



**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, November 19, 2020**  
**7:00 p.m.**

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

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) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that 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 will not be a physical meeting location available.**

**To access this meeting remotely:** Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://zoom.us/j/99876939267?pwd=VU40WmVuc2RuMVFlaXFqWTJoekVqQT09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

**To join by phone:** Dial 1-669-900-6833 and enter Meeting ID: 998 7693 9267 and Passcode: 328350. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.

To submit an e-mail comment to be read aloud during public comment, email [amueller@cityofberkeley.info](mailto:amueller@cityofberkeley.info) with the Subject Line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM #3." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

Please be mindful that this meeting will be recorded, and all other rules of procedure and decorum will apply for Rent Board meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

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**7:00 p.m.**

*Minutes - Approved*

1. **Roll call** – Chair Laverde called the meeting to order at 7:16 p.m.  
Aimee Mueller called roll.  
Commissioners present: Alpert, Chang, Mendonca, Selawsky, Soto-Vigil, Tregub, Laverde.  
Commissioners absent: Simon-Weisberg (logged on at 9:15 p.m.)  
Staff present: Brown, Bursell, Mueller, Wu.
2. **Approval of Agenda** – M/S/C (Tregub/Alpert) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: HEAR THE HONORARY RESOLUTION FOR COMMISSIONER SOTO-VIGIL BEFORE THE RESOLUTION FOR COMMISSIONER TREGUB; MOVE ACTION ITEMS 6.a.(2) AND 6.a.(3) TO CONSENT; ADJOURN THE MEETING IN HONOR OF DENNIS EIMOTO. Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Simon-Weisberg. Carried: 7-0-0-1.
3. **Public Comment** – There were six speakers. Mia V., a tenant at 2915 Harper St., spoke about the impact of the construction of an ADU on the property. Alex Torres, a tenant at 2915 Harper St., spoke about the impact of the construction of an ADU on the property. Estelle Tarica, a homeowner at 2909 Harper St. and neighbor of 2915 Harper St., spoke about distress over the treatment of the tenants due to the ADU construction. Carole Marasovic provided an update from the Homeless Commission meeting regarding opportunities to collaborate with the Rent Board on certain issues. Davinder Singh, the son of a tenant who uses a wheelchair at 2915 Harper St., spoke about the impact of the ADU construction, including his father being unable to access his unit without help. Marcia Levenson left a message for staff, which Aimee Mueller read into the record, regarding the building of an ADU at an apartment complex on Harper St.
4. **SPECIAL ORDER OF BUSINESS**

Commissioners Chang and Mendonca read aloud the resolution honoring Commissioner Soto-Vigil, and Commissioner Selawsky read aloud the resolution honoring Commissioner Tregub. Commissioners Soto-Vigil and Tregub made personal statements afterwards.

a. **Presentation of honorary resolution to Commissioner Alejandro Soto-Vigil**

M/S/C ADOPT RESOLUTION 20-21 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Simon-Weisberg. Carried: 7-0-0-1.

b. **Presentation of honorary resolution to Commissioner Igor Tregub**

M/S/C ADOPT RESOLUTION 20-22 AS WRITTEN. Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Simon-Weisberg. Carried: 7-0-0-1.

## 5. CONSENT ITEMS

*Items 6.a.(2) and 6.a.(3) were moved to Consent by a prior vote of the Board.*

- a. Approval of the October 15<sup>th</sup> regular meeting minutes
- b. Recommendation that the Board send a letter to President-Elect Biden and Vice President-Elect Harris congratulating them on their victories and urging them to address a spate of COVID-19-related evictions in their first 100 days in office (Commissioner Tregub & Chair Laverde)

M/S/C (Soto-Vigil/Tregub) MOVE ALL CONSENT ITEMS, INCLUDING ITEMS 6.a.(2) AND 6.a.(3); ADD VICE-CHAIR SIMON-WEISBERG AS A CO-SPONSOR OF ITEM 5.b. Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Simon-Weisberg. Carried: 7-0-0-1.

## 6. ACTION ITEMS

*Items 6.a.(2) and 6.a.(3) were moved to Consent by a prior vote of the board.*

- a. From Board Members, Committees, and Executive Director
  - (1) Update and possible action regarding Measure MM (IRA/AGA/Registration Committee and Acting Executive Director)

M/S/C (Alpert/Tregub) MOTION TO FORWARD RECOMMENDATION TO THE BUDGET & PERSONNEL COMMITTEE FOR CONSIDERATION. Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Simon-Weisberg. Carried: 7-0-0-1.

- (2) Recommendation that the Board adopt modified Rent Board office hours to close from December 24-31 to align with City service delivery during the last week of December – Verbal (Acting Executive Director & Chair Laverde)

MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

- (3) 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>
4929	1311 Addison Street

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4921	2555 Virginia Street
4928	1522 Prince Street

MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

**7. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES**

**THE ITEMS BELOW WERE EACH MENTIONED OR BRIEFLY DISCUSSED.  
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.**

a. Reports from Board Members/Staff

- (1) Update regarding November election of new Rent Board Commissioners – Verbal (Acting Executive Director) – Acting Executive Director Brown announced the election results including Rent Board Commissioners-elect Dominique Walker, Andy Kelley, and Xavier Johnson.
- (2) Update regarding Councilmember Davila’s proposed amendments to the COVID-19 Emergency Response Ordinance (BMC Chapter 13.110) considered at the November 17, 2020 Council meeting (Commissioner Tregub & Chair Laverde) – (Rent Board legal staff’s comments attached to Councilmember Davila’s proposal pursuant to formal request from 4 x 4 Committee) – Chair Laverde provided an update and said that Council will consider this item at its December 8<sup>th</sup> meeting.
- (3) Commissioner attendance at Board & Committee meetings through the third quarter of 2020 (Acting Executive Director)
- (4) Rent Board’s 2021 Annual General Adjustment (AGA) & Security Deposit Interest Information postcard mailed to owners and tenants in early November (Acting Executive Director)
- (5) Update on recent Rent Board outreach events – *Verbal* (Acting Executive Director)
  - a. October 14<sup>th</sup> @ 10:30 a.m. – Security Deposits Webinar
  - b. October 21<sup>st</sup> @ 10:30 a.m. – Rental Housing & COVID-19 Webinar
  - c. Virtual Cal Counseling – 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of the month (excluding holidays)
- (6) California Courts “New Laws Apply to Eviction Cases” webpage with synopses and resources for tenants and landlords (Commissioner Tregub)  
<https://www.courts.ca.gov/44660.htm>
- (7) “California Not for Sale” website (Commissioner Tregub)  
<https://californianotforsale.org/>

- (8) Update on communications with People First Portland (Maine) regarding efforts to implement their rent stabilization ordinance (Acting Executive Director)
- (9) November 5, 2019 (sic) *The Daily Californian* article by Audry Jeong titled, “State Treasurer’s Office allocates funds for affordable housing” (Commissioner Tregub)  
<https://www.dailycal.org/2019/11/05/state-treasurers-office-allocates-funds-for-affordable-housing/>
- (10) October 7, 2020 *Houston Public Media* article by Elizabeth Trovall titled, “How Houston-area Families Are Being Forced From Their Homes Without An Eviction Notice” (Commissioner Tregub)  
<https://www.houstonpublicmedia.org/articles/news/politics/immigration/2020/10/07/383446/how-houston-area-families-lose-housing-without-ever-getting-an-eviction-notice/>
- (11) October 8, 2020 *Houston Public Media* article by Jen Rice titled, “In Houston, Whether Or Not You’re Evicted Can Depend On The Judge” (Commissioner Tregub)  
<https://www.houstonpublicmedia.org/articles/news/harris-county/2020/10/08/383511/in-houston-renters-have-limited-protection-under-the-national-eviction-moratorium/>
- (12) October 22, 2020 *Berkeleyside* article by Frances Dinkelspiel titled, “Independent expenditure campaigns spend big to influence rent board, District 2 city council race” (Commissioner Tregub)  
<https://www.berkeleyside.com/2020/10/22/independent-expenditure-campaigns-spend-big-to-influence-rent-board-district-2-city-council-race>
- (13) October 24, 2020 NPR transcript of report by Beth Healy titled, “Some Boston Landlords Flout Eviction Bans, Pressure Tenants To Leave” (Commissioner Tregub)  
<https://www.npr.org/2020/10/24/927384325/some-boston-landlords-flout-eviction-bans-pressure-tenants-to-leave>
- (14) October 27, 2020 *Federal Trade Commission* Consumer Information blog post by Shameka Walker titled, “Temporary stop of COVID-19 evictions: what you need to know” (Commissioner Tregub)  
<https://www.consumer.ftc.gov/blog/2020/10/temporary-stop-covid-19-evictions-what-you-need-know>
- (15) October 29, 2020 *ABC News* article by Radhika Chalasani titled, “Photos document US eviction crisis as families struggle during the pandemic” (Commissioner Tregub)  
<https://abcnews.go.com/US/photos-document-us-eviction-crisis-families-struggle-pandemic/story?id=73661651>
- (16) October 31, 2020 *Reuters* article by Michelle Conlin titled, “The great divergence:

U.S. COVID-19 economy has delivered luxury houses for some, evictions for others” (Commissioner Tregub)

<https://www.reuters.com/article/us-health-coronavirus-usa-inequality-ins/the-great-divergence-u-s-covid-19-economy-has-delivered-luxury-houses-for-some-evictions-for-others-idUSKBN27G0H7>

(17) November 3, 2020 *Berkeleyside* staff article titled, “By the numbers: Berkeley’s 2020 election results” (Chair Laverde)

[https://www.berkeleyside.com/2020/11/03/berkeley-2020-election-results#disqus\\_thread](https://www.berkeleyside.com/2020/11/03/berkeley-2020-election-results#disqus_thread)

(18) November 4, 2020 *Berkeleyside* article by Frances Dinkelspiel titled, “The pro-tenant, ‘Right To Housing’ slate sweeps Berkeley rent board election” (Chair Laverde)

<https://www.berkeleyside.com/2020/11/04/berkeley-ca-rent-board-election-2020>

(19) November 8, 2020 *Berkeley Daily Planet* article by Rob Wrenn titled, “Updated: Berkeley Elections: No Changes from Additional Counting” (Commissioner Tregub)

<https://berkeleydailyplanet.com/issue/2020-11-06/article/48821?headline=Berkeley-Elections-No-Changes-from-Additional-Counting---Rob-Wrenn>

(20) November 10, 2020 *Live Science* article by Nicoletta Lanese titled, “Evictions would raise COVID-19 risk for everyone” (Commissioner Tregub)

<https://www.livescience.com/eviction-moratoriums-coronavirus-spread.html>

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

a. Budget and Personnel – Committee Chair Tregub said the Committee will meet tomorrow to review the mid-year budget.

(1) November 6<sup>th</sup> agenda

b. Eviction/Section 8/Foreclosure – Committee Chair Mendonca said the last meeting had to be cancelled due to technical difficulties, and will be rescheduled for December.

(1) November 17<sup>th</sup> agenda

c. Habitable & Sustainable Housing (HASH)

d. IRA, AGA and Registration – Committee Chair Simon-Weisberg said the Committee will meet at their regular time.

(1) November 10<sup>th</sup> agenda

- e. Outreach – Committee Chair Chang thanked Moni Law and the staff that facilitate the Committee. The Committee got an update on the Fair Chance Ordinance, and is pushing to conduct a tenant survey.

(1) November 18<sup>th</sup> agenda

- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Laverde informed the Board about issues discussed at the October 28<sup>th</sup> meeting, and previewed items to be discussed at the next meeting, including a presentation by the new Acting Executive Director of BHA and a discussion about updates to the Demolition Ordinance.

(1) October 28<sup>th</sup> agenda packet

- 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 – Vice-Chair Simon-Weisberg asked for a presentation on the City’s Housing Preference Policy survey.

- 9. **ADJOURNMENT** – M/S/C (Laverde/Tregub) Adjourn the meeting in honor and memory of Dennis Eimoto, and in memory of the November 20, 1962 Executive Order by President Kennedy barring discrimination in federally funded housing. Roll call vote. YES: Alpert, Chang, Mendonca, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.

The meeting adjourned at 9:44 p.m.