



Rent Stabilization Board

RENT STABILIZATION BOARD
**Regular Meeting and Public Hearing on the Budget
and Proposed Increase in the Annual Registration Fee**
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

Monday, May 15, 2017
7:00 p.m.

In accordance with the Brown Act, CA Government Code Section 54953(b)(2), this meeting was also teleconferenced from the following location: 15 Kabanbai Batyr Avenue, Astana, 010010, Kazakhstan.

1. **Roll call** –Chair Selawsky called the meeting to order at 7:13 p.m.
Aimee Mueller called roll.
Commissioners present: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil (arrived at 7:23 p.m.), Townley, Tregub (via teleconference), Selawsky.
Commissioners absent: None.
Staff present: Brown, Kelekian, Mueller, Shoquist.

2. **Approval of Agenda** – M/S/C (Simon-Weisberg/Murphy) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ITEM 7.a.(3) TO BE THE FIRST ACTION ITEM HEARD; MOVE ALL WAIVERS EXCEPT DISCRETIONARY WAIVERS 4629 AND 4632 TO CONSENT. 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.

3. **Public Forum** – There were 18 speakers. During the Public Forum, Marcia Levenson spoke in favor of the fee increase and about the need to work on repealing Costa-Hawkins. Christine Schwartz spoke about the need for enforcement mechanisms for tenant anti-harassment measures. Wyndy Knox Carr asked the Board to keep an eye on what is happening at the federal level regarding housing subsidies. Peter DuMont opined about the need to tie the minimum wage level to the cost of living, including rent levels. Cristian Thede spoke regarding Waiver 4629 (2116 Acton Street). Willie Phillips spoke in support of Poki Namkung’s candidacy for the vacant Board seat.

Prior to the Board’s consideration of Item 7.a.(3), Poki Namkung spoke in support of her candidacy for the vacant Board seat, and took questions from the Commissioners. Tim Kingston spoke in support of his candidacy for the vacant Board seat and took questions from the

Commissioners. Stefan Elgstrand spoke in support of his candidacy for the vacant Board seat and took questions from the Commissioners. María Poblet spoke in support of her candidacy for the vacant Board seat, and took questions from the Commissioners. Christine Schwartz spoke in support of her candidacy for the vacant Board seat, and took questions from the Commissioners. Eleanor Walden took questions from the Commissioners about her candidacy for the vacant Board seat. Marcia Levenson spoke in support of her candidacy for the vacant Board seat and took questions from the Commissioners. Kimi Lee of Bay Uprising spoke in support of María Poblet's candidacy for the vacant Board seat. Gabriel Haaland of SEIU 1021 spoke in support of María Poblet's candidacy for the vacant Board seat. Jahmese Myres of EBASE spoke in support of María Poblet's candidacy for the vacant Board seat. Tara Thomas of Pegasus spoke in support of Tim Kingston's candidacy for the vacant Board seat. Matthew Lewis of the Progressive Student Association spoke in support of Stefan Elgstrand's candidacy for the vacant Board seat. Rigel Robinson spoke in support of Stefan Elgstrand's candidacy for the vacant Board seat. Camilo Zamora of Causa Justa: Just Cause spoke in support of María Poblet's candidacy for the vacant Board seat.

4. CONSENT ITEMS

Administrative Waiver 4622, Ministerial Waivers 4625, 4626 and 4628, and Discretionary Waivers 4623, 4627, 4630, and 4631 were moved to Consent via an earlier vote of the Board.

- a. Approval of the April 24th Regular Meeting minutes
- b. Approval of the May 1st Special Meeting minutes
- c. Recommendation to suspend any deductions from Commissioner Murphy's stipend for absences due to a family emergency during the period from March 20, 2017 through May 5, 2017

M/S/C (Townley/ Laverde-Levine) MOTION TO APPROVE ALL CONSENT ITEMS AS WRITTEN, INCLUDING ADMINISTRATIVE WAIVER 4622, MINISTERIAL WAIVERS 4625, 4626 AND 4628, AND DISCRETIONARY WAIVERS 4623, 4627, 4630, AND 4631. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.

5. Public Hearing on the Fiscal Year 2017/2018 Budget and Proposed Increase in the Annual Registration Fee Due on July 3, 2017

- a. Public testimony on the Annual Registration Fee and Rent Board Budget
Eleanor Walden spoke in support of her candidacy for the vacant Board seat at this time. There were no speakers about the Registration Fee or Fiscal Year 2017/2018 Budget.
- b. Comments from the Board, Executive Director and Committees
There were no comments at this time.

6. **APPEAL – Case No. T-5589 (1411 Kains Avenue, Unit #A)**

Appellant April Green appeared.
Respondents Dahnby Jun and Isaac Chau appeared.

M/S/C (Murphy/Simon-Weisberg) MOTION TO AFFIRM THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None.
Carried: 8-0-0-0.

7. **ACTION ITEMS**

Item 7.a.(3) was heard first per an earlier vote of the Board.

a. **From Board Members, Executive Director and Committees**

- (1) Recommendation to adopt Resolution 17-05 setting the FY 2017-2018 annual registration fee (due July 3, 2017) and Resolution 17-06 authorizing the pass-through to certain tenants of a portion of the registration fee
(Budget & Personnel Committee and the Executive Director)

M/S/C (Townley/Simon-Weisberg) MOTION TO APPROVE RESOLUTION 17-05 SETTING THE ANNUAL REGISTRATION FEE AT \$250, PLUS A ONE-TIME \$20 FEE TO FUND CAPITAL IMPROVEMENTS; AND TO APPROVE RESOLUTION 17-06 AUTHORIZING THE PASS-THROUGH OF UP TO \$11.00 PER MONTH TO TENANTS WHERE THE TENANCY BEGAN PRIOR TO JANUARY 1, 1999. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.

- (2) Recommendation to adopt Resolution 17-07 authorizing a Summer Rental Period registration fee and procedures for sororities and fraternities for the pending 2017-2018 registration year (Budget & Personnel Committee and the Executive Director)

M/S/C (Simon-Weisberg/Murphy) MOTION ADOPT RESOLUTION 17-07 AS WRITTEN SETTING THE SUMMER RENTAL PERIOD REGISTRATION FEE FOR SORORITIES AND FRATERNITIES AT \$70 PER UNIT. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None.
Carried: 8-0-0-0.

- (3) 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)

The Board heard public comments prior to the straw poll vote, which are reflected in the Public Forum section of these minutes. Afterwards, the Commissioners agreed by consensus to move to the straw poll and voted as follows:

Commissioner	1 st Choice Candidate	2 nd Choice Candidate
Chang	María Poblet	Stefan Elgstrand
Laverde-Levine	Poki Namkung	Stefan Elgstrand
Murphy	María Poblet	Poki Namkung
Simon-Weisberg	María Poblet	None selected
Soto-Vigil	María Poblet	None selected
Townley	Poki Namkung	Tim Kingston
Tregub	Stefan Elgstrand	María Poblet
Selawsky	Poki Namkung	Stefan Elgstrand

The straw poll determined that María Poblet would be voted on first, Poki Namkung would be voted on second (if necessary), Stefan Elgstrand would be voted on third (if necessary), and Tim Kingston would be voted on fourth (if necessary).

M/S/C (Soto-Vigil/Simon-Weisberg) MOTION TO APPOINT MARIA POBLET TO FILL THE VACANT SEAT ON THE BOARD. Roll call vote. YES: Chang, Murphy, Simon-Weisberg, Soto-Vigil, Tregub; NO: Laverde-Levine, Townley; ABSTAIN: Selawsky; ABSENT: None. Carried: 5-2-1-0.

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

Administrative Waiver 4622, Ministerial Waivers 4625, 4626 and 4628, and Discretionary Waivers 4623, 4627, 4630, and 4631 were moved to Consent via an earlier vote of the Board.

Administrative Waivers

Waiver No. Property Address

4622 2410 Russell Street

Ministerial Waivers

Waiver No. Property Address

4625 2721 California Street

4626 2023 Parker Street

4628 1834 Francisco Street

Discretionary Waivers

Waiver No. Property Address

4623 2338 Blake St

4627 1419 8th Street

4629 2116 Acton Street

4630 1512 Tyler Street

4631 2319 Jefferson Avenue

4632 2921 Ellis Street

Substitute motion: M/S/C (Simon-Weisberg/Soto-Vigil) APPROVE THE STAFF RECOMMENDATION AS WRITTEN FOR WAIVER 4629. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Selawsky; NO: Townley, Tregub; ABSTAIN: None; ABSENT: None. Carried: 6-2-0-0.

M/S/C (Chang/Simon-Weisberg) APPROVE THE STAFF RECOMMENDATION AS WRITTEN FOR WAIVER 4632. Roll call vote. YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.

8. 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) April 13, 2017 Measure Y/AA Tracking Report for January 2014-December 2016 to the Eviction/Section 8/Foreclosure Committee (Executive Director)
- (2) Updated Appendix C – Department of Housing and Urban Development (HUD) Lower Income Limits (Executive Director)
- (3) Flyer for the Rent Stabilization Program’s April 12, 2017 Security Deposit Seminar for Landlords and Tenants (Executive Director)
- (4) Flyer for the Rent Stabilization Program’s April 18, 2017 Tenants’ Rights Workshop (Executive Director)
- (5) Flyer for the Rent Stabilization Program’s May 5, 2017 Landlord in Berkeley 101 Seminar (Executive Director)
- (6) Flyer for the Rent Stabilization Program’s May 17, 2017 Landlord in Berkeley 101 Seminar (Executive Director)
- (7) Flyer for the Rent Stabilization Program’s May 20, 2017 Occupancy and Tenancy Turnover Workshop (Executive Director)
- (8) April 11, 2017 *Affordable Housing Finance* article by Andre F. Shashaty titled, “Showdown Looms as Rent Control Battle Rages” (Vice-Chair Laverde-Levine) http://www.housingfinance.com/policy-legislation/showdown-looms-as-rent-control-battle-rages_o
- (9) April 17, 2017 *Orange County Register* article by Jeff Collins titled, “Rent hit all-time highs amid job growth and low vacancy rates” (Vice-Chair Laverde-Levine)

<http://www.ocregister.com/2017/04/17/rents-hit-all-time-highs-amid-job-growth-and-low-vacancy-rates/>

- (10) April 20, 2017 *KQED.org* article by Devin Katayama titled, “Fresh From Court Win, Mountain View Green Lights Rent Control” (Vice-Chair Laverde-Levine) <https://ww2.kqed.org/news/2017/04/20/fresh-from-court-win-mountain-view-green-lights-rent-control/>
- (11) April 28, 2017 *The Mercury News* article by Kristi Myllenbeck titled, “Cupertino adopts process for single-story overlay districts” (Vice-Chair Laverde-Levine) <http://www.mercurynews.com/2017/04/28/cupertino-adopts-process-for-single-story-overlay-districts/>
- (12) May 3, 2017 *North Bay Business Journal* article by Gary Quackenbush titled, “Santa Rosa rent control: Sides for and against debate June ballot measure” (Vice-Chair Laverde-Levine) <http://www.northbaybusinessjournal.com/northbay/sonomacounty/6955777-181/rent-control-in-santa-rosa-sonoma?artslide=0>
- (13) May 4, 2017 *CBS Sacramento* article by Drew Bollea titled, “High Rent Has People Asking ‘What Can I Do?’” (Vice-Chair Laverde-Levine) <http://sacramento.cbslocal.com/2017/05/04/high-rent-housing-crisis-rent-control/>
- (14) May 4, 2017 *Los Angeles Times* article by Liam Dillon titled, “Bill that would allow cities to mandate more low-income rental housing clears Assembly” (Vice-Chair Laverde-Levine) <http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-bill-to-allow-cities-to-mandate-more-1493919851-htmlstory.html>
- (15) May 5, 2017 *California Apartment Association* web posting titled, “CAA shifts focus of rent control fight, suspends legal challenges to ballot measures” (Executive Director) <https://caanet.org/caa-shifts-focus-rent-control-fight-suspends-legal-challenges-ballot-measures/>
- (16) May 5, 2017 *East Bay Business News* article by Roland Li titled, “How the East Bay and Peninsula lost \$185 million in affordable housing funding over the last decade” (Vice-Chair Laverde-Levine) <http://www.bizjournals.com/sanfrancisco/news/2017/05/05/east-bay-peninsula-affordable-housing-funding-cuts.html>
- (17) May 5, 2017 *StreetsBlogLA* article by Jason Islas titled, “CA Bill Affirming That Cities Can Require Affordable Housing Advances” (Vice-Chair Laverde-Levine) – <http://la.streetsblog.org/2017/05/05/ca-bill-affirming-that-cities-can-require-affordable-housing-advances/>
- (18) May 6, 2017 *IndyBay.org* article by Lynda Carson titled, “California Apartment Association suspends legal challenges against Richmond rent control” (Vice-Chair Laverde-Levine) <https://www.indybay.org/newsitems/2017/05/06/18799222.php>

- (19) May 6, 2017 *San Francisco Chronicle* article by Amie Fishman and Matt Schwartz titled, “Take action for affordable housing in the Bay Area” (Vice-Chair Laverde-Levine)
<http://www.sfchronicle.com/opinion/openforum/article/Take-action-for-affordable-housing-in-the-Bay-Area-11127300.php>
- (20) May 7, 2017 *In Menlo* article by Linda Hubbard Gulker titled, “Rents in Menlo Park remain in the stratosphere” (Vice-Chair Laverde-Levine)
<http://inmenlo.com/2017/05/07/rents-in-menlo-park-remain-in-the-stratosphere/>
- (21) May 9, 2017 *Mercury News* article by Ramona Giwargis titled, “San Jose: Long-sought renter protections against eviction take effect” (Executive Director)
<http://www.mercurynews.com/2017/05/09/landlords-rally-as-san-jose-council-weighs-immediate-no-cause-eviction-protection/>

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Chair Selawsky reported that there will be further items coming to the full Board from this committee at the June 19 Regular meeting.
- (1) May 4th agenda
- b. Eviction/Section 8/Foreclosure – Committee Chair Simon-Weisberg reported that the Committee will be hosting the Berkeley Housing Authority Director at the next meeting, and proposing an anti-discrimination ordinance based on income.
- c. Habitable & Sustainable Housing (HASH) – Committee Chair Laverde-Levine reported that the Committee wants to refer to the 4x4 Committee the 27 properties not yet in compliance with the Soft Story Ordinance.
- (1) May 11th agenda
- d. IRA, AGA and Registration – Staff Attorney Matt Brown reported that the next meeting is on June 8th.
- e. Outreach – Committee Chair Chang reported that the Committee is finalizing their work plan and will meeting next on June 1st.
- (1) May 9th agenda
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Selawsky reported that the Committee had a productive meeting on May 5th and spent time talking about inspections and the Rental Housing Safety Program. Commissioner Laverde-Levine added that the Committee discussed the elevator law.

Commissioner Townley reported that the Committee also discussed the demolition law and the roll-out of the Short-term Rentals Ordinance.

(1) December 12, 2016 minutes

(2) May 5th agenda

- g. 4 x 4 Ad Hoc Committee on Safety, Occupancy and Affordability of Converted Artist Warehouses and Workspaces – Commissioner Townley reported that the Committee is working on setting a meeting date.
- h. Ad Hoc Committee on the Effects of Costa-Hawkins
- i. Ad Hoc Committee on Technology Issues – Aimee Mueller reported that two Commissioners still need to get their iPads and orientations, and afterwards she will compile a list of issues encountered.
- j. Ad Hoc Replacement Committee to Fill Board Vacancy
 - (1) March 14th minutes
 - (2) May 2nd agenda
- 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 – The Board agreed to refer the task of recognizing fraternities and sororities that comply with the summer rental registration program to the IRA/AGA/Registration Committee. Commissioner Simon-Weisberg suggested incorporating an update on legislation, or new rent control or eviction protections in other cities as a quarterly, standing Board agenda item.

10. ADJOURNMENT – Chair Selawsky adjourned the meeting at 11:26 p.m.

