



Rent Stabilization Board

RENT STABILIZATION BOARD
Special Meeting
Thursday, April 30, 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 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 7:05 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang, Mendonca, Poblet, Selawsky, Simon-Weisberg, Soto-Vigil, Tregub, Laverde.
Staff present: Brown, Bursell, Fabish, Mueller, Pretto, Siegel, Wu.
- 2. Approval of Agenda**
M/S/C (Tregub/Selawsky) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ITEMS 6.a.(2), 6.a.(3), 6.a.(4), 6.a.(5) AND 6.a.(6) TO CONSENT; MOVE ALL WAIVERS (ITEM 6.a.(7)) TO CONSENT EXCEPT FOR WAIVER NOS. 4852, 4878, and 4881; FIX TYPOGRAPHICAL ERROR (CHANGE “50%” TO “40%”) IN STAFF RECOMMENDATION FOR WAIVER NO 4858; ADD COMMISSIONERS ALPERT AND SIMON-WEISBERG AS CO-SPONSORS OF ITEM 6.a.(4); ADD COMMISSIONER MENDONCA AS A CO-SPONSOR OF ITEM 6.a.(5); ADJOURN IN MEMORY OF THE VICTIMS OF COVID-19; AND IN HONOR AND APPRECIATION OF ALL FRONT-LINE AND ESSENTIAL WORKERS. ***Friendly amendment by Laverde (accepted):*** KEEP ITEMS 6.a.(2) AND 6.a.(4) ON ACTION. ***Friendly amendment by Simon-Weisberg (accepted):*** ADJOURN IN HONOR OF ALL WORKERS STRUGGLING TO PAY RENT. 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** – The Board Secretary read into the record comments submitted via email from the following persons/entities: Elliot Freeman regarding waiver no. 4881; La Loma Management regarding waiver no. 4852; and Marda Stothers regarding waiver no. 4878.

In addition, there were three speakers. Betsy Morris spoke on behalf of the Landless People's Alliance. Marda Stothers spoke regarding waiver no. 4878. After item 6.a.(2) was heard, Christine Schwartz spoke hypothetically about landlords refusing rent.

4. CONSENT ITEMS

Items 6.a.(3), 6.a.(5), 6.a.(6), and 6.a.(7) except waiver nos. 4852, 4878, and 4881 were moved to Consent by an earlier vote of the Board.

a. Approval of the April 21st special meeting minutes

M/S/C (Alpert/Selawsky) MOTION TO MOVE CONSENT ITEM 4.a.; ITEM 6.a.(3); ITEM 6.a.(5) WITH COMMISSIONER MENDONCA AS AN ADDITIONAL CO-SPONSOR; AND ITEM 6.a.(7) EXCEPT WAIVER NOS. 4852, 4878, and 4881, AND WITH THE ABOVE-NOTED TYPOGRAPHICAL ERROR FIX TO WAIVER NO. 4858. 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. SPECIAL PRESENTATION: Update on housing legislation, including state and local protections related to the COVID-19 Shelter-in-Place Order (Brian Augusta & Associates and Lynn Wu, Staff Attorney)

a. State Legislative Report

The Board's Legislative Advocate Brian Augusta, and Rent Board Staff Attorney Lynn Wu presented to and answered questions from the Board.

6. ACTION ITEMS

Items 6.a.(3), 6.a.(5), 6.a.(6), and 6.a.(7) except waiver nos. 4852, 4878, and 4881 were moved to consent by an earlier vote of the Board.

a. From Board Members, Executive Director and Committees

- (1) Discussion and possible action to adopt rules for conducting virtual meetings of the Rent Board (Chair Laverde & Vice-Chair Simon-Weisberg) – TABLED TO THE NEXT MEETING.
- (2) Recommendation to adopt Resolution 20-04 Setting the Fiscal Year (FY) 2020/21 Annual Registration Fee (due July 1, 2020) and Resolution 20-05 Authorizing the Pass-through of a Portion of the Registration Fee to Certain Tenants (Executive Director)

M/S/C (Laverde/Tregub) MOVE THE ITEM 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.

After the vote, the Board took public comment on this item, but there were no speakers.

- (3) Recommendation to adopt Resolution 20-06 establishing the FY 2020/21 Summer Rental Registration Fee for Qualifying Fraternities and Sororities (Executive Director) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.
- (4) Discussion and possible action regarding recommendation that the Board support Assembly Bill (AB) 2406 [Rental Registry Data Collection] and AB 2463 [Preventing Foreclosures] and transmit letters of support to Senator Skinner, Assembly Member Wicks, and appropriate committees as needed (Commissioners Tregub & Chang)

M/S/C (Tregub/Simon-Weisberg) MOVE THE ITEM AS WRITTEN AND WITH COMMISSIONERS ALPERT AND SIMON-WEISBERG ADDED AS CO-SPONSORS. 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) Discussion and possible action regarding recommendation that the Board Support the Tenant Opportunity to Purchase Ordinance (TOPA) in Berkeley (Commissioners Igor Tregub, Chair Laverde & Vice Chair Simon-Weisberg) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.
- (6) Discussion and possible action regarding recommendation that the Board Support Strong Anti-displacement Policies and the #CancelRent Campaign During the COVID-19 Crisis (Commissioners Igor Tregub, Chair Laverde, Vice Chair Simon-Weisberg, Commissioner Poblet) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.
- (7) Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director)

Ministerial Waivers

Waiver No. Property Address

4872	1685 Arch Street
4877	1518 Cornell Avenue
4880	2701 Grant Street
4882	2402 Roosevelt Avenue
4883	2433 San Pablo Avenue
4884	2815 Martin Luther King Jr. Way
4889	2 Virginia Gardens

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4850	2918 Adeline Street
4852	1770 La Loma Ave
4858	2700 Sacramento Street
4871	1527 Julia Street
4873	2634 Etna Street
4876	2106 Spaulding Avenue
4878	2730 Dwight Way
4879	1515 Harmon Street
4881	1624 Walnut Street
4890	1529 Alcatraz Avenue
4891	1525 Alcatraz Avenue
4892	1600 Tyler Street
4893	2116 Essex Street

ALL WAIVERS EXCEPT WAIVER NOS. 4852, 4878, AND 4881 WERE MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

M/S/C (Simon-Weisberg/Tregub) MOVE THE STAFF RECOMMENDATION FOR WAIVER NO. 4852. Roll call vote. YES: Alpert, Chang, Mendonca, Poblet, Simon-Weisberg, Soto-Vigil, Tregub, Laverde; NO: Selawsky; ABSTAIN: None; ABSENT: NONE. Carried: 8-1-0-0.

M/S/C (Tregub/Simon-Weisberg) MOTION TO WAIVE 100% OF THE PENALTIES FOR WAIVER NO. 4878. Roll call vote. YES: Alpert, Chang, Mendonca, Poblet, Selawsky, Simon-Weisberg, Tregub, Laverde; NO: None; ABSTAIN: Soto-Vigil; ABSENT: None. Carried: 8-0-1-0.

M/S/C (Laverde/Soto-Vigil) MOVE THE STAFF RECOMMENDATION FOR WAIVER NO. 4881. 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.

7. 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) March 4, 2020 *East Bay Express* article by Jean Tepperman titled, "A Different Relationship With Housing" (Commissioner Tregub)
<https://www.eastbayexpress.com/oakland/a-different-relationship-with-housing/Content?oid=29077701>
- (2) March 6, 2020 *Berkeleyside* article by Natalie Orenstein titled, "Should Berkeley tenants get first dibs on buying their landlord's property? (Commissioner Tregub)

<https://www.berkeleyside.com/2020/03/06/should-berkeley-tenants-get-first-dibs-on-buying-their-landlords-property>

- (3) April 1, 2020 *KQED.org* article by Lakshmi Sarah titled, “Coronavirus Rent Strike in the Bay Area: Tenants ‘Giving the Governor Notice’” (Commissioner Tregub)
<https://www.kqed.org/news/11810140/coronavirus-rent-strike-in-the-bay-area-tenants-giving-the-governor-notice>
- (4) April 3, 2020 *Curbed San Francisco* article by Adam Brinklow titled, “What to do if you can’t pay this month’s rent” (Chair Laverde)
<https://sf.curbed.com/2020/3/31/21198571/bay-area-eviction-rent-help-oakland-coronavirus>
- (5) April 6, 2020 *The Daily Californian* article by Gigi Nibbelink titled, “Emergency resolution allowing landlords to temporarily decrease rent without impacting rent ceiling passes” (Commissioner Tregub)
<https://www.dailycal.org/2020/04/06/berkeley-rent-stabilization-board-passes-resolution-allowing-landlords-to-temporarily-decrease-rent-keep-rent-ceiling-intact/>
- (6) April 9, 2020 *Berkeleyside* article by Kate Darby Rauch titled, “As building rules tighten in Berkeley, construction pushes back” (Commissioner Tregub)
<https://www.berkeleyside.com/2020/04/09/as-rules-for-building-tighten-construction-pushes-back>
- (7) April 20, 2020 *East Bay Times* article by Elliott Almond titled, “Personal tragedy doesn’t keep Berkeley woman from helping homeless amidst the filth, feces and rat-infested squalor” (Commissioner Tregub)
<https://www.eastbaytimes.com/2020/04/20/personal-tragedy-doesnt-keep-berkeley-woman-from-helping-homeless-amidst-the-filth-feces-and-rat-infested-squalor/?fbclid=IwAR0PiCKPg1DToXak7V2sTHPQyHosjj4kYxWGdzsTTLScVjDkzkRaMIS5t7w>
- (8) April 21, 2020 *East Bay Times* article by Peter Hegerty titled, “Alameda County halts evictions” (Chair Laverde & Commissioner Tregub)
<https://www.eastbaytimes.com/2020/04/21/coronavirus-alameda-county-beefs-up-eviction-protections/>
- (9) April 22, 2020 eUpdate from Contra Costa County Supervisor John Gioia titled, “Board of Supervisors Passes Eviction Protection and Rent Freeze Emergency Law” (Commissioner Tregub)
<https://myemail.constantcontact.com/Supervisors-Pass-Eviction-Protection-and-Rent-Freeze-Law.html?soid=1111030452123&aid=sCzmA7-iQ3k>

8. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Committee Chair Tregub mentioned that the last meeting was cancelled and will be rescheduled as soon as possible.

- b. Eviction/Section 8/Foreclosure – Committee Chair Poblet reported the Committee will be scheduling a meeting soon.
 - c. Habitable & Sustainable Housing (HASH)
 - d. IRA, AGA and Registration – Committee Chair Simon-Weisberg reported that the Committee met last week to discuss the COVID-19 response and potential proposed amendments to the Rent Ordinance for the November ballot. The Committee will meet again soon to continue the discussion.

(1) April 24th agenda
 - e. Outreach – Committee Chair Chang will call a meeting soon.
 - f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Laverde reported that the last meeting was cancelled due to the pandemic. Meetings will likely resume after the Shelter-in-Place is over.
 - g. Ad Hoc Committee on Technology Issues – Committee Staff person Aimee Mueller let the Committee know she had information to report.
 - h. Updates and Announcements regarding future Special Meetings
 - i. Discussion of items for possible placement on future agenda
9. **ADJOURNMENT** – Chair Laverde adjourned the meeting at 8:46 p.m. in honor and memory of those who have lost their lives to COVID-19, and in honor of front-line and essential workers, and workers struggling to pay rent. Commissioner Soto-Vigil requested that the meeting also adjourn in recognition of the April 30, 1871 Camp Grant Massacre that killed numerous indigenous people of the Apache tribe.