



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, March 19, 2018**  
**7:00 p.m.**

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1. **Roll call** – Chair Selawsky called the meeting to order at 7:13 p.m.  
Aimee Mueller called roll.  
Commissioners present: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky.  
Staff present: Brown, Darrow (for Closed Session only), Kelekian, Law (in audience), Mueller.
  2. **Approval of Agenda** – M/S/C (Tregub/Chang) APPROVE AGENDA WITH THE FOLLOWING CHANGE: HOLD OVER CONSENT ITEM 4.b. UNTIL THE NEXT MEETING. Voice vote. Carried: 9-0-0-0.
  3. **Public Forum** – There were no speakers.
  4. **CONSENT ITEMS** –
    - a. Approval of the February 26, 2018 meeting minutes  
  
M/S/C (Laverde/Murphy) APPROVE MINUTES WITH THE FOLLOWING CORRECTION: CHANGE “ALPERT” TO “ALPER.” Voice vote. Carried: 9-0-0-0.
    - b. Referral to the 4 x 4 Joint Committee on Housing: Re-examine Accessory Dwelling Unit (ADU) Policies (Commissioners Chang and Townley)

Held over to the next meeting by an earlier vote of the Board.

### 5. **ACTION ITEMS**

- a. From Board Members, Executive Director and Committees
  - (1) Discussion and possible action concerning update on Senate Bill 827 (Wiener) – Planning and zoning: transit-rich housing bonus (Vice-Chair Laverde & Chair Selawsky)

The Board discussed this item but no action was taken.

- (2) Proposal to approve staff recommendations on the following requests for waiver of late registration penalties (Executive Director) – 10 min.\*

**Discretionary Waivers**

**Waiver No.    Property Address**

4624	2311 Le Conte Avenue
4652	2911 California Street
4669	1813 Sacramento Street

M/S/C (Simon-Weisberg/Tregub) MOTION TO APPROVE THE STAFF RECOMMENDATIONS ON ALL DISCRETIONARY WAIVERS AS WRITTEN. Roll call vote. YES: Chang, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: Laverde\*; ABSENT: None. Carried: 8-0-1-0.

\*Vice-Chair Laverde did not state her reason for abstaining.

**6. APPEAL – Case No. T-5581 (1675 Euclid Avenue, Unit #5)**

Respondent Monica Torres appeared via teleconference. There were no appearances for the Appellant.

M/S/C (Chang/Murphy) MOTION TO UPHOLD THE HEARING EXAMINER’S DECISION. Voice vote. Carried: 9-0-0-0.

**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) State Legislative Report update (Executive Director)
- (2) Short-Term Rental applications update (Executive Director)
- (3) Market Medians report through the 4<sup>th</sup> Quarter of 2017 (Executive Director)
- (4) Staffing Model update – *Verbal* (Executive Director)
- (5) Updated Appendix B and Appendix D of Rent Board Regulations, Chapter 12: Individual Adjustments of Rent Ceilings (Executive Director)
- (6) Updated Rent Board 2018 Committee Assignments List (Chair Selawsky)

- (7) Update on legislation and/or new rent control or eviction protections in other cities, if any – *Verbal* (Executive Director & Commissioner Simon-Weisberg)  
Commissioner Simon-Weisberg reported that the following cities have filed to place good cause measures on the ballot for the upcoming November 2018 election: Santa Cruz, Long Beach, Englewood, Pasadena, National City, and Sacramento. She added that Santa Rosa is planning to file. Commissioner Simon-Weisberg also reported that the petition to place the appeal of Costa-Hawkins on the November 2018 ballot needs 350,00 signatures, and already has approximately 300,000 signatures.
- (8) February 8, 2018 U.S. Ninth Circuit Court of Appeals Opinion in *San Francisco Apartment Association et al. v. City and County of San Francisco* (No. 15-17381) (Executive Director)
- (9) February 14, 2018 California Court of Appeal Opinion in *San Francisco Apartment Association et al. v. City and County of San Francisco et al.* (No. A149919) (Executive Director)
- (10) Announcement of March 22, 2018 documentary film about Homeless UC Berkeley Students (Executive Director)
- (11) January 23, 2018 *New York Times Magazine* article by Willy Staley titled, “When Gentrification Isn’t About Housing” (Commissioner Chang)  
<https://mobile.nytimes.com/2018/01/23/magazine/when-gentrification-isnt-about-housing.html?referer=http://m.facebook.com>
- (12) February 25, 2018 *Daily Californian* article by Sri Medicherla titled, “Local government bureaucracy behind California’s housing crisis, study finds” (Commissioner Tregub)  
<http://www.dailycal.org/2018/02/25/local-government-processes-not-environmental-laws-behind-californias-housing-crisis-according-berkeley-law-study/>
- (13) March 2, 2018 *Daily Californian* article by Jessica Jiménez titled, “Berkeley’s lack of affordable housing fuels student contributions to gentrification” (Commissioner Tregub)  
<http://www.dailycal.org/2018/03/02/berkeley-student-gentrification-affordable-housing-adeline/>
- (14) March 5, 2018 *Daily Californian* article by Henry Tolchard titled, “Rent prices increase in Berkeley while decreasing nationally” (Commissioner Tregub)  
<http://www.dailycal.org/2018/03/05/rent-prices-increase-berkeley-decreasing-nationally/>
- (15) March 12, 2018 *Medium.com* post of Tenants Together report by Dean Preston and Shanti Singh titled, “Rent Control Works: A Response to Business School Professors’ Misguided Attacks” (Commissioner Chang)  
<https://medium.com/@tenantstogether/rent-control-works-a-response-to-business-school-professors-misguided-attacks-1305d9770ff7>

- (16) March 12, 2018 *Los Angeles Times* article by Teresa Watanabe titled, “He attends elite UC Berkeley but lives in a trailer with no heat or sewer hookups. Soon, he’ll be scrambling to find new shelter” (Commissioner Tregub)  
<http://www.latimes.com/local/education/la-me-uc-berkeley-homeless-student-20180311-htmstory.html>

## 8. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Committee Chair Tregub reported that the Committee needs to schedule a meeting.
- b. Eviction/Section 8/Foreclosure – The Committee’s next meeting is this Wednesday at 5:30 p.m.
  - (1) March 21<sup>st</sup> agenda
- c. Habitable & Sustainable Housing (HASH) – Committee Chair Laverde reported that the Committee needs to schedule a meeting.
- d. IRA, AGA and Registration – Committee Chair Simon-Weisberg reported that the Committee’s next meeting is on the second Thursday of the month, April 12.
- e. Outreach – Committee Chair Chang thanked Krista Gulbransen for attending the last meeting and engaging in productive dialogue on how landlords can help mitigate the housing affordability crisis.
  - (1) March 5<sup>th</sup> agenda
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – The Committee hopes to meet before the end of the month.
- 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 reported that the Committee is working on an agenda.
- i. Ad Hoc Committee on Technology Issues – Chair Selawsky stated that this Committee needs to schedule a meeting.
- j. 2 x 2 x 2 Committee on Housing: Council / Rent Board / BUSD – Chair Selawsky said there was nothing to report.
- k. Updates and Announcements regarding future Special Meetings – The Board will discuss at its next meeting whether there is a need for a special meeting to hear

appeals. Staff Attorney Brown also raised the possibility of hearing more than one appeal at regular meetings to reduce the backlog.

1. Discussion of items for possible placement on future agenda – Commissioner Murphy requested that staff include the City of Berkeley’s list of Below Market Rate Properties in the agenda packet for informational purposes.

At this point, the Board adjourned to reconvene in Closed Session to discuss the item(s) listed below.

**CLOSED SESSION** – The Board convened in Closed Session for an update on litigation pursuant to California Government Code Section 54956.9(d)(1):

*St. Hieronymus Press, INC, a California Corporation, et al. v. City of Berkeley Rent Stabilization Board, et al.* (Alameda County Superior Court, Case No. RG17867768)

Pursuant to California Government Code Section 54957(b)(1), the Board also discussed:

**PUBLIC EMPLOYEE PERFORMANCE EVALUTION**

Title: Executive Director

Upon reconvening, Chair Selawsky announced the following: the Board discussed pending litigation, but no formal action was taken.

9. **ADJOURNMENT** – Chair Selawsky adjourned the meeting at 8:45 p.m. in honor of all the women who have fought for tenants’ rights in California. The Board also adjourned in honor and memory of Bob Piper, a longtime Berkeley resident and housing advocate, and Christopher Murphy.