



Rent Stabilization Board

## RENT STABILIZATION BOARD

### *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, May 21, 2018**  
**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: 255 E. Flamingo Road, Las Vegas, NV 89169*

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- 1. Roll call** – Chair Selawsky called the meeting to order at 7:09 p.m.  
Aimee Mueller called roll.  
Commissioners present: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Townley (arrived 7:21 p.m.; departed 10:06 p.m.), Tregub (via teleconference), Selawsky.  
Commissioners absent: Poblet.  
Staff present: Brown, Darrow, Kelekian, Mueller  
Also present: Mayor Arreguín
- 2. Approval of Agenda** – M/S/C (Laverde/Chang) MOTION TO APPROVE AGENDA AS WRITTEN. Roll call vote. YES: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Poblet, Townley. Carried: 7-0-0-2.
- 3. Public Forum** – There were 16 speakers. David Buchanan, Jody Mortensen, Rosemary Northcraft, and “Debbie” ceded their time to Judy Hunt. Soli Alpert, representing Council Member Kate Harrison, spoke about on items 5.a.(3), 5.a.(4), and 5.a.(6). Kathy Snowden opposed efforts to narrow the golden duplex exemption and ceded the remainder of her time to Judy Hunt. Gretchen Carlson spoke about her experience as a golden duplex owner. Judy Hunt spoke about comments made by Rent Board Commissioners at the May 7, 2018 meeting, a desire for more data to support proposed policy changes, tenant cooperative housing, the need for affordable housing development in all City districts, and the plight of small property owners, amongst other issues. “Claire” spoke about her experience as a golden duplex owner. Gary Osterman spoke about his experience as a small property owner. Willie Phillips spoke about a lack of representation in housing policy decisions. Brad Wiblin spoke about his experience as a Berkeley tenant, property owner, and nonprofit housing developer. Margy Wilkinson spoke about the availability of unaffordable luxury units versus the lack of affordable housing, and rent control as a tool to promote housing stability. Steve Martinot spoke about economic inequality and a lack of representation for tenants in politics. Mari Mendonca talked about economic imbalances in the market and their impact on housing stability.

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Bill Lutkenhouse expressed his opinion that there was a lack of connection between issues discussed at the last City Council meeting and issues discussed at the last Rent Board meeting.

#### 4. CONSENT ITEMS

- a. Approval of the April 16<sup>th</sup> Regular Meeting minutes
- b. Approval of May 7<sup>th</sup> Special Meeting minutes

M/S/C (Laverde/Chang) MOTION TO APPROVE CONSENT ITEMS 4.a. AND 4.b. AS WRITTEN. Roll call vote. YES: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Tregub, Selawsky; NO: None; ABSTAIN: Townley\*; ABSENT: Poblet. Carried: 7-0-1-1.

\*Commissioner Townley abstained because he was not present at one of the meetings and therefore could not attest to the accuracy of the minutes.

#### 5. ACTION ITEMS

- a. From Board Members, Executive Director and Committees

- (1) Recommendation to schedule a Special Meeting of the Rent Board in early June 2018 to consider suggested amendments to the Rent Stabilization and Eviction for Good Cause Ordinance (Executive Director)

M/S/C (Laverde/Murphy) MOTION TO SCHEDULE A SPECIAL MEETING OF THE RENT BOARD FOR JUNE 4, 2018 at 7:00 P.M. IN COUNCIL CHAMBERS. Roll call vote. YES: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Poblet. Carried: 8-0-0-1.

*All Commissioners present stated they were available to attend this meeting.*

- (2) Recommendation to adopt the proposed amendment to account for potential repeal of the Costa-Hawkins Rental Housing Act (Executive Director)

M/S/C (Soto-Vigil/Townley) MOTION TO APPROVE ITEM 5.a.(2) AS WRITTEN. Roll call vote. YES: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Poblet. Carried: 8-0-0-1.

- (3) Recommendation to adopt the proposed amendment to update the definition of "New Construction" (Executive Director)

M/S/C (Tregub/Chang) MOTION TO DIRECT STAFF TO PROVIDE ANALYSIS AND DRAFT LANGUAGE FOR THE BOARD'S CONSIDERATION AT ITS NEXT MEETING FOR REVISING THE "NEW CONSTRUCTION" EXEMPTION AS FOLLOWS: UNITS SHALL BE EXEMPT FROM THE RENT

STABILIZATION AND EVICTION FOR GOOD CAUSE ORDINANCE FOR A PERIOD NO GREATER THAN 15 YEARS FOLLOWING ISSUANCE OF A FINAL INSPECTION APPROVAL BY THE CITY OR EQUIVALENT DOCUMENT ESTABLISHING THE COMPLETION OF CONSTRUCTION.

***Friendly amendment by Simon-Weisberg (accepted):*** STAFF SHALL ALSO PROVIDE ANALYSIS AND DRAFT LANGUAGE FOR A SECOND OPTION AS FOLLOWS: NEWLY-CONSTRUCTED UNITS WOULD BE SUBJECT TO VACANCY DECONTROL FOR A PERIOD OF 12-15 YEARS, AND AFTER THE EXPIRATION OF THE EXEMPTION PERIOD WOULD BE SUBJECT TO VACANCY CONTROL. ***Friendly amendment by Soto-Vigil (accepted):*** IN THEIR ANALYSIS FOR THE OPTION ESTABLISHING AN EXEMPTION PERIOD OF NO GREATER THAN 15 YEARS, STAFF SHALL SPECIFICALLY ADDRESS THE IMPACT OF A FIVE-YEAR EXEMPTION PERIOD. Roll call vote. YES: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Poblet. Carried: 8-0-0-1.

- (4) Recommendation to adopt the proposed amendment to clarify exemption of Accessory Dwelling Units (“ADUs”) (Executive Director)

M/S/C (Simon-Weisberg/Soto-Vigil) MOTION TO DIRECT STAFF TO PROVIDE DRAFT LANGUAGE FOR THE BOARD’S CONSIDERATION AT ITS NEXT MEETING FOR TWO OPTIONS CLARIFYING THE EXEMPTION OF ADU’S. OPTION 1 IS THE CURRENT STAFF RECOMMENDATION AS WRITTEN; OPTION 2 IS THAT ADU’S ARE EXEMPT ONLY TO THE EXTENT THAT THEY QUALIFY FOR THE “NEW CONSTRUCTION” EXEMPTION. Roll call vote. YES: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Poblet, Townley. Carried: 7-0-0-2.

- (5) Recommendation to adopt the proposed amendment to the “Golden Duplex” exemption (Executive Director)

M/S/C (Simon-Weisberg/Soto-Vigil) MOTION TO DIRECT STAFF TO PROVIDE DRAFT LANGUAGE FOR THE BOARD TO CONSIDER AT ITS NEXT MEETING FOR TWO OPTIONS FOR AMENDING THE “GOLDEN DUPLEX” EXEMPTION: OPTION 1 IS THE STAFF RECOMMENDATION AS WRITTEN; OPTION 2 IS TO ABOLISH THE GOLDEN DUPLEX EXEMPTION AS WRITTEN AND CREATE A NEW EXEMPTION WHEREBY TENANCIES IN DUPLEXES THAT WERE OWNER OCCUPIED BY A 50% OWNER OF RECORD ON DECEMBER 31, 1979 AND ARE CURRENTLY OWNER OCCUPIED ARE EXEMPT FROM THE GOOD CAUSE FOR EVICTION PROVISIONS OF THE ORDINANCE FOR TWO YEARS. Roll call vote. YES: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Tregub; NO: None; ABSTAIN: Selawsky; ABSENT: Poblet, Townley. Carried: 6-0-1-2.

- (6) Recommendation concerning developing a separate ballot measure enacting a reduced program fee for partially-exempt units (Executive Director)

The Board discussed this item but no formal action was taken.

6. **APPEAL – Case No. E-85** (1349 Neilson Street)

Sarah Christenen appeared on behalf of Respondent.

There were no appearances on behalf of Appellant.

M/S/C (Chang/Murphy) MOTION TO UPHOLD THE HEARING EXAMINER’S DECISION AS WRITTEN. Roll call vote. YES: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Poblet. Carried: 8-0-0-1.

7. **INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES**

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

a. Reports from Board Members/Staff

- (1) Update on Online Registration – *Verbal* (Executive Director)
- (2) Owner Move-in Eviction Tracking Report (January 2015 – December 2017) (Executive Director & Eviction/Section 8/Foreclosure Committee)
- (3) Rent Board’s Tip of the Month for April 2018 – Subletting (Executive Director)
- (4) Rent Board’s Tip of the Month for May 2018 – Security Deposits (Executive Director)
- (5) Communication from Laura Woltag concerning Golden Duplexes (Executive Director)
- (6) May 8, 2018 e-mail from the Asian Law Caucus titled, “Justice for Oakland Chinatown Tenants” (Commissioner Tregub)
- (7) April 12, 2018 *NPR.org* interview of Matthew Desmond by Terry Gross (and adapted for the Web by Bridget Bentz and Molly Seavy-Nesper) titled, “First-Ever Evictions Database Shows: ‘We’re In the Middle Of A Housing Crisis’” (Commissioner Poblet)

**NOTE: The Web version of this interview was unprintable so it was not included in the agenda packet. However, the link below is viable.**

[https://www.npr.org/2018/04/12/601783346/first-ever-evictions-database-shows-were-in-the-middle-of-a-housing-crisis?utm\\_source=facebook.com&utm\\_medium=social&utm\\_campaign=npr&utm\\_term=nprnews&utm\\_content=20180412](https://www.npr.org/2018/04/12/601783346/first-ever-evictions-database-shows-were-in-the-middle-of-a-housing-crisis?utm_source=facebook.com&utm_medium=social&utm_campaign=npr&utm_term=nprnews&utm_content=20180412)

- (8) April 14, 2018 *DW.com* (Deutsche Welle) article by Elizabeth Schumacher titled, “Thousands rally in Berlin over world-record property prices” (Executive Director)  
<http://www.dw.com/en/thousands-rally-in-berlin-over-world-record-property-prices/a-43389523>
- (9) April 15, 2018 *Santa Cruz Sentinel* opinion by Stephen Barton, Ph.D. titled, “Stephen Barton: Why rent control is a good thing” (Commissioner Chang)  
<http://www.santacruzsentinel.com/opinion/20180415/stephen-barton-why-rent-control-is-a-good-thing>
- (10) May 1, 2018 *San Francisco Chronicle* article by Carolyn Said titled, “Landlords turned 14 SF apartments into illegal Airbnbs, city attorney says” (Executive Director)  
<https://www.sfchronicle.com/business/article/Landlords-turned-14-San-Francisco-apartments-into-12878662.php>
- (11) May 13, 2018 *The Daily Californian* article by Yao Huang titled, “Ohmega Salvage to sell land rather than rent to Youth Spirit Artworks for tiny house village” (Commissioner Tregub)  
<http://www.dailycal.org/2018/05/13/ohmega-salvage-sell-land-rather-rent-youth-spirit-artworks-tiny-house-village/>

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

- a. Budget and Personnel – Committee Chair Tregub announced that the Committee will meet again on May 30 to finalize a budget recommendation, and asked commissioners to provide the Committee with any requests that have a budget impact.
  - (1) April 30<sup>th</sup> agenda
  - (2) May 21<sup>st</sup> agenda
- b. Eviction/Section 8/Foreclosure
  - (1) May 4<sup>th</sup> agenda
- c. Habitable & Sustainable Housing (HASH) – Committee Chair Laverde reported that the Committee is seeking a meeting with the Community Environmental Advisory Committee, the Energy Commission, and City Council members to discuss green building standards for existing residential units and buildings.
  - (1) May 17<sup>th</sup> agenda
- d. IRA, AGA and Registration – Staff Attorney Matt Brown mentioned that Commissioner Simon-Weisberg was elected chair, and that he will be bringing to

the Committee ideas for changes to process and procedure that might be needed if Costa-Hawkins is repealed.

(1) May 3<sup>rd</sup> agenda

- e. Outreach – Committee Chair Chang reported that the Committee reviewed its Outreach plan and expressed appreciation for the outgoing Deputy Director’s work with the Committee.

(1) May 14<sup>th</sup> agenda

- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Selawsky mentioned that the next meeting date is not yet set.

(1) April 30<sup>th</sup> agenda packet

- g. 4 x 4 Ad Hoc Committee on Safety, Occupancy and Affordability of Converted Artist Warehouses and Workspaces

- h. Ad Hoc Committee on the Effects of Costa-Hawkins – Committee Chair Laverde said that the committee is on stand-by right now.

- i. Ad Hoc Committee on Technology Issues

- j. 2 x 2 x 2 Committee on Housing: Council / Rent Board / BUSD

- k. Updates and Announcements regarding future Special Meetings

- l. Discussion of items for possible placement on future agenda

- 9. **ADJOURNMENT** – The meeting was adjourned at 11:14 p.m. in honor of Prince Harry and Meghan Markle’s wedding, the American Revolution, and Malcom X.