



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

**Monday, March 20, 2017**  
**7:00 p.m.**

**1. Roll call** – Chair Selawsky called the meeting to order at 7:06 p.m.

Aimee Mueller called roll.

Commissioners present: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil, Townley, Tregub (via teleconference), Selawsky

Commissioners absent: Murphy

Staff present: Brown, Darrow, Kelekian, Law (in audience), Mueller, Shoquist

Mayor Arreguin was also present.

**2. Approval of Agenda**

M/S/C (Soto-Vigil/Simon-Weisberg) MOTION TO HOLD OVER ACTION ITEM 8.A.(1) TO THE APRIL 24<sup>TH</sup> REGULAR MEETING IN LIGHT OF COMMISSIONER MURPHY'S UNEXPECTED ABSENCE DUE TO A FAMILY EMERGENCY. Roll call vote. YES: Chang, Simon-Weisberg, Soto-Vigil, Tregub, Selawsky; NO: Laverde-Levine, Townley; ABSTAIN: None; ABSENT: Murphy. Carried: 5-2-0-1.

M/S/C (Simon-Weisberg/Soto-Vigil) MOTION TO ADJOURN MEETING IN MEMORY OF LESLIE GORDON AND CHRISTOPHER J. MURPHY; MOVE ACTION ITEMS 8.a.(3), 8.a.(4) AND 8.a.(5) TO CONSENT WITH *Friendly Amendment by Tregub (accepted)*: MOVE SPECIAL PRESENTATION ITEMS 5.b.(1) AND 5.b.(2) TO CONSENT, AND ACTION ITEMS 8.a.(7), AND 8.a.(8) TO CONSENT WITH MODIFICATIONS (see Consent vote for modifications). Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Selawsky; NO: None; ABSTAIN: None; ABSENT: Murphy. Carried: 7-0-0-1.

M/S/C (Selawsky/Simon-Weisberg) MOTION TO RECONSIDER VOTE MOVING ACTION ITEM 8.a.(1) TO THE APRIL 24, 2017 REGULAR MEETING DUE TO COMMISSIONER TOWNLEY'S PLANNED ABSENCE FROM THAT MEETING FOR WHICH HE PROVIDED NOTICE AT THE TIME THE MEETING SCHEDULE WAS SET. Roll call vote. YES: Laverde-Levine, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: Chang; ABSENT: Murphy. Carried: 6-0-1-1.

M/S/C (Simon-Weisberg/Soto-Vigil) MOTION TO HOLD OVER ACTION ITEM 8.a.(1) TO THE MAY 15, 2017 REGULAR MEETING. Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil, Tregub, Selawsky; NO: None; ABSTAIN: Townley\*; ABSENT: Murphy. Carried: 6-0-1-1.

\*Commissioner Townley abstained out of respect for those who took the time to attend tonight's meeting in anticipation of a selection being made.

**3. Public Forum** – There were 14 speakers. Norma Harrison spoke in recognition of former Commissioner Katherine Harr. Pam Webster spoke in recognition of former Commissioner Katherine Harr. Moni Law spoke in recognition of former Commissioner Katherine Harr, and regarding homeless students at Cal. Francisco Martinez spoke in support of Rajib Chowdhury's candidacy for the Board vacancy. Kostantino Johal spoke in support of Rajib Chowdhury's candidacy for the Board vacancy. Fred Dodsworth spoke in recognition of former Commissioner Katherine Harr. Matthew Lewis spoke in support of Stefan Elgstrand's candidacy for the Board vacancy. Mark Janowitz spoke about the necessity of support for tenants and tenants' rights, and in recognition of former Commissioner Katherine Harr. Christine Schwartz spoke in support of the Tenant Protection Ordinance and in recognition of former Commissioner Katherine Harr. Maria Poblet spoke in support of her candidacy for the Board vacancy and in recognition of former Commissioner Katherine Harr. Mayor Arreguin spoke in recognition of former Commissioner Katherine Harr. Brendan Darrow spoke in recognition of former Commissioner Katherine Harr. Marcia Levenson spoke in recognition of former Commissioner Katherine Harr. Elisa Cooper spoke in recognition of former Commissioner Katherine Harr.

#### **4. SPECIAL ORDER OF BUSINESS**

- a. Resolution to be presented to former Commissioner Katherine Harr acknowledging her nearly seven years of service as a Rent Board Commissioner – Chair Selawsky read aloud the Resolution honoring former Commissioner Katherine Harr; staff and Commissioners made comments in appreciation of her service. Former Commissioner Harr also addressed the Board.

#### **5. SPECIAL PRESENTATION by Brian Augusta & Associates, Rent Board Legislative Advocate, on housing-related legislation**

- a. State Legislative Report – Brian Augusta addressed the Board. Commissioner Simon-Weisberg asked Mr. Augusta for proposals about ways Commissioners can be more involved with providing guidance to state legislators.
- b. Recommendations concerning two pieces of legislation:
  - (1) Assembly Bill 1506 (Bloom) – Repeal of Costa-Hawkins Act
  - (2) Assembly Bill 982 (Bloom) – One-Year Notice for Ellis Evictions

**Items 5.b.(1) and 5.b.(2) were moved to Consent via an earlier vote of the Board.**

M/S/C (Soto-Vigil/Townley) MOTION TO SUPPORT AB 1505 (BLOOM), AB 291 (CHIU), SB 721 (HILL), AND OPPOSE AB 1242 (GRAYSON). Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Murphy. Carried: 7-0-0-1.

## 6. CONSENT ITEMS

- a. Approval of the February 6<sup>th</sup> Regular Meeting minutes
- b. Approval of the February 27<sup>th</sup> Special Meeting minutes
- c. Stipend reimbursement request by Commissioner Soto-Vigil (held over from February 6<sup>th</sup> meeting)

**Items 5.b.(1), 5.b.(2), 8.a.(3), 8.a.(4), 8.a.(5), 8.a.(7), and 8.a.(8) were moved to Consent by an earlier vote of the Board.**

M/S/C (Soto-Vigil/Laverde-Levine) APPROVE SPECIAL PRESENTATION ITEMS 5.b.(1), AND 5.b.(2); CONSENT ITEMS 6.a., 6.b., AND 6.c.; ACTION ITEMS 8.a.(3), 8.a.(4), 8.a.(5), AND 8.a.(6) AS WRITTEN; AND ACTION ITEMS 8.a.(7) and 8.a.(8), MODIFYING 8.a.(7) TO CORRECT “BONITA” TO “BONTA,” AND 8.a.(8) TO THANK COUNCIL FOR THEIR ACTION RATHER THAN RECOMMENDING THAT THEY TAKE ACTION. Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Murphy. Carried: 7-0-0-1.

## 7. APPEAL – Case No. IRD-119 (1635 Julia Street, Unit 10)

Appellant: Was not present.

Respondent: Albert Sukoff was present.

M/S/C (Townley/Laverde-Levine) MOTION TO UPHOLD THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Murphy. Carried: 7-0-0-1.

## 8. ACTION ITEMS

- a. From Board Members, Executive Director and Committees

- (1) Discussion and possible action regarding search results and recommendation(s) to the Board of the most qualified candidate(s) for filling the vacant seat on the Board (Ad Hoc Replacement Committee to Fill Board Vacancy)

THIS ITEM WAS HELD OVER TO THE MAY 15, 2017 REGULAR BOARD MEETING BY AN EARLIER VOTE OF THE BOARD.

- (2) Recommendation that the Board repeal Regulation 509 [Definition of New Construction for Legal Rental Units] and adopt Regulation 510 [Definition of New Construction for Units That Lack a Certificate of Occupancy] on first reading (IRA/AGA/Registration Committee)

M/S/C (Tregub/Chang) MOTION TO REPEAL REGULATION 509 ON FIRST READING. Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Murphy. Carried: 7-0-0-1.

M/S/C (Tregub/Chang) MOTION TO ADOPT REGULATION 510 ON FIRST READING. Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Murphy. Carried: 7-0-0-1.

- (3) Recommendation that the Board adopt Regulation 520 [Exemptions for Fraternities and Sororities] on first reading (IRA/AGA/Registration Committee)

This item was moved to the Consent Calendar by an earlier vote of the Board.

- (4) Recommendation that the Board adopt Regulation 808 [Registration Fee for Seasonal Rentals in Fraternities and Sororities] on first reading (IRA/AGA/Registration Committee)

This item was moved to Consent by an earlier vote of the Board.

- (5) Recommendation that the Board adopt Regulation 1383 [Owner Move-In and Ellis Act Relocation Assistance Disputes - B.M.C. §§ 13.76.130A.9 and 13.77.055] on first reading (IRA/AGA/Registration Committee)

This item was moved to Consent by an earlier vote of the Board.

- (6) Recommendation to have staff and the Outreach Committee take appropriate steps to publicize the Model Green Lease Addendum as a voluntary addition to new and existing leases (Habitable & Sustainable Housing Committee)

This item was included in the vote on Consent items.

- (7) Recommendation that the Rent Board endorse Assembly Bill (AB) 1506 (Bonta), AB 71 (Chiu) and Senate Bill 2 (Atkins) (Commissioners Tregub and Simon-Weisberg)

This item was moved to Consent by an earlier vote of the Board.

- (8) Recommendation regarding Denunciation of the Presidential Executive Order to Build a Wall Along the U.S.-Mexico Border; Establishing a Policy for the Rent Board to Refrain from Entering into New or Amended Contracts with Vendors that Materially Support the Building of Said Border Wall; and Forwarding

Recommendation to CalPERS and the Berkeley City Council of These Actions  
(Commissioners Laverde-Levine, Murphy, Soto-Vigil and Tregub)

This item was moved to Consent by an earlier vote of the Board.

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

**Ministerial Waivers**

Waiver No.    Property Address

4611	3108 Harper Street
4612	1343 Martin Luther King, Jr. Way
4613	1721 San Pablo Avenue
4614	2405 Sacramento Street
4616	1706 Derby Street
4617	2231 Cedar Street
4618	1607 Prince Street
4619	2019 7th Street
4620	1349 Josephine Street
4621	1210 Masonic Avenue

**Discretionary Waivers**

Waiver No.    Property Address

4600	2919 Fulton Street
4602	2840 Grant Street
4606	1625 8 <sup>th</sup> Street
4608	1549 Ashby Avenue
4615	3228 Adeline Street

Commissioner Simon-Weisberg pulled Waiver Nos. 4600, 4606 and 4615.

M/S/C (Townley/Laverde-Levine) APPROVE ALL MINISTERIAL WAIVERS AND DISCRETIONARY WAIVER NUMBERS 4602 AND 4608 AS WRITTEN. Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Murphy. Carried: 7-0-0-1.

M/S/C (Townley/Chang) WAIVE TWENTY-FIVE PERCENT (25%) OF THE PENALTY FOR WAIVER NUMBER 4600. Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil, Townley, Selawsky; NO: None; ABSTAIN: Tregub; ABSENT: Murphy. Carried: 6-0-1-1.

M/S/C (Townley/Laverde-Levine) APPROVE THE STAFF RECOMMENDATION FOR WAIVER 4606, *Friendly Amendment by Simon-Weisberg (accepted)*: TO OBTAIN THE WAIVER, THE LANDLORD MUST ATTEND A LANDLORD SEMINAR OFFERED BY THE RENT STABILIZATION PROGRAM WITHIN THREE MONTHS. IF THE LANDLORD FAILS TO ATTEND THE TRAINING

WITHIN THE REQUIRED TIME, THE FULL PENALTY WILL BE IMPOSED. Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky. NO: None; ABSTAIN: None; ABSENT: Murphy. Carried: 7-0-0-1.

MSF (Tregub/Townley) FOR WAIVER 4615, SUBSTITUTE MOTION TO APPROVE THE RECOMMENDATION AS WRITTEN. Roll call vote. YES: Townley, Tregub, Selawsky; NO: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil; ABSTAIN: None; ABSENT: Murphy. Failed. 3-4-0-1.

MSF (Simon-Weisberg/Laverde-Levine) FOR WAIVER 4615, MAIN MOTION TO IMPOSE THE FULL AMOUNT OF THE PENALTY. Roll call vote. YES: Chang, Laverde-Levine, Simon-Weisberg, Soto-Vigil; NO: Townley, Tregub, Selawsky; ABSTAIN: None; ABSENT: Murphy. Failed: 4-3-0-1.

M/S/C (Chang/Townley) FOR WAIVER 4615, MOVE TO WAIVE THIRTY-FIVE PERCENT (35%) OF THE PENALTY. Roll call vote. YES: Chang, Laverde-Levine, Soto-Vigil, Townley, Tregub, Selawsky; NO: Simon-Weisberg; ABSTAIN: None; ABSENT: Murphy. Carried: 6-1-0-1.

## **9. 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) Fiscal Year 2016/2017 Mid-Year Budget Update (Executive Director) – The Executive Director reported that budget development is underway. Of note, the cost of benefits for all City employees has increased dramatically without a corresponding increase in the level of benefits provided. Also, costs associated with “Misc. Professional Services” are higher than projected because the Board previously voted to increase funding to the East Bay Community Law Center, and the Eviction Defense Center.
- (2) Update on proposed Tenant Protection Ordinance (TPO) (Executive Director)
- (3) Report on presentation to City Council regarding possible revisions to the Demolition Ordinance (Executive Director)
- (4) Update on Short-Term Rental Ordinance (Executive Director)
- (5) Amendment to the Affordable Housing Mitigation Fee (Executive Director)
- (6) Update on Housing California Rent Control Panel (Executive Director & Commissioner Simon-Weisberg) – *Verbal*

- (7) February 14, 2017 Memorandum to Council regarding the Rent Board's concerns with the proposed Short-Term Rentals Ordinance (Chair Selawsky and Executive Director)
- (8) February 14, 2017 communication to Council regarding the Rent Board's support for *Our Beloved Community* Proposal: Alameda County Anti-Displacement Funding and Policy Plan (Chair Selawsky and Executive Director)
- (9) March 3, 2017 communication to Council regarding Creating Additional Administrative Powers for Zoning Officer to Deny or Hold in Abeyance New Permit Applications Until Outstanding Code Enforcement Issues are Resolved (Chair Selawsky)
- (10) March 3, 2017 letter to Ben Metcalf, Director of California Department of Housing and Community Development, with Board's comments on the draft 2025 Statewide Housing Assessment (Executive Director)
- (11) Flyer for March 16, 2017 workshop at the Alameda County Law Library on Recent Changes to the Berkeley Rent Control Ordinance presented by Rent Board Staff Attorneys Matt Brown and Matthew Siegel (Executive Director)
- (12) March 20, 2017 memo regarding Commissioner E-mail Policy (Commissioner Soto-Vigil)
- (13) February 7, 2017 *Sacramento Bee.com* article by Christopher Cadelago titled, "John Chiang opens committee for 2018 affordable housing initiative" (Vice-Chair Laverde-Levine)  
<http://www.sacbee.com/news/politics-government/capitol-alert/article131338709.html>
- (14) February 27, 2017 *The Guardian.com* article by Olivia Solon titled, "Scraping by on six figures? Tech workers feel poor in Silicon Valley's wealth bubble" (Vice-Chair Laverde-Levine)  
<https://www.theguardian.com/technology/2017/feb/27/silicon-aa-cost-of-living-crisis-has-americas-highest-paid-feeling-poor>
- (15) Article in the March 2017 issue of *Western City* magazine titled, "Finding Solutions to the Affordable Housing Shortage" (Vice-Chair Laverde-Levine)  
<http://www.westerncity.com/Western-City/March-2017/Finding-Solutions-to-the-Affordable-Housing-Shortage/>
- (16) March 2, 2017 *KQED.org* article by Ben Christopher titled, "To Attract Teachers, Pricey School Districts Are Becoming Their Landlords" (Vice-Chair Laverde-Levine)  
<https://www2.kqed.org/news/2017/03/02/to-attract-teachers-pricey-school-districts-are-becoming-their-landlords/>

- (17) March 5, 2017 *MercuryNews.com* article by Tracey Kaplan titled, “Mobile home park victory: A negligent owner, \$10 million settlement and the San Jose residents who prevailed” (Vice-Chair Laverde-Levine)  
<http://www.mercurynews.com/2017/03/05/4434205/>
- (18) March 6, 2017 *LATimes.com* article by Liam Dillon titled, “California won’t meet its climate change goals without a lot more housing density in its cities” (Vice-Chair Laverde-Levine)  
<http://www.latimes.com/politics/la-pol-ca-housing-climate-change-goals-20170306-story.html>
- (19) March 6, 2017 *Redfin.com* article by Nela Richardson titled, “How Ben Carson and HUD Can Begin to Solve America’s Housing Affordability Crisis” (Vice-Chair Laverde-Levine)  
<https://www.redfin.com/blog/2017/03/how-ben-carson-and-hud-can-begin-to-solve-americas-housing-affordability-crisis.html>
- (20) March 6, 2017 *Curbed.com* article by Adam Brinklow titled, “California lawmakers aim to repeal anti-rent control law” (Vice-Chair Laverde-Levine)  
<http://sf.curbed.com/2017/3/6/14835334/cost-hawkins-repeal-chiu>
- (21) March 7, 2017 *Cal.StreetsBlog.org* article by Jason Islas titled, “State Legislators Put California’s Housing Crisis in the Crosshairs” (Vice-Chair Laverde-Levine)  
<http://cal.streetsblog.org/2017/03/07/state-legislators-put-californias-housing-crisis-in-the-crosshairs/>

## **10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

- a. Budget and Personnel – Committee Chair Tregub asked that Commissioners report to staff any proposed projects or undertakings that would require money or staff time so that they can be accounted for in upcoming fiscal year’s budget, which is in development.
  - (1) February 24<sup>th</sup> agenda
  - (2) March 17th agenda
- b. Eviction/Section 8/Foreclosure – Chair Selawsky recused himself from the Committee’s March 22 meeting due to a conflict of interest regarding a contract vote. He temporarily appointed Commissioner Townley to the Committee for the purpose of having a quorum for the vote in light of the anticipated absence of Commissioner Murphy due to a family emergency.
  - (1) March 22nd agenda
- c. Habitable & Sustainable Housing (HASH) – Commissioner Townley remarked on the Board’s passing of the Model Green Lease, and related outreach efforts.



- (1) March 2nd agenda
- d. IRA, AGA and Registration – Staff Attorney Matt Brown reported that the Committee has been working on the regulations that were passed on first reading this evening.
  - (1) February 17th agenda
  - (2) March 8th agenda
- e. Outreach – Committee Chair Chang updated the Board on developing outreach ideas, and asked Commissioners to let the Committee know of any outreach ideas or proposals that would have a budget impact.
  - (1) February 24th agenda
  - (2) March 10th agenda
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Selawsky informed the Board that the last proposed meeting was cancelled and not yet rescheduled.
- g. 4 x 4 Ad Hoc Committee on Safety, Occupancy and Affordability of Converted Artist Warehouses and Workspaces – Commissioner Townley reported that this Committee had not met since its last meeting.
- h. Ad Hoc Committee on the Effects of Costa-Hawkins – Commissioner Laverde-Levine Reported that the Committee hopes to meet in April.
- i. Ad Hoc Committee on Technology Issues – Board Secretary Aimee Mueller reported that she plans to convene this Committee as soon as all new Commissioners have completed their iPad orientations and will continue to document technology issues that have been encountered thus far.
- j. Ad Hoc Replacement Committee to Fill Board Vacancy – Committee Chair Selawsky reported that the work of this Committee is reflected in the memorandum accompanying Item 8.a.(1).
  - (1) March 3rd agenda
  - (2) March 3<sup>rd</sup> minutes
  - (3) March 7th agenda
  - (4) March 8th agenda

(5) March 14th agenda

- k. 2 x 2 x 2 Committee on Housing: Council / Rent Board / BUSD – Chair Selawsky has been in contact with BUSD and is working on getting them to the table.
- l. Updates and Announcements regarding future Special Meetings – Staff Attorney Matt Brown reported that there are a number of pending appeals. The Commissioners discussed the possibility of adding a special meeting but took no action this evening.
- m. Discussion of items for possible placement on future agenda – Commissioner Soto-Vigil indicated that he plans to bring an item proposing that the Board speak with Rent Stabilization Program staff about what the program is doing well, ideas for improvement, etc.

## 11. ADJOURNMENT