *NBC Bay Area.com* article by Gillian Edevane titled, "Landlord Group Files Lawsuit to Block Voter-Approved Rent Control in Richmond" (Vice-Chair Laverde-Levine)
<http://www.nbcbayarea.com/news/local/Landlord-Group-Files-Lawsuit-to-Block-Voter-Approved-Rent-Control-in-Richmond-410147255.html>
- (11) January 10, 2017 *Press Democrat.com* article by Kevin McCallum titled, "Santa Rosa calls for rent control vote in June" (Vice-Chair Laverde-Levine)
<http://www.pressdemocrat.com/news/6529113-181/santa-rosa-calls-for-rent>
- (12) January 11, 2017 *Los Altos Town Crier* Staff Report titled, "Lawsuit temporarily halts MV rent control measure" (Vice-Chair Laverde-Levine)
<http://www.losaltosonline.com/news/sections/news/199-city-affairs/54470->
- (13) January 11, 2017 *Mountain View Voice* article by Mark Noack titled, "Rent control boosters look to Richmond" (Vice-Chair Laverde-Levine)
<http://www.mv-voice.com/news/2017/01/11/rent-control-boosters-look-to-richmond>
- (14) January 12, 2017 *The Atlantic's City Lab* article by Kriston Capps titled, "Does Ben Carson Believe in HUD?" (Executive Director)
<http://www.citylab.com/housing/2017/01/does-ben-carson-believe-in-the-role-of-hud/512915/>

- (15) January 12, 2017 *Mercury News.com* article by Kevin Kelly titled, “Menlo Park: City weighs actions on displacement” (Vice-Chair Laverde-Levine)
<http://www.mercurynews.com/2017/01/12/menlo-park-city-weighs-actions-on-displacement/>

7. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- A. Budget and Personnel
- B. Eviction/Section 8/Foreclosure
- C. Habitable & Sustainable Housing
- D. IRA, AGA and Registration
- E. Outreach
- F. Resilience and Sustainability
 - (1) December 8, 2016 minutes
- G. 4 x 4 City Council/RSB Housing Committee
- H. 4 x 4 Ad Hoc Committee on Safety, Occupancy and Affordability of Converted Artist Warehouses and Workspaces – Commissioner Townley updated the Board about the Committee’s recent work concerning certificates of occupancy and changes to the Relocation Ordinance.
 - (1) January 13th minutes
 - (2) January 27th agenda
- I. Ad Hoc Committee on the Effects of Costa-Hawkins
- J. Ad Hoc Committee on Technology Issues
- K. 2 x 2 x 2 Committee on Housing: Council / Rent Board / BUSD
- L. Updates and Announcements regarding future Special Meetings
- M. Discussion of items for possible placement on future agenda – Item 4.c. will be heard at the March 20th Meeting and staff will update the Board on the status of the 2 x 2 x 2 Committee on Housing: Council /Rent Board / BUSD after contacting Council and the Berkeley Unified School District to gauge interest in participating.

8. **ADJOURNMENT** –M/S/C (Tregub/Murphy) ADJOURN TONIGHT’S MEETING IN MEMORY OF VALERIE AND ROGER MORASH. Voice Vote. Carried: 7-0-0-1. ABSENT: Soto-Vigil.

The meeting was adjourned at 10:42 p.m.