



Rent Stabilization Board

RENT STABILIZATION BOARD Regular Meeting Minutes - *Approved*

Maudelle Shirek Building
2134 Martin Luther King Jr. Way
Council Chambers, Second Floor

Broadcast Live on KPFB – 89.3 and BTV Cable Channel 33
Live Webcasting at www.cityofberkeley.info/rent

Monday, December 17, 2018
7:00 p.m.

In accordance with the Brown Act, CA Government Code Section 54953(b)(2), this meeting was also teleconferenced from the following location: Somerset Community Room, Somerset Xindicheng Xian No.64, The West Section of South 2nd Ring Road, Electronics City, Xian, China, 710065

6:30 p.m. Prior to the public meeting, the Board convened in Closed Session.

CLOSED SESSION – Pursuant to California Government Code Section 54956.8, the Board discussed the following item:

UPDATE FROM REAL PROPERTY NEGOTIATOR
Leasing office space for the Rent Board

Upon conclusion of the closed session, Chair Selawsky announced that the Board discussed the item but took no action.

- 1. Roll call** – Chair Selawsky called the meeting to order at 7:04 p.m.
Aimee Mueller called roll.
Present: Alpert, Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Soto-Vigil (via teleconference, signed off at 7:35 p.m.), Tregub, Selawsky.
Staff present: Brown, Kelekian, Mueller.
- 2. Approval of Agenda** – M/S/C (Tregub/Murphy) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ITEM 6.a.(1) TO CONSENT; REMOVE COMMISSIONER TREGUB AS A CO-SPONSOR OF ITEM 6.a.(3)a AND CONSOLIDATE ITEMS 6.a.(3)a AND 6.a.(3)b; AND MOVE ITEM 6.a.(4) TO CONSENT WITH THE EXCEPTION OF WAIVER #4754 WHICH WILL BE HELD OVER UNTIL THE NEXT MEETING. Roll call vote. YES: Alpert, Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-1.

3. **Public Forum** – There were two speakers. Alfred Twu and Tara Sreekrishnan congratulated the newly elected and re-elected Board members, and said they were looking forward to working with the new Board.

4. **SPECIAL ORDER OF BUSINESS**

- a. Oath of Office of Board Members-elect:
Lieutenant Governor-elect Eleni Kounalakis administered the oath of office to Commissioner-elect Chang. Honorable Mayor Jesse Arreguín administered the Oath of Office to Commissioners-elect Alpert, Laverde, Poblet, and Selawsky.
- b. Introduction of and Comments from Board Members-elect – The re-elected and newly elected Commissioners made comments to the Board and the public.
- c. Election of Chairperson:
The Executive Director opened the floor for nominations. Commissioner Chang nominated Commissioner Laverde, and she accepted.

M/S/C (Tregub/Alpert) MOTION TO CLOSE NOMINATIONS FOR BOARD CHAIR. Roll call vote. YES: Alpert, Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 8-0-0-1.

MOTION TO ELECT BOARD CHAIR. Roll call vote.
Alpert: Paola Laverde;
Chang: Paola Laverde;
Laverde: Paola Laverde;
Murphy: Paola Laverde;
Poblet: Paola Laverde;
Simon-Weisberg: Paola Laverde;
Soto-Vigil: Absent;
Tregub: Paola Laverde;
Selawsky: Paola Laverde.

Commissioner Laverde was elected as the Board's Chair by a 8-0-0-1 vote.

- d. Election of Vice-Chairperson:
Chair Laverde opened the floor for nominations. Commissioner Poblet nominated Commissioner Simon-Weisberg, and she accepted. Commissioner Selawsky nominated Commissioner Murphy, and she declined citing a desire for a bit more experience on the Board before accepting such a nomination.

M/S/C (Tregub/Chang) MOTION TO CLOSE NOMINATIONS FOR BOARD VICE-CHAIR. Roll call vote. YES: Alpert, Chang, Murphy, Poblet, Selawsky, Simon-Weisberg, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 8-0-0-1.

MOTION TO ELECT BOARD VICE-CHAIR. Roll call vote.

Alpert: Simon-Weisberg;
Chang: Simon-Weisberg;
Laverde: Simon-Weisberg;
Murphy: Simon-Weisberg;
Poblet: Simon-Weisberg;
Simon-Weisberg: Simon-Weisberg;
Soto-Vigil: Absent;
Tregub: Simon-Weisberg;
Selawsky: Abstain.

Commissioner Simon-Weisberg was elected Vice-Chair by a 7-0-1-1 vote.

- e. Comments from the newly-elected Chair, Vice-Chair and Board Members – The newly elected Chair and Vice-Chair made comments to the Board and the public. Commissioners also thanked out-going Chair Selawsky for his service.

5. CONSENT ITEMS

Action items 6.a.(1), and 6.a.(4) with the exception of Waiver #4754 were moved to Consent by an earlier vote of the Board.

- a. Approval of the November 19th regular meeting minutes
- b. Request to excuse Commissioner Poblet's absence from the November 19th Regular Board Meeting (Commissioners Murphy, Poblet & Chang)
- c. Request to excuse Commissioner Murphy's absence from the November 19th Regular Board Meeting (Commissioners Murphy, Poblet & Chang)

M/S/C (Selawsky/Tregub) MOTION TO APPROVE CONSENT ITEM 5.a. Voice vote. Carried: 5-0-3-1. ABSTAIN: Alpert, Murphy, Poblet*; ABSENT: Soto-Vigil.

M/S/C (Selawsky/Tregub) MOTION TO APPROVE CONSENT ITEMS 5.b., AND 5.c., AND ACTION ITEMS 6.a.(1) AND 6.a.(4) EXCEPT WAIVER #4754 AS WRITTEN. Voice vote. Carried: 8-0-0-1. ABSENT: Soto-Vigil.

*Commissioner Alpert abstained because he was not a Commissioner at the time of the November 19th meeting. Commissioners Murphy and Poblet abstained because they were absent from the November 19th meeting.

6. ACTION ITEMS

Action items 6.a.(1, and 6.a.(4) except Waiver #4754 were moved to consent; Commissioner Tregub was removed as a co-sponsor of action item 6.a.(3)a; and action items 6.a.(3)a and 6.a.(3)b were consolidated by an earlier vote of the Board.

a. From Board Members, Executive Director and Committees

- (1) Recommendation to amend Regulation 1269 [Change in Space or Services] – Second reading (IRA/AGA/Registration Committee)

MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

- (2) Recommendation to adopt the Rent Stabilization Board Regular Meeting Schedule and Location for 2019 (Executive Director)

M/S/C (Selawsky/Alpert) MOTION TO ADOPT RESOLUTION 18-25 TO HOLD THE REGULARLY-SCHEDULED BOARD MEETINGS ON THE THIRD THURSDAY OF EACH MONTH AT THE BERKELEY UNIFIED SCHOOL DISTRICT BOARD ROOM. Roll call vote. YES: Alpert, Poblet, Selawsky, Simon-Weisberg, Tregub, Laverde; NO: None; ABSTAIN: Chang, Murphy*; ABSENT: Soto-Vigil. Carried: 6-0-2-1.

*Commissioner Chang abstained because he wanted more time to think about the proposal; Commissioner Murphy did not state a reason for her abstention.

- Commissioner Murphy will likely miss the May meeting
- Commissioner Poblet will likely miss the January meeting
- Commissioner Chang will likely miss the July and October meetings
- Commissioner Laverde will likely miss the August meeting
- Commissioner Tregub will likely miss the January meeting and possibly the May meeting.

The Board Secretary noted for the record that, since Commissioner Soto-Vigil was not present for this portion of the meeting, he would be informed of the 2019 Regular Meeting Schedule so that he could provide his availability for the 2019 meeting dates.

- (3) Discussion and possible action related to Senate Bill SB 18 (Skinner), the Keep Californians Housed Act

- a. Recommendation that the Board endorse Senate Bill 18 and notify the author (Commissioners Tregub and Simon-Weisberg, and Vice-Chair Laverde)

COMMISSIONER TREBUB WAS REMOVED AS CO-SPONSOR OF THIS ITEM AND IT WAS COMBINED WITH ITEM 6.a.(3)b BY AN EARLIER VOTE OF THE BOARD.

- b. Recommendation that the Board endorse Senate Bill 18, notify the author, and forward to the City Council (Commissioners Chang and Murphy)

M/S/C (Tregub/Simon-Weisberg) MOTION TO EMPOWER THE CHAIR AND VICE-CHAIR TO WORK WITH STAFF TO DRAFT A LETTER SUPPORTING SB 18 (SKINNER) IN CONCEPT AS CURRENTLY

WRITTEN; TO SEND THE LETTER TO THE BILL'S AUTHORS AND OTHER KEY STAKEHOLDERS IN SACRAMENTO, AND THE BERKELEY CITY COUNCIL; AND DIRECT THE BOARD'S LOBBYIST TO ENGAGE WITH THE APPROPRIATE STAKEHOLDERS IN SACRAMENTO TO CONTINUE TO FURTHER REFINE THE BILL.

Roll call vote. YES: Alpert, Chang, Murphy, Poblet, Selawsky, Simon-Weisberg, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Soto-Vigil. Carried: 8-0-0-1.

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

Administrative Waivers

Waiver No. Property Address

4765 1711 Blake Street

Ministerial Waivers

Waiver No. Property Address

4755 1390 Curtis Street

Discretionary Waivers

Waiver No. Property Address

4732 1215 Virginia Street

4753 1329 Curtis Street

4754 2133 Parker Street

4757 2030 Delaware Street

4758 838 Hearst Avenue

4759 120 Fairlawn Drive

4768 1531 Alcatraz Avenue

MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD EXCEPT WAIVER #4754, WHICH WAS HELD OVER TO THE NEXT MEETING.

7. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

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

a. Reports from Board Members/Staff

- (1) Update on the Rent Board Staffing Model – *Verbal* (Executive Director) – The Executive Director announced that an Office Specialist II resigned to take a position at the Oakland Rent Stabilization Program, and staff are working on filling the position.

- (2) Short-term Rental applications update (Executive Director) – Commissioners requested that the 4x4 Committee take up the issue of enforcement of the Short-term Rentals Ordinance.
- (3) Rent Board “Tip of the Month” for December 2018 – *2019 Rent Increases* (Executive Director)
- (4) November 29, 2018 communication to the Board from Dohee Kim, Advocacy Intern at YWCA Berkeley/Oakland and Zoning Adjustments Board Commissioner, regarding affordable student housing (Executive Director)
- (5) October 29, 2018 article from *The American Journal of Economics and Sociology* by Teron McGrew, MS, PhD, titled, “The History of Residential Segregation in the United States, Title VIII, and the Homeownership Remedy” (Vice-Chair Laverde) <https://onlinelibrary.wiley.com/doi/10.1111/ajes.12243> (Abstract only)
- (6) November 21, 2018 *Curbed Los Angeles* article by Elijah Chiland titled, “LA County approves temporary rent control measure” (Vice-Chair Laverde) <https://la.curbed.com/2018/11/21/18095439/la-county-rent-control-measure>
- (7) November 26, 2018 *Daily Journal* article by Zachary Clark titled, “Officials eye rent control: Half Moon Bay officials examining variety of protections for residents” (Vice-Chair Laverde) https://www.smdailyjournal.com/news/local/officials-eye-rent-control/article_5299b54a-f12e-11e8-9f61-ef7db02dbf22.html
- (8) November 29, 2018 *Daily Post* article by Allison Levitsky titled “Mountain View residents to vote on ‘sneaky repeal’ of rent control” (Vice-Chair Laverde) <https://padailypost.com/2018/11/29/mountain-view-residents-to-vote-on-sneaky-repeal-of-rent-control/>
- (9) December 3, 2018 *Reason.com* article by Christian Britschgi titled, “Oakland Gets Sued For Law Requiring That Landlords Pay Tenants Up to \$12,000 Just to End a Lease” (Commissioner Murphy) <https://reason.com/blog/2018/12/03/oakland-gets-sued-for-law-requiring-that>
- (10) December 4, 2018 *MissionLocal.org* article by Joe Eskenazi titled, “Anne Kihagi: Court roundly rejects appeal brought by San Francisco’s ‘cruellest landlord’—affirms hefty fine” (Executive Director) <https://missionlocal.org/2018/12/anne-kihagi-court-of-appeal-roundly-rejects-appeal-brought-by-san-franciscos-cruellest-landlord-affirms-hefty-fine/>
- (11) December 5, 2018 *Architects Newspaper* article by Antonio Pacheco titled, “Housing Battles Continue: California’s new legislators aim to reshape state housing policy” (Vice-Chair Laverde) <https://archpaper.com/2018/12/californias-new-legislators-aim-to-reshape-state-housing-policy/>

- (12) December 8, 2018 *Mercury News* article by Emily Deruy titled, “San Jose landlords may be pressured to accept Section 8 vouchers” (Vice-Chair Laverde)
<https://www.mercurynews.com/2018/12/08/san-jose-landlords-may-be-forced-to-accept-subsidized-rent-vouchers/>

8. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

Chair Laverde asked that all Commissioners notify her of their preferred committee assignments by January 11, 2019.

- a. Budget and Personnel
- b. Eviction/Section 8/Foreclosure .
- c. Habitable & Sustainable Housing (HASH)
- d. IRA, AGA and Registration
- e. Outreach
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board
- g. 4 x 4 Ad Hoc Committee on Safety, Occupancy and Affordability of Converted Artist Warehouses and Workspaces
- h. Ad Hoc Committee on Real Property Negotiations
- i. Ad Hoc Committee on the Effects of Costa-Hawkins
- j. Ad Hoc Committee on Technology Issues
- k. 2 x 2 x 2 Committee on Housing: Council / Rent Board / BUSD
- l. Updates and Announcements regarding future Special Meetings
- m. Discussion of items for possible placement on future agenda

9. **ADJOURNMENT** – Chair Laverde adjourned the meeting at 8:45 p.m. in honor and memory of Julia Vinograd.