



Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**Regular Meeting Minutes –*Approved***  
**Thursday, May 21, 2020 at 7:00 p.m.**

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 with instructions on how to participate via teleconference, Zoom videoconference, and email.

This meeting was conducted in accordance with Government Code Section 54953 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 7:03 p.m.

Aimee Mueller called roll.

Commissioners present: Alpert, Chang, Mendonca, Poblet (arrived during Closed Session), Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde.

Staff present: Matt Brown, Lief Bursell, Jen Fabish, Aimee Mueller, Allison Preto, Matthew Siegel, Lynn Wu.

**CLOSED SESSION** – Pursuant to Government Code section 54957(b)(1), the Board convened in closed session for discussion and possible action related to:

Public Employee Performance Evaluation

Title: Executive Director

Prior to commencing discussion on the items in section 7 of this agenda, Chair Laverde announced the following: **THE BOARD TOOK NO REPORTABLE ACTION ON THIS ITEM.**

**2. Approval of Agenda**

M/S/C (Tregub/Alpert) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: TABLE ITEM 5.a.(1), AND SCHEDULE A SPECIAL MEETING TO CONSIDER THIS ITEM EITHER ON WEDNESDAY, MAY 27, 2020, at 6:00 P.M. OR FRIDAY, MAY 29, 2020 at 6:00 P.M. DEPENDING ON THE AVAILABILITY OF THE BUSD BOARD ROOM; MOVE ITEMS 5.a.(3) and 5.a.(5) TO CONSENT; AND ADJOURN THE MEETING IN HONOR OF THOSE WHO HAVE LOST THEIR LIVES TO COVID19, FRONT LINE WORKERS, AND MALCOLM X. 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.

3. **Public Comment** – There were 24 speakers. Jennifer Shanoski, Barbara Schick, Jenny Johnston, “Alan,” Bryce Nesbitt, Charles Clarke, “ebc” (Erin Chalmers), Maxim Orgiyan, “Tiffany,” “amandaj,” Toni Fitzpatrick, Alicia Moore, Matthew Silas, “Michael,” and Johnathan Ball spoke in opposition to item 5.a.(1). Matthew Lewis, Andrea Mullarkey, Sam Taplin, Liam McSweeney, David Hall, and Marc Janowitz spoke in support of item 5.a.(1). Kacey Read spoke about her experience as a tenant in a golden duplex. Board secretary Aimee Mueller read into the record email submissions from Natalie Logusch regarding item 5.a.(4), and 2134 Piedmont Avenue regarding Waiver No. 4903. Finally, Matthew Lewis also spoke before the Board head item 5.a.(4). There were more than 60 email comments related to item 5.a.(1), which were not read, but will be submitted in the Agenda packet for the Special Meeting for item 5.a.(1).

4. **CONSENT ITEMS**

*Items 5.a.(3) and 5.a.(5) were moved to consent by an earlier vote of the board.*

- a. Approval of the February 20<sup>th</sup> regular meeting minutes
- b. Approval of the February 27<sup>th</sup> special meeting minutes
- c. Approval of the April 21<sup>st</sup> special meeting minutes
- d. Approval of the April 24<sup>th</sup> special meeting minutes

M/S/C (Tregub/Alpert) MOTION TO APPROVE ALL CONSENT ITEMS, INCLUDING ITEMS 5.a.(3) AND 5.a.(5). 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. **ACTION ITEMS**

*Item 5.a.(1) was tabled and will be considered at a special meeting, and items 5.a.(3) and 5.a.(5) were moved to consent.*

- a. From Board Members, Committees, and Executive Director
  - (1) Discussion and possible action to recommend revisions to the Rent Stabilization and Eviction for Good Cause Ordinance for Berkeley City Council to place on the November 2020 local ballot (IRA/AGA/Registration Committee and Acting Executive Director) – TABLED TO BE CONSIDERED AT A FUTURE SPECIAL MEETING BY AN EARLIER VOTE OF THE BOARD.
  - (2) Discussion and possible action regarding the budget for Fiscal Year (FY) 2019-2020 (Budget & Personnel Committee and Acting Executive Director)

The Acting Executive Director and Rent Board staff member Lief Bursell presented to and took questions from the Board. No action was taken.

- (3) Recommendation that the Board send a letter to the Alameda County Board of Supervisors Requesting that the Item to Amend a Countywide Temporary

Moratorium on Residential Evictions (Originally Scheduled for May 12, 2020) be Re-Agendized and Approved No Later Than June 2, 2020 (Commissioner Tregub, Chair Laverde & Vice-Chair Simon-Weisberg) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

- (4) Recommendation that the Board send a letter to the University of California (UC) urging it to preserve the rent-controlled units at the 1921 Walnut or replace it, on a one-for-one basis, with permanently affordable units, in accordance with applicable state and local policy (Commissioner Tregub, Chair Laverde, Vice-Chair Simon-Weisberg & Commissioner Alpert)

M/S/C (Tregub/Laverde) MOTION TO ALLOW COMMISSIONERS TREGUB AND ALPERT TO WORK WITH CHAIR LAVERDE, VICE-CHAIR SIMON-WEISBERG, AND RENT BOARD STAFF TO DRAFT A LETTER URGING THE UC REGENTS TO EXPLORE ANY AND ALL POSSIBILITIES FOR MAKING THE TENANTS AT 1921 WALNUT WHOLE, INCLUDING, BUT NOT LIMITED TO, PRESERVING THE RENT-CONTROLLED UNITS, AND REPLACING THE UNITS WITH PERMANENTLY AFFORDABLE HOUSING. Roll call vote. YES: Alpert, Chang, Mendonca, Poblet, Selawsky, Simon-Weisberg, Tregub, Laverde; NO: Soto-Vigil; ABSTAIN: None; ABSENT: None. Carried: 8-1-0-0.

- (5) 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>
4895	1916 Stuart Street
4896	719 Neilson Street
4898	1025 Heinz Avenue
4899	1132 Addison Street
4900	139 Forest Lane
4907	2341 California Street

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4854	1354 Grizzly Peak Boulevard
4875	1607 Martin Luther King Jr. Way
4897	2709 Dwight Way
4901	1718 Chestnut Street
4902	2728 Channing Way
4903	2434 Piedmont Avenue
4904	1304 Josephine Street
4905	2425 Prince 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) Market Medians Report through the 1<sup>st</sup> Quarter of 2020 (Acting Executive Director)
- (2) February and April 2020 Apparent Lawful Rent Ceiling Notice mailings to Berkeley property owners and tenants (Acting Executive Director)
- (3) Fiscal Year 2020-21 Registration billing and information sent to Berkeley property owners for the annual registration fee due July 1, 2020 (Acting Executive Director)
- (4) May 11, 2020 letter to tenants of 1921 Walnut Street regarding potential purchase of property by U.C. Regents (Acting Executive Director)
- (5) May 11, 2020 letter to Premium Properties and all of their tenants regarding the Tenant Screening Fee Ordinance and the COVID-19 Emergency Response Ordinance (Acting Executive Director)
- (6) April 14, 2020 Council Action Calendar Item regarding Amending Tenant Screening Fees Ordinance for Existing Tenancies (Acting Executive Director)
- (7) Updated Appendix C of Rent Board Regulations Chapter 12 reflecting the Department of Housing & Urban Development's (HUD) recently-published Lower Income Limits (Acting Executive Director)
- (8) *First Legal* announcement titled, "Alameda Superior Court To Resume Accepting Nearly All Filings on Monday, May 11, 2020" (Acting Executive Director)
- (9) May 1, 2020 letter to Assembly Member Buffy Wicks in support of Assembly Bill 2463 (Chair Laverde)
- (10) May 5, 2020 email communication from Eric Wang regarding appeal of registration fees due to hardship (Acting Executive Director)
- (11) May 5, 2020 email communication from Paul Wallace regarding a letter from U.C. Berkeley pertaining to 1921 Walnut Street, Berkeley (Acting Executive Director)
- (12) April 25, 2020 *The Intercept* article by Natasha Lennard titled, "With Millions Unable to Pay for Housing Next Month, Organizers Plan the Largest Rent Strike in Nearly a Century" (Commissioner Tregub)  
<https://theintercept.com/2020/04/25/coronavirus-rent-strike-may/>

- (13) April 29, 2020 *East Bay Express* article by Jean Tepperman titled, “What if They Held a Pandemic (And A Rent Strike Broke Out Instead?)” (Commissioner Tregub)  
<https://www.eastbayexpress.com/oakland/what-if-they-held-a-pandemic-and-a-rent-strike-broke-out-instead/Content?oid=29628380>
- (14) April 29, 2020 *Berkeleyside* article by Natalie Orenstein titled, “What will happen May 1? Berkeley renters, landlords, officials respond to new reality” (Commissioner Tregub)  
<https://www.berkeleyside.com/2020/04/29/what-will-happen-may-1-berkeley-renters-landlords-officials-respond-to-new-reality>
- (15) April 30, 2020 *The Mercury News* article by Louis Hansen titled, “Coronavirus: Desperate Bay Area tenants face monthly rents as advocates push for massive bailout” (Commissioner Tregub)  
<https://www.mercurynews.com/2020/04/30/coronavirus-desperate-tenants-face-monthly-rents-as-advocates-push-for-massive-bailout/>
- (16) May 4, 2020 *Berkeleyside* article by Frances Dinkelspiel titled, “UC Berkeley is negotiating to buy and potentially tear down 111-year-old rent-controlled building” (Commissioner Tregub)  
<https://www.berkeleyside.com/2020/05/04/uc-berkeley-is-in-negotiations-to-purchase-and-potentially-tear-down-a-111-year-old-rent-controlled-apartment-building>
- (17) May 5, 2020 Alameda County Community Development Agency recommendation to the Alameda County Board of Supervisors to amend a countywide temporary moratorium on residential evictions (Commissioner Tregub)  
[http://www.acgov.org/board/bos\\_calendar/documents/DocsAgendaReg\\_05\\_12\\_20/GENERAL%20ADMINISTRATION/Regular%20Calendar/CDA\\_295753.pdf](http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_05_12_20/GENERAL%20ADMINISTRATION/Regular%20Calendar/CDA_295753.pdf)
- (18) May 6, 2020 *Financial Times* article by Joshua Chaffin titled, “Crunch time for US tenants and landlords” (Acting Executive Director)  
<https://www.ft.com/content/92e73091-eea9-40cb-abb3-829363ac7685>
- (19) May 11, 2020 *U.C. Berkeley Cal Alumni Association’s California Magazine* article by Brian Howey titled, “Housing Insecure Students Face an Uncertain Future” (Commissioner Tregub)  
<https://alumni.berkeley.edu/california-magazine/just-in/2020-05-11/housing-insecure-students-face-uncertain-future>

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

- a. **Budget and Personnel** – Committee Chair Tregub reported that the Committee will be meeting regularly leading up the June 18 Regular meeting, and the next meeting will be June 2.

- (1) May 13<sup>th</sup> agenda
  - b. Eviction/Section 8/Foreclosure – Committee Chair Poblet reported that the next meeting will be June 2.
  - c. Habitable & Sustainable Housing (HASH)
  - d. IRA, AGA and Registration – Committee Chair Simon-Weisberg reported that the Committee will be meeting in the future to consider regulation changes.
    - (1) April 24<sup>th</sup> agenda
    - (2) May 8<sup>th</sup> agenda
  - e. Outreach – Committee Chair Chang reported the next meeting is June 3.
  - 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
8. **ADJOURNMENT** – M/S/C (Laverde/Simon-Weisberg) MOTION TO ADJOURN THE MEETING IN HONOR OF THOSE WHO HAVE LOST THEIR LIVES TO COVID-19, FRONT-LINE WORKERS, AND MALCOLM X. 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.

The meeting adjourned at 11:43 p.m.