RENT STABILIZATION BOARD
Regular Meeting Minutes – Approved

Maudelle Shirek Building                                  Monday, October 16, 2017
2134 Martin Luther King Jr. Way                             7:00 p.m.
Council Chambers, Second Floor                               
Broadcast Live on KPFB – 89.3 and BTV Cable Channel 33
Live Webcasting at www.cityofberkeley.info/rent

1. **Roll call** – Chair Selawsky called the meeting to order at 7:07 p.m.
   Aimee Muller called roll.
   Commissioners present: Chang (arrived at 7:10 p.m.), Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky
   Commissioners absent: Laverde
   Staff present: Brown, Kelekian, Mueller, Shoquist, Darrow (for Closed Session)

2. **Approval of Agenda** – M/S/C (Soto-Vigil/Tregub) MOTION TO APPROVE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEMS 5.a.(1) AND 5.a.(4) TO CONSENT EXCEPT FOR WAIVER NOS. 4634, 4646, and 4653. Voice vote. Carried: 8-0-0-1. ABSENT: Laverde.

3. **Public Forum** – There was one speaker: Commissioner Townley, in his capacity as a member of the public, spoke about the film *Underground Under Review* and issues related to live/work warehouses.

4. **CONSENT ITEMS**

   *Action Items 5.a.(1) and 5.a.(4) except Waiver Nos. 4634, 4646, and 4653 were moved to Consent by an earlier vote of the Board.*

   a. Approval of the September 18th meeting minutes

   b. Adopt Resolution 17-25 authorizing changes to the Fiscal Year (FY) 2017-2018 Staffing Model to eliminate the Community Service Specialist III and Legal Secretary positions and to add a Community Service Specialist II and an Office Specialist II position (Budget & Personnel Committee and Executive Director)

   c. Approval of 60-day Administrative Waivers: 275 eligible properties, waiving $351,574 in penalties assessed for the 2017/2018 fiscal year (Executive Director)
APPROVE CONSENT ITEMS AND ACTION ITEMS 5.a.(1) AND 5.a.(4) EXCEPT WAIVER NOS. 4634, 4646, 4653. Voice vote. Carried: 8-0-0-1. ABSENT: Laverde.

The Consent items were not moved or seconded, but the Board members present unanimously approved them.

5. ACTION ITEMS

a. From Board Members, Executive Director and Committees

Action Items 5.a.(1) and 5.a.(4) except Waiver Nos. 4634, 4646, and 4653 were moved to Consent by an earlier vote of the Board.

(1) Recommendation to adopt Resolution 17-23 confirming that the 2018 Annual General Adjustment (AGA) increases rent ceilings by 2.3 percent and ordering that the 2018 AGA be published as Regulation 1140 (IRA/AGA/Registration Committee & Executive Director) – moved to Consent via an earlier vote of the Board.

(2) Recommendation that the Board adopt Resolution 17-22 to invoke Regulation 1017 to allow landlords to temporarily rent to people displaced by Hurricane Maria and the fires in Northern California at reduced rents (Chair Selawsky and Executive Director)

M/S/C (Chang/Murphy) MOTION TO ADOPT RESOLUTION 17-22 AS WRITTEN. Friendly amendment by Tregub (accepted): REMOVE “NORTHERN” FROM THE RESOLUTION SO THAT IT INCLUDES THE VICTIMS OF ALL CALIFORNIA FIRES. Voice vote. Carried: 8-0-0-1. ABSENT: Laverde.

It was requested that staff prominently display information about Resolution 17-22 on the Rent Board website, and the Executive Director suggested a press release.

(3) Recommendation that the Board adopt Resolution 17-24 to authorize the Executive Director to execute a new contract with TransSIGHT, LLC in an amount not to exceed $50,000 to provide technical advice and guidance related to changes to the Board’s Rent Tracking System (RTS) database and online registration portal (Executive Director and Budget & Personnel Committee)

M/S/C (Tregub/Simon-Weisberg) MOTION TO APPROVE ITEM 5.a.(3) AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Laverde.

(4) Proposal to approve staff recommendations on the following requests for waiver of late registration penalties (Executive Director) – moved to Consent via an earlier vote of the board except Waiver Nos. 4634, 4646, 4653.
Ministerial Waivers
Waiver No.  Property Address
4635    2330 8th Street
4648    2221 6th Street

Discretionary Waivers
Waiver No.  Property Address
4634    2424 10th Street
4637    1415 7th Street
4640    1730 Alcatraz Avenue
4643    2130 Browning Street
4645    1604 Milvia Street
4646    1215 Virginia Street
4647    1338 Shattuck Avenue
4651    1643 Edith Street
4653    1256 67th Street

The Board unanimously agreed to continue Waiver No. 4653 to the next meeting.

Substitute Motion:  M/S/F  (Simon-Weisberg/Poblet) ADOPT THE STAFF RECOMMENDATION TO WAIVE 50% OF THE PENALTY FOR WAIVER NO. 4634.  Roll call vote.  YES: Chang, Poblet, Simon-Weisberg, Selwsky; NO: Murphy, Soto-Vigil, Townley, Tregub; ABSTAIN: None; ABSENT: Laverde.  Failed: 4-4-0-1.

Main motion:  M/S/C  (Townley/Murphy) WAIVE 100% OF THE PENALTY WAIVER NO. 4634.  Roll call vote. YES: Chang, Murphy, Soto-Vigil, Townley, Tregub; NO: Simon-Weisberg, Selawsky; ABSTAIN: Poblet; ABSENT: Laverde. Carried: 5-2-1-1.

M/S/C  (Chang/Murphy) ADOPT STAFF RECOMMENDATION TO WAIVE 90% OF THE PENALTY FOR WAIVER NO. 4646.  Roll call vote.  YES: Chang, Murphy, Poblet, Simon-Weisberg, Selawsky; NO: Soto-Vigil, Townley, Tregub; ABSTAIN: None; ABSENT: Laverde.  Carried: 5-3-0-1.

6. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

Please Note: The Board may move Information Items to the Action Calendar.

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

a. Reports from Board Members/Staff

   (1) Legislative update  (Executive Director)
(2) October 3, 2017 communication to the Honorable Mayor and Members of the City Council regarding the Board’s action to adopt a Resolution Opposing the Rescission of the Deferred Action for Childhood Arrivals (DACA) Program and Calling for a Path to Citizenship for Undocumented Immigrants  (Executive Director)

(3) October 13, 2017 letters sent to federal legislators conveying the Board’s opposition to the rescission of the Deferred Action for Childhood Arrivals (DACA) Program and Calling for a Path to Citizenship for Undocumented Immigrants  (Executive Director) – To be included in the November 20, 2017 Board agenda packet.

(4) Rent Board participation in UC Berkeley Student Legal Services 50th Anniversary Celebration on Thursday, October 19th  (Executive Director) – 1 min.*

(5) Rent Board participation in UC Berkeley Public Service Center 50th Anniversary Celebration on Sunday, October 22nd  (Executive Director)

(6) Update on Rent Board workshops, seminars and/or outreach at community events – Verbal (Executive Director)

(7) September 24, 2017 East Bay Times article by Dave Boitano titled, “Rent control fight to be arduous, Alameda conference hears”  (Vice-Chair Laverde-Levine)


(9) October 2, 2017 Berkeley Patch article by CALmatters titled, “How sky-high housing costs make California the poorest state”  (Executive Director)

(10) October 3, 2017 San Francisco Chronicle “Editorial: Housing costs are pushing millions of Californians into poverty”  (Vice-Chair Laverde-Levine)

(11) October 6, 2017 Capital & Main article by David Dayen titled, “California Game Changers: Preserve the Affordable Housing We Have”  (Vice-Chair Laverde-Levine)
   https://capitalandmain.com/california-game-changers-preserve-the-affordable-housing-we-have-1006

(12) October 6, 2017 The Mercury News article by Richard Scheinin titled, “On a roll: Affordable housing advocates pack a San Francisco hotel and say they’re winning the battle”  (Vice-Chair Laverde-Levine)

(13) October 6, 2017 LATimes.com article by Jeff Landa titled, “Glendale tenants file proposed rent control ordinance with the city” (Vice-Chair Laverde-Levine)  

(14) October 9, 2017 Mountain View Voice article by Mark Noack titled, “Rental committee considers $160 annual fee on apartments” (Vice-Chair Laverde-Levine)  

(15) October 9, 2017 The Richmond Standard article by Mike Aldax titled, “Mayor: RPA members who pushed for rent control are ‘unlicensed, unregistered’ landlords” (Vice-Chair Laverde-Levine)  

(16) October 10, 2017 Market Watch article by Jacob Passy titled, “Does rent control impact crime rates? These economists have the answer…” (Vice-Chair Laverde-Levine)  
http://www.marketwatch.com/story/does-rent-control-on-property-increase-or-reduce-crime-rates-these-economists-have-the-answer-2017-10-09  

(17) October 12, 2017 San Francisco Examiner article by Peter Cohen and Fernando Martí titled, “Eye on the State: This year was all about housing” (Vice-Chair Laverde-Levine)  
http://www.sfexaminer.com/eye-state-year-housing/  

7. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS  

- **Budget and Personnel** – Committee Chair Tregub reported that the Committee is revising the Executive Director Evaluation format.  
  1. September 19th agenda  
  2. October 5th agenda  

- **Eviction/Section 8/Foreclosure** – Committee Chair Simon-Weisberg announced that the Committee is meeting on October 18 and that the law prohibiting discrimination based on source of income passed.  
  1. September 27th agenda – *Cancelled due to lack of quorum*  
  2. October 18th agenda
c. **Habitable & Sustainable Housing (HASH)** – Commissioner Townley reported that the Committee is working on a green lease certification process and lead paint issues.

(1) September 21st meeting – *Cancelled*

(2) October 12th agenda

d. **IRA, AGA and Registration** – Committee Chair Simon-Weisberg announced that the Committee’s next meeting is November 2nd.

(1) October 2nd agenda

e. **Outreach** – Committee Chair Chang updated the Board on the DACA Resolution letter and other outreach plan progress. Deputy Director Shoquist reported on implementation of the Tip of the Month outreach strategy.

(1) October 2nd agenda

f. **4 x 4 Joint Committee on Housing: City Council/Rent Board** – Chair Selawsky reported that the Committee’s September 21 meeting had a full agenda and was productive.

(1) September 21st agenda packet (rescheduled from Sept. 15th)

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**

i. **Ad Hoc Committee on Technology Issues**

j. **2 x 2 x 2 Committee on Housing: Council / Rent Board / BUSD**

k. **Updates and Announcements regarding future Special Meetings**

l. **Discussion of items for possible placement on future agenda** – Commissioner Tregub plans to submit an item thanking certain California legislators for work on housing-related bills that were signed into law.

At 8:36 p.m. the Board adjourned to reconvene in Closed Session to discuss the items listed below.

**CLOSED SESSION** – The Board convened in Closed Session for an update on litigation pursuant to California Government Code Section 54956.9(d)(1):
Upon reconvening, Chair Selawsky announced the following:


The Board received an update on Gabriela Del Hoyo, et al. v. Superior Court of Alameda County (Alameda County Appellate Division, Case No. RG 17844740), but did not take any action.

8. ADJOURNMENT – Chair Selawsky adjourned the meeting at 9:28 p.m. in honor and memory of the victims and families impacted by Hurricane Maria, the Las Vegas shooting, and the California wildfires.