



Rent Stabilization Board

RENT STABILIZATION BOARD Regular 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

Monday, February 26, 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: 7101 Arvada Avenue NE, Albuquerque, NM 87110.

1. **Roll call** – Chair Selawsky called the meeting to order at 7:15 p.m.*
Aimee Mueller called roll.
Commissioners present: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Tregub (via teleconference), Selawsky.
Commissioners absent: Poblet and Townley.
Staff present: Brown, Kelekian, Law (in audience), Mueller.

**The meeting start time was delayed to allow Berkeley Community Media to resolve a technical issue that was interfering with the live television broadcast of the meeting.*

2. **Approval of Agenda** – M/S/C (Chang/Laverde) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEM 6.a.(1) TO CONSENT; MOVE ACTION ITEM 6.a.(2) TO CONSENT, AMENDING IT TO OPPOSE SB 827 “IN ITS CURRENT FORM” AND TO ASK OUR LEGISLATIVE ANALYST TO COMMUNICATE THIS TO THE STATE LEGISLATURE AND WORK WITH LEGISLATORS TO AMEND THE BILL. 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 was one speaker. Moni Law provided the Board with an update about recent and upcoming outreach activities conducted by Rent Board staff.
4. **CONSENT ITEMS**

Action item 6.a.(1) and amended Action item 6.a.(2) were moved to Consent via an earlier vote of the Board.

- a. Approval of the January 22, 2018 meeting minutes

M/S/C (Soto-Vigil/Simon-Weisberg) MOTION TO APPROVE THE JANUARY 22, 2018 MEETING MINUTES AND ACTION ITEM 6.a.(1) AS WRITTEN, AND ACTION ITEM 6.a.(2) AS AMENDED. 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. SPECIAL PRESENTATION by Brian Augusta & Associates, Rent Board Legislative Advocate, on housing-related legislation

a. State Legislative Report

The Board's Legislative Analyst Brian Augusta gave a report to and took questions from the Board.

M/S/C (Tregub/Laverde) MOTION TO SUPPORT AB 1796. 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.

6. ACTION ITEMS

a. From Board Members, Executive Director and Committees

Action item 6.a.(1) and amended Action item 6.a.(2) were moved to Consent via an earlier vote of the Board.

- (1) Recommendation that the Board take positions on four pieces of housing-related legislation: AB 2219 (Ting), AB 2364 (Bloom), AB 2343 (Chiu) and AB 2925 (Bonta, Bloom, Chiu & Skinner) (Executive Director)

MOVED TO CONSENT VIA AN EARLIER VOTE OF THE BOARD.

- (2) Recommendation that the Board oppose Senate Bill 827 (Wiener) – Planning and zoning: transit-rich housing bonus (Commissures Tregub, Simon-Weisberg, Chang and Chair Selawsky)

AMENDED AND MOVED TO CONSENT VIA AN EARLIER VOTE OF THE BOARD.

- (3) Authorizing the Executive Director to take the necessary steps to secure short-term administrative assistance, if the need arises, in an amount not to exceed \$25,000 (Executive Director)

M/S/C (Soto-Vigil/Chang) MOTION TO APPROVE ITEM 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.

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

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4675	1400 67th Street
4677	2200 Roosevelt Avenue
4678	1317 Shattuck Avenue
4681	1816 Virginia Street
4682	1124 Dwight Way
4690	1423 9th Street

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4624	2311 Le Conte Avenue
4652	2911 California Street
4669	1813 Sacramento Street

M/S/C (Tregub/Soto-Vigil) MOTION TO APPROVE ALL MINISTERIAL WAIVERS. 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.

The Board held over all Discretionary Waivers to the next meeting.

7. APPEAL – Case No. IRD-129 (2733 Woolsey Street, Unit #2)

John Gutierrez, Esq. appeared on behalf of Appellant.
Peter Selawsky, Esq. appeared on behalf of Respondent.

M/S/C (Simon-Weisberg/Murphy) MOTION TO UPHOLD THE HEARING EXAMINER’S DECISION AS WRITTEN. Roll call vote. YES: Chang, Laverde, Murphy, Simon-Weisberg, Soto-Vigil, Tregub; NO: None; ABSTAIN: None; ABSENT: Poblet, Townley; RECUSED: Selawsky.* Carried: 6-0-0-2-1.

*Chair Selawsky recused himself due to a potential personal conflict of interest, namely his son is the attorney for the Respondent.

8. 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) Short-Term Rental applications update (Executive Director)
- (2) New Tenant Protection Ordinance (TPO) disclosure notice (Executive Director) – The Executive Director mentioned that information about the TPO disclosure notice will be included with all landlord Apparent Lawful Rent Ceiling mailings, and the notice is available on the Rent Board’s website. The Board had questions regarding the City’s plan to distribute the notice to landlords of properties not covered by rent control, and referred the issue to the 4x4 Committee.
- (3) Copy of Apparent Lawful Rent Ceiling mailings to Berkeley tenants and landlords (Executive Director)
- (4) Staffing Model update regarding Staff Attorney II position – Verbal (Executive Director) – The Executive Director announced that the recruitment for this position has been posted and invited interested applicants to apply.
- (5) Urban Habitat January 2018 report titled, *Strengthening Communities Through Rent Control and Just-Cause Evictions: Case Studies From Berkeley, Santa Monica, and Richmond* (Executive Director)
- (6) Announcement of Adeline Community Open House and Workshops from Saturday, March 10 to Friday, March 23, 2018 (Executive Director)
- (7) Communication from Joan Miro of her submittal to the East Bay Times related to isolation and creating community for the homeless, those at risk of homelessness and the seriously mentally ill (Executive Director)
- (8) January 23, 2018 *Daily Californian* editorial titled, “Sen. Scott Wiener’s housing bill fails to meet Berkeley’s needs” (Commissioner Tregub)
<http://www.dailycal.org/2018/01/23/sen-scott-wieners-housing-bill-fails-to-meet-berkeley-needs/>
- (9) January 26, 2018 *SFGate* article by Edvard Pettersson titled, “Bay Area housing market shows no signs of cooling” (Executive Director)
<http://www.sfgate.com/business/article/Bay-Area-housing-market-shows-no-signs-of-cooling-12529895.php>
- (10) January 29, 2018 *Daily Californian* article by Danielle Kaye titled, “‘A necessary first step’: Berkeley may soon fund housing for low-income, homeless UC Berkeley students” (Commissioner Tregub)
<http://www.dailycal.org/2018/01/29/necessary-first-step-berkeley-may-soon-fund-housing-low-income-homeless-uc-berkeley-students/>
- (11) January 31, 2018 *Sacramento Bee* article by Angela Hart titled, “‘Extreme’ rent control could be coming to California soon” (Vice Chair Laverde)
<http://www.sacbee.com/news/business/real-estate-news/article197489354.html>

- (12) February 4, 2018 *Daily Californian* article by Alicia Kim titled, “‘In for a big battle’: Californians petition to remove limits on rent control” (Commissioner Tregub)
<http://www.dailycal.org/2018/02/04/big-battle-californians-petition-remove-limits-rent-control/>
- (13) February 5, 2018 *Mission Local* article by Joe Eskenazi titled, “SF goes after city’s cruelest landlord, snatching away her rent payments” (Executive Director)
<https://missionlocal.org/2018/02/sf-goes-after-citys-cruellest-landlord-snatching-rent-payments/>
- (14) February 12, 2018 *Curbed Los Angeles* article by Elijah Chiland titled, “Long Beach coalition gathering signatures for rent control ballot measure” (Vice Chair Laverde)
<https://la.curbed.com/2018/2/12/17004274/long-beach-rent-control-ballot-measure>
- (15) February 13, 2018 *Orange County Register* article by Kevin Smith titled, “Renters outnumber homeowners in some Southern California cities” (Vice Chair Laverde)
<https://www.ocregister.com/2018/02/13/renters-outnumber-homeowners-in-some-southern-california-cities/>
- (16) February 14, 2018 *Governing* article by Natalie Delgadillo titled, “Does Rent Control Do More Harm Than Good?” (Vice Chair Laverde)
<http://www.governing.com/topics/urban/gov-landlords-rent-control-stanford.html>
- (17) February 15, 2018 *Daily Bulletin* article by Jeff Collins titled, “Southern Californians scrimp to get by as average rents hit \$1,900” (Vice Chair Laverde)
<https://www.dailybulletin.com/2018/02/15/southern-californians-scrimp-to-get-by-as-average-rents-hit-1900/>
- (18) February 15, 2018 *Los Angeles Daily News* article by Kurt Snibbe titled, “California rents have risen to some of the nation’s highest. Here’s how that impacts residents” (Vice Chair Laverde)
<https://www.dailynews.com/2018/02/15/california-rent-rates-have-risen-to-some-of-the-nations-highest-heres-how-that-impacts-residents/>
- (19) February 15, 2018 *Mercury News* article by Katy Murphy titled, “California renters could get a tax break – and new protections from eviction” (Vice Chair Laverde)
<https://www.mercurynews.com/2018/02/15/california-renters-could-get-a-tax-break-and-new-protections-from-eviction/>
- (20) February 15, 2018 *Pasadena Business Now* staff article titled, “\$5 Million Pasadena Multifamily Property Traded in Multiple Offer” (Vice Chair Laverde)
<http://www.pasadenanow.com/main/lee-associates-la-northventura-transacts-sale-of-pasadena-multifamily-property/#.WpB5b2eWzct>

- (21) February 16, 2018 *East County Today* article titled, “Senator Glazer Introduces Legislation to Offer Renters Relief” (Vice Chair Laverde)
<https://eastcountytoday.net/senator-glazer-introduces-legislation-to-offer-renters-relief/>
- (22) February 16, 2018 *GlobeSt.com* article by Sturai Yusufi titled, “What You Need To Know About The Rent Control Measure” (Vice Chair Laverde)
<http://www.globest.com/sites/nataliedolce/2018/02/16/what-you-need-to-know-about-the-rent-control-measure/?kw=What%20You%20Need%20To%20Know%20About%20the%20Rent%20Control%20Measure&et=editorial&bu=REM&cn=20180216&src=EMC-Email&pt=National&slreturn=20180123152546>
- (23) January 29, 2018 *Berkeleyside* opinion by Igor Tregub and Luis Amezcua titled, “Opinion: Don’t require underground parking at Berkeley’s ambitious housing project for the homeless” (Commissioner Tregub)
<http://www.berkeleyside.com/2018/01/29/opinion-dont-require-underground-parking-berkeleys-ambitious-housing-project-homeless/>

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Committee Chair Tregub mentioned that the Board would be discussing the Executive Director’s Evaluation in Closed Session, and that the Committee is gearing up for the budget process. He asked commissioners to let the Committee know about any projects or ideas that have budgetary implications.
 - (1) February 15th agenda
- b. Eviction/Section 8/Foreclosure – Commissioner Chang announced that the Committee had elected María Poblet as its Chair.
 - (1) January 24th agenda
 - (2) February 21st agenda
- c. Habitable & Sustainable Housing (HASH) – Committee Chair Laverde indicated that changing schedules necessitated a change in the Committee’s regular meeting date and its members were still working to schedule a meeting.
- d. IRA, AGA and Registration – Committee Chair Simon-Weisberg reported that the Committee is working on a mechanism for tenants to obtain a determination that the Tenant Protection Ordinance has been violated.
 - (1) February 1st agenda

- e. Outreach – Committee Chair Chang announced that the Committee will be meeting on Monday and asked commissioners to let him know of any outreach-related projects or ideas that might need to be budgeted for.
 - (1) February 5th agenda
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Selawsky reported that a meeting date has not been set yet.
- 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 discussed the goals of the workshop on Costa-Hawkins, and how to deal with the disinformation about rent control. The Committee’s next meeting is March 21.
 - (1) February 21st agenda
- i. Ad Hoc Committee on Technology Issues – Staff will work with Chair Selawsky to set a meeting date.
- j. 2 x 2 x 2 Committee on Housing: Council / Rent Board / BUSD – Chair Selawsky spoke to Ty Alper and will continue to work on generating interest.
- k. Updates and Announcements regarding future Special Meetings
- l. Discussion of items for possible placement on future agenda

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

CLOSED SESSION – Pursuant to California Government Code Section 54957(b)(1), the Board convened in Closed Session to discuss:

PUBLIC EMPLOYEE PERFORMANCE EVALUTION
Title: Executive Director

Upon reconvening, Chair Selawsky reported the following: The Board discussed the above item, but no action was taken.

10. ADJOURNMENT – Chair Selawsky adjourned the meeting at 11:07 p.m. in honor and memory of the victims of the Parkland school shooting and their family and friends, as well as the victims of the 18 mass shootings that have occurred this year.