



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, June 18, 2020
7:00 p.m.

Minutes - Approved

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City of Berkeley Rent Stabilization Board (Rent Board) was conducted exclusively through teleconference and Zoom videoconference. Pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there was no physical meeting location available.** Members of the public were provided instructions on how to participate via Zoom videoconference, teleconference, and email.

This meeting was conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies.

- 1. Roll call** – Chair Laverde called the meeting to order at 7:01 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang, Mendonca, Poblet, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde.
Staff present: Matt Brown, Lief Bursell, Jen Fabish, Aimee Mueller, Lynn Wu, Matthew Siegel.
- 2. Approval of Agenda** – M/S/C (Simon-Weisberg/Tregub) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MODIFY CONSENT ITEM 4.e. TO ADD AB 1436 TO THE “RECOMMENDATION” SECTION OF THE MEMORANDUM; MOVE ITEMS 5.a.(2), 5.a.(3), AND 5.a.(6) TO CONSENT; AND ADJOURN THE MEETING IN HONOR OF ALL THOSE WHO HAVE LOST THEIR LIVES AT THE HANDS OF POLICE, THE BLACK LIVES MATTER MOVEMENT, AND AIMEE STEPHENS AND DONALD ZARDA (THE PLAINTIFFS IN THE RECENT U.S. SUPREME COURT CASE CONCERNING DISCRIMINATION AGAINST LGBTQ PERSONS). Roll call vote. YES: Alpert, Chang, Mendonca, Poblet, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: None; RECUSED: Selawsky*. Carried: 8-0-0-0-1.

*Commissioner Selawsky recused himself because his son works at the Eviction Defense Center, which is one of the subjects of item 5.a.(2).

- 3. Public Comment** – There were two speakers. Catherine and Gary expressed displeasure at how the May 21, 2020 Rent Board Regular Meeting was conducted. The Board Secretary

read into the public record comments by Susan Fritz regarding the golden duplex exemption, and Marc Halpern about suspending payment of real estate taxes.

4. CONSENT ITEMS

Items 5.a.(2), 5.a.(3), and 5.a.(6) were moved to consent by an earlier vote of the Board.

- a. Approval of the April 3rd special meeting minutes
- b. Approval of the April 28th special meeting minutes
- c. Approval of the April 30th special meeting minutes
- d. Approval of the May 21st special meeting minutes
- e. Recommendation that the Board support Senate Bill (SB) 1190 [Tenant Protections for Victims of Violent Crimes] and Assembly Bill (AB) 1436, AB 2690, AB 2782, and AB 2895 [Extending Protections to Mobile Home Tenants] and transmit letters of support to Senator Skinner, Assembly Member Wicks, and appropriate committees as needed (Commissioner Tregub, Chair Laverde & Vice-Chair Simon-Weisberg)

M/S/C (Alpert/Tregub) MOTION TO APPROVE ITEMS: 4.a., 4.b., 4.c., 4.d. AS WRITTEN; 4.e. WITH THE ADDITION OF AB 1436 TO THE "RECOMMENDATION" SECTION OF THE MEMORANDUM; AND ITEMS 5.a.(2), 5.a.(3), and 5.a.(6) AS WRITTEN. Roll call vote. YES: Alpert, Chang, Mendonca, Poblet, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: None; RECUSED: Selawsky*. Carried: 8-0-0-0-1.

*Commissioner Selawsky recused himself because his son works for the Eviction Defense Center, which is one of the subjects of item 5.a.(2).

5. ACTION ITEMS

Action items 5.a.(2), 5.a.(3), and 5.a.(6) were moved to consent by an earlier vote of the board.

- a. From Board Members, Committees, and Executive Director
 - (1) Recommendation to approve Resolution 20-07 Authorizing the Fiscal Year (FY) 2020-2021 Line-Item Budget, Staffing Model & Expenditure Level (Budget & Personnel Committee and Acting Executive Director) – Staff presented and took questions from the Board.

M/S/C (Tregub/Laverde) MOTION TO APPROVE RESOLUTION 20-07 AS WRITTEN. YES: Alpert, Chang, Mendonca, Poblet, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- (2) Recommendation to adopt Resolutions 20-08 and 20-09 authorizing the Acting Executive Director to modify the contracts with the Eviction Defense Center in

an amount not to exceed \$150,000, and the East Bay Community Law Center in an amount not to exceed \$150,000, for FY 2020-2021 (Budget & Personnel Committee and Acting Executive Director) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

- (3) Recommendation to adopt Resolution 20-10 authorizing the Acting Executive Director to modify the contract with Brian Augusta & Associates for legislative advocacy in an amount not to exceed \$60,000 for FY 2020-2021 (Budget & Personnel Committee and Acting Executive Director) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

- (4) Recommendation to adopt Resolution 20-11 authorizing the Acting Executive Director to modify the contract with Berkeley Community Media to capture and telecast all Board meetings by an amount not to exceed \$22,000 for FY 2020-2021 (Budget & Personnel Committee and Acting Executive Director)

M/S/C (Alpert/Poblet) MOTION TO ADOPT RESOLUTION 20-11 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Mendonca, Poblet, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- (5) Recommendation to adopt Resolution 20-12 Affirming that Black Lives Matter (Commissioner Mendonca, Chair Laverde & Commissioner Tregub)

M/S/C (Mendonca/Alpert) Motion to adopt Resolution 20-12 INCLUDING THE ADDITIONAL LANGUAGE READ INTO THE RECORD BY COMMISSIONER MENDONCA AT THE MEETING. *Friendly amendment by Alpert (accepted):* ADD “SIBLINGS” AFTER THE WORDS “BROTHERS AND SISTERS” IN THE NEW LANGUAGE ADDED BY COMMISSIONER MENDONCA THIS EVENING. Roll call vote. YES: Alpert, Chang, Mendonca, Poblet, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- (6) Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Acting Executive Director)

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4908	2919 Acton Street
4913	915 Dwight Way

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4909	1936 Stuart Street
4910	1619 Fairview Street
4912	2631 Fulton Street

MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

6. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

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

a. Reports from Board Members/Staff

- (1) Update on the annual registration process – Verbal (Acting Executive Director) – Acting Executive Director Brown reported that approximately 200 envelopes containing registration fee payments were mistakenly delivered to Alta Bates Hospital. Staff are processing these payments.
- (2) June 14, 2020 memo from Brian Augusta & Associates to the elected Board and Acting Executive Director Matt Brown providing an update on the Judicial Council Emergency Rule of Court (Acting Executive Director) – Acting Executive Director Brown reported that the Judicial Council left the rule in place.
- (3) June 8, 2020 letter to the Alameda County Board of Supervisors regarding approval of Countywide Eviction Moratorium at June 2, 2020 Meeting (Chair Laverde) – 2 min.*
- (4) June 8, 2020 letter to the Office of the Secretary and Chief of Staff to the Regents regarding the purchase of 1921 Walnut Street, Berkeley, California/Preservation of Affordable Housing (Acting Executive Director)
- (5) June 1, 2020 memo from Acting Executive Director, Matt Brown, to all Rent Board staff titled, “Return to work – Remote/Onsite Operations Framework” (Acting Executive Director)
- (6) May 29, 2020 email communication from Matt Brown, Acting Executive Director to La Quinta Inn regarding homeless families at La Quinta Inn, Berkeley (Acting Executive Director)
- (7) April 8, 2020 *SFGate.com* op-ed by Alieza Durana and Matthew Desmond of the *Washington Post* titled, “A massive wave of evictions is coming. Temporary bans won’t help.” (Acting Executive Director)
<https://www.sfgate.com/opinion/article/A-massive-wave-of-evictions-is-coming-Temporary-15186836.php>
- (8) May 27, 2020 *The New York Times* article by Sarah Mervosh titled, “An ‘Avalanche of Evictions’ Could Be Bearing Down on America’s Renters” (Commissioner Tregub)
<https://www.nytimes.com/2020/05/27/us/coronavirus-evictions-renters.html>
- (9) June 2, 2020 *The Daily Californian* article by Mela Seyoum titled, “Residents of Berkeley apartment buildings face rising utility bills” (Acting Executive Director)

<https://www.dailycal.org/2020/06/02/residents-of-berkeley-apartment-buildings-face-rising-utility-bills/>

7. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Committee Chair Tregub announced that the Committee now has a standing monthly meeting that can be cancelled if there is no business to attend to.
 - (1) May 13th minutes
 - (2) June 2nd meeting – *Cancelled due to lack of quorum*
 - (3) June 5th agenda
 - (4) June 5th minutes
 - (5) June 11th agenda

- b. Eviction/Section 8/Foreclosure – Commissioner Poblet reported that the Committee met regarding the EDC and EBCLC contracts.
 - (1) June 2nd agenda

- c. Habitable & Sustainable Housing (HASH) – Committee Chair Chang reported that the Committee has not met, but he would like to schedule a meeting soon.

- d. IRA, AGA and Registration – Committee Chair Simon-Weisberg reported that the next meeting has not yet been confirmed.

- e. Outreach – Committee Chair Chang initiated a discussion about the timing and scope of the proposed tenant survey.
 - (1) June 3rd agenda

- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board
- g. Ad Hoc Committee on Technology Issues

- h. Updates and Announcements regarding future Special Meetings

- i. Discussion of items for possible placement on future agenda – Commissioner Poblet is resigning her seat effective at the end of July, and the Board will discuss the process for filling the vacancy at the July meeting.

CLOSED SESSION – Pursuant to California Government Code Sections 54957(b) and 54956.9(d), the Board convened in closed session to consider confidential personnel matters and potential litigation.

After the closed session, the Board voted on Action Item 8.

8. **ACTION ITEM**: Recommendation to approve Resolution 20-13 Modifying Resolution 20-02 and Authorizing the Board to expend an amount to be determined on confidential personnel matters and execute any resultant contracts.

M/S/C (Alpert/Tregub) MOTION TO ADOPT RESOLUTION 20-13 AS WRITTEN.
Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Poblet. Carried: 8-0-0-1.

9. **ADJOURNMENT** – M/S/C (Laverde/Alpert) MOTION TO ADJOURN THE MEETING IN HONOR OF THOSE WHO HAVE LOST THEIR LIVES AT THE HANDS OF POLICE, THE BLACK LIVES MATTER MOVEMENT, AND AIMEE STEPHENS AND DONALD ZARDA. Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Poblet. Carried: 8-0-0-1.