



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, January 22, 2018
7:00 p.m.

- 1. Roll call** – Chair Selawsky called the meeting to order at 7:03 p.m.
Aimee Mueller called roll.
Commissioners present: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Townley, Tregub (left at 8:05 p.m. and returned at 8:28 p.m. for Closed Session), Selawsky.
Commissioner absent: Soto-Vigil.
Staff present: Brown, Darrow (Closed Session only), Kelekian, Law (in audience), Mueller, Siegel (Closed Session only).
- 2. Approval of Agenda** – M/S/C (Tregub/Chang) MOTION TO APPROVE AGENDA WITH THE FOLLOWING CHANGE: MOVE ACTION ITEMS 6.a.(1) AND 6.a.(2) TO CONSENT.
Voice vote. Carried: 8-0-0-1. Absent: Soto-Vigil.
- 3. Public Forum** – There were two speakers. Krista Gulbransen announced an event being held by the Accessory Dwelling Unit Task Force on Thursday, January 25 at 6:00 p.m. at Longfellow to educate homeowners and the community about accessory dwelling units, including the benefits, how to add them, and the barriers to adding them. Christine Schwartz thanked the Board for their efforts to support AB 1506 (repeal of Costa-Hawkins), and mentioned that a recording of a recent forum on affordable housing is available on her Facebook page and the website for Berkeley Citizens Action.

Several Commissioners made announcements: Commissioner Poblet announced that Alameda County has partnered with several organizations to form the Alameda County Legal and Educational Partnership to assist those impacted by Immigration and Customs Enforcement (ICE) raids, and has a rapid response hotline that can be reached at 510-241-4011. Commissioner Murphy spoke about services available to veterans and the families of veterans through Swords to Plowshares (which has a location in Oakland at 27th St. and Telegraph Ave.), including help with payment of back rent. Commissioner Tregub announced an event, “Our Beloved Oakland,” on February 18th at 7:00 p.m. at the Fox Theater in Oakland.

4. CONSENT ITEMS

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

M/S/C (Laverde/Murphy) MOTION TO APPROVE ACTION ITEMS 6.a.(1) AND 6.a.(2) AS WRITTEN. Voice vote. Carried: 8-0-0-1. Absent: Soto-Vigil.

- a. Approval of the December 18, 2017 meeting minutes

M/S/C (Townley/Tregub) MOTION TO APPROVE THE DECEMBER 18, 2017 MEETING MINUTES WITH THE FOLLOWING ADDITION: UNDER ITEM 8.c., ADD THE WORDS: "...including coordination of green building certification with the City Office of Resiliency and other stakeholders." Voice vote. Carried: 8-0-0-1. Absent: Soto-Vigil.

5. SPECIAL ORDER OF BUSINESS

- a. Election of Chairperson: Commissioner Tregub nominated Commissioner Selawsky, and he accepted the nomination. Commissioner Murphy nominated Commissioner Townley, and he declined the nomination.

MOTION TO ELECT COMMISSIONER SELAWSKY AS THE BOARD'S CHAIR. Roll call vote. YES: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 8-0-0-1.

Chair Selawsky expressed excitement about the coming year and said the Board has a lot of work to do, including ramping up efforts to repeal Costa-Hawkins.

- b. Election of Vice Chairperson: Commissioner Simon-Weisberg nominated Commissioner Laverde, and she accepted the nomination.

MOTION TO ELECT COMMISSIONER LAVERDE AS THE BOARD'S VICE CHAIR. Roll call vote. YES: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 8-0-0-1.

Vice Chair Laverde expressed excitement over the coming year, and also spoke about the challenge of repealing Costa-Hawkins.

- c. Comments from the newly-elected Chair, Vice Chair and Boardmembers

Chair Selawsky and Vice Chair Laverde made comments after their respective elections. Chair Selawsky mentioned that he hopes to see Commissioner Laverde as Chair next year. Commissioner Simon-Weisberg thanked her fellow Commissioners for their work and expressed excitement about the coming year. She also spoke about interactions with the public who have praised Rent Board staff for their work and accessibility. Commissioner Townley expressed hope that Commissioner Laverde would assume the position of Chair next year, and expressed his gratitude for the opportunity to serve on

the Board and continue to fight for affordable housing in Berkeley during his final year as a Commissioner.

6. ACTION ITEMS

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

a. From Board Members, Executive Director and Committees

- (1) Recommendation to adopt proposed amendments to Regulation 403 [Rental unit; definition] on second reading (IRA/AGA/Registration Committee)

Action item 6.a.(1) was moved to Consent via an earlier vote of the Board.

- (2) Recommendation to adopt proposed amendments to Regulation 1242 [Appeal] on second reading (IRA/AGA/Registration Committee)

Action item 6.a.(2) was moved to Consent via an earlier vote of the Board.

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

Discretionary Waivers

Waiver No. Property Address

4671	2210 Parker Street
4672	2200 Browning Street
4673	1381 Curtis Street

M/S/C (Simon-Weisberg/Townley) REGARDING WAIVER NO. 4671, MOTION TO APPROVE THE STAFF RECOMMENDATION TO WAIVE THE PENALTIES IN FULL FOR THE CURRENT OWNER, BUT PURSUE THE PENALTIES FROM THE PRIOR OWNER. Roll call vote. YES: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 8-0-0-1.

M/S/C (Chang/Tregub) REGARDING WAIVER NO. 4673, MOTION TO APPROVE THE STAFF RECOMMENDATION AS WRITTEN. Voice vote. Carried: 8-0-0-1. Absent: Soto-Vigil.

M/S/C (Tregub/Chang) REGARDING WAIVER NO. 4672, SUBSTITUTE MOTION TO APPROVE THE STAFF RECOMMENDATION AS WRITTEN. Roll call vote. YES: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Tregub, Selawsky; NO: Townley; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 7-1-0-1.

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 actions related to recent fire-related State of Emergency declarations and the application of California's anti-price gouging statute: Penal Code Section 396 (Executive Director)
- (2) Discussion of 2018 Committee Assignments (Chairperson-elect)
- (3) Update on AB 1506 – Residential rent control: Costa-Hawkins Rental Housing Act (Executive Director)
- (4) Short-Term Rental applications update – *Verbal* (Executive Director)
- (5) Commissioner Attendance at Board and Committee meetings through the 4th Quarter of 2017 (Executive Director) – Commissioners Murphy and Tregub had concerns regarding certain entries and asked staff to verify records related to the meetings at issue.
- (6) Update on Rent Board workshops, seminars and/or outreach at community events – *Verbal* (Executive Director)
- (7) Copy of December 19, 2017 letter to Mayor Arreguín and the Berkeley City Council regarding prioritization of housing over parking at the proposed Berkeley Way site (Executive Director)
- (8) Copy of December 26, 2017 letter to Senator Nancy Skinner and Senator Jerry Hill conveying the Board's support for SB 721 (Executive Director)
- (9) Copies of January 4, 2018 thank you letters to state legislators (Executive Director)
- (10) December 6, 2017 *Berkeleyside* article by Frances Dinkelspiel titled, "Rents are down in Berkeley and Oakland, but still out of reach for many" (Executive Director)
<http://www.berkeleyside.com/2017/12/06/rents-berkeley-oakland-still-reach-many/>
- (11) January 6, 2018 *The Daily Californian* article by Alicia Kim titled, "Proposed state bills could increase housing opportunities in Berkeley" (Commissioner Tregub)
<http://www.dailycal.org/2018/01/06/senator-scott-wieners-bills-aim-increase-housing-opportunities-california/>
- (12) January 11, 2018 LA Times article by Liam Dillon titled, "Proposal to expand rent control in California fails to advance" (Executive Director)
<http://beta.latimes.com/politics/la-pol-ca-rent-control-expansion-bill-dies-20180111-story.html>

- (13) January 11, 2018 *East Bay Times* article by Katy Murphy titled, “Rent control in California: Proposal to lift restrictions blocked in committee” (Executive Director)
<https://www.eastbaytimes.com/2018/01/11/california-considers-repealing-rent-control-restrictions/>
- (14) January 12, 2018 *The Sacramento Bee* article by Erika D. Smith titled, “If not rent control, then what? California renters can’t afford to wait” (Executive Director)
<http://www.sacbee.com/opinion/opn-columns-blogs/erika-d-smith/article194389979.html>
- (15) January 16, 2018 *The Daily Californian* article by Anjali Shrivastava titled, “Rent Stabilization Board confirms rents on continuous upward trend” (Executive Director)
<http://www.dailycal.org/2018/01/16/rent-stabilization-board-confirms-rents-continuous-upwards-trend/>

8. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Chair Selawsky reported the Committee hasn’t met recently but needs to schedule a meeting soon.
- b. Eviction/Section 8/Foreclosure – Committee Chair Simon-Weisberg reported that the Committee’s next meeting is Wednesday, January 24.
- c. Habitable & Sustainable Housing (HASH) – Committee Chair Laverde said the Committee plans to meet on a Wednesday in February.
- d. IRA, AGA and Registration – Staff Attorney Matt Brown reported that the Committee’s next meeting is February 1st at 5:30 p.m.
- e. Outreach – Committee Chair Chang said he hopes to schedule meetings on the first Monday of each month at 5:30 p.m.
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Selawsky said he has not heard yet about the timing of the next meeting.
- 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 she hopes to convene the Committee in February.
- i. Ad Hoc Committee on Technology Issues – Board Secretary Aimee Mueller asked the members of this Committee to send her their availability for a meeting. There

was discussion about various issues concerning using City-issued iPads and the risks of using personal devices for Board business.

- j. 2 x 2 x 2 Committee on Housing: Council / Rent Board / BUSD – Chair Selawsky reported that he has a meeting with School Board member Ty Alpert scheduled for next week.
- 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. Upon the Board's return, the Chair announced any action(s) taken by the Board during Closed Session.

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)

City of Berkeley Rent Board v. Boyd (Alameda County Superior Court, Case No. RG17866033)

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

PUBLIC EMPLOYEE PERFORMANCE EVALUTION

Title: Executive Director

The Board reconvened after Closed Session and Chair Selawsky reported the following: the Board provided direction to staff on two legal matters, and also reviewed and finalized the process for the Executive Director's evaluation.

9. ADJOURNMENT – Chair Selawsky adjourned the meeting at 11:09 p.m.