



Rent Stabilization Board

RENT STABILIZATION BOARD 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, April 16, 2018
7:00 p.m.

1. **Roll call** – Chair Selawsky called the meeting to order at 7:12 p.m.
Aimee Mueller called roll.
Commissioners present: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky.
Staff present: Brown, Kelekian, Mueller.
2. **Approval of Agenda** – M/S/C (Townley/Tregub) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: COMBINE ACTION ITEM 5.a.(1) AND INFORMATION ITEM 8.a.(2); MOVE ACTION ITEMS 5.a.(2) and 5.a.(3) TO CONSENT; AND MOVE CLOSED SESSION UP ON THE AGENDA TO TAKE PLACE BEFORE PUBLIC FORUM. Roll call vote. YES: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

Motion to reconsider prior vote: M/S/C (Soto-Vigil/Tregub) CHANGE PRIOR MOTION TO REFLECT THAT CLOSED SESSION WILL BE HELD AT THE END OF THE MEETING. Roll call vote. YES: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

3. **Public Forum** – There were two speakers. W.B.C. shared his experience fighting an eviction. Christine Schwartz urged the public to attend the Progressive Tenant Convention on April 22, 12:45 p.m. at 2727 Milvia Street in Berkeley.

Commissioner Poblet mentioned rumors that the U.S. Department of Housing and Urban Development (HUD) will no longer enforce fair housing laws, and reminded the public that the State of California and the City of Berkeley have fair housing laws, and that information is available on the Rent Board's website.

4. CONSENT ITEMS

Action items 5.a.(2) and 5.a.(3) were moved to Consent by an earlier vote of the Board.

- a. Approval of the March 19, 2018 meeting minutes
- b. Adopt Resolution 18-02 Increasing the Authorized Amount of AEPHI Settlement Funds Expended for Reimbursement of Low-income Tenants by \$2,500

M/S/C (Townley/Poblet) MOTION TO APPROVE ALL CONSENT ITEMS, INCLUDING ACTION ITEMS 5.a.(2) and 5.a.(3), AS WRITTEN. Roll call vote. YES: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

5. ACTION ITEMS

Action items 5.a.(2) and 5.a.(3) were moved to Consent, and Information item 8.a.(2) was combined with Action item 5.a.(1) by an earlier vote of the Board.

a. From Board Members, Executive Director and Committees

- (1) Recommendation to schedule a Special Meeting of the Rent Board on May 7, 2018, to adopt the annual registration fee for the 2018-2019 fiscal year (Budget & Personnel Committee and Executive Director)

M/S/C (Tregub/Simon-Weisberg) MOTION REGARDING ITEM 5.a.(1) AND 8.a.(2) TO SET A SPECIAL MEETING FOR MAY 7, 2018 TO ADOPT THE ANNUAL REGISTRATION FEE, AND TO TRANSACT OTHER BUSINESS AS NECESSARY. Roll call vote. YES: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

Commissioner Townley stated for the record that he may not be able to attend this meeting.

- (2) Recommendation to adopt proposed amendments to Regulation 1267 [Capital Improvements] on first reading (Executive Director & Legal Unit)

MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

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

Discretionary Waivers

Waiver No. Property Address

4639	1515 Blake Street
4676	2122 9th Street
4680	2843 Sacramento Street

4683	2324 9th Street
4685	1734 Spruce Street
4687	2118 Ward Street
4688	901 Page Street
4696	2728 Channing Way
4699	2837 Regent Street
4703	1620 Harmon Street

MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

6. **APPEAL – Case No. T-5718 (1524 University Avenue)**

APPEAL WITHDRAWN BY APPELLANT. THE BOARD NEED NOT CONSIDER THIS MATTER AS THERE ARE NO FURTHER ISSUES OF LAW OR FACT TO DECIDE.

7. **APPEAL – Case No. E-84 (1534 Julia Street, lower unit)**

Appearances:

Ben Holl – on behalf of Appellant.

Samuel Jensen Augustine – Appellant.

Elisa Della-Piana – Respondent

M/S/C (Simon-Weisberg/Poblet) MOTION TO AFFIRM THE HEARING EXAMINER’S DECISION AS WRITTEN. Roll call vote. YES: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

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

All Items Below Were Mentioned And/Or Briefly Discussed. Underlined Items Have Additional Comments And/Or Information.

a. **Reports from Board Members/Staff**

- (1) Update on proposed amendments to Senate Bill (SB) 827 [Planning and zoning: transit-rich housing bonus] (Commissioner Tregub & Executive Director)
- (2) 2/3-year Budget Update (Executive Director) – Combined with Action item 5.a.(1) by an earlier vote of the Board.
- (3) Short-Term Rental applications update (Executive Director)
- (4) Commissioner attendance at Board and Committee meetings for the 1st Quarter of 2018 (Executive Director)
- (5) Memo from Honorable Mayor Jesse Arreguín to the 4 x 4 Joint Committee on Housing regarding Prohibition of “Lease-Breaking” or “Roommate-Replacement Fees” (Executive Director)

- (6) Memo from Honorable Mayor Jesse Arreguín to the 4 x 4 Joint Committee on Housing regarding Amending the Tenant Protection Ordinance (TPO) to Prohibit Unilateral Lease Changes (Executive Director)
- (7) Copy of City of Berkeley Housing & Community Services Department's "[Apartment Buildings with City of Berkeley BMR Program Units](#)" handout (Executive Director)
- (8) Distressed Properties/Foreclosure Report (Eviction/Section 8/Foreclosure Committee)
- (9) Update on recent Rent Board outreach events (Executive Director)
- (10) Rent Board's March 2018 "Tip of the Month" posted on Facebook (Executive Director)
- (11) Update on legislation and/or new rent control or eviction protections in other cities, if any – Verbal (Executive Director & Commissioner Simon-Weisberg) – Commissioner Simon-Weisberg announced that there are now 10 cities that will have rent control/just cause on the ballot in November. Pomona is the latest city to file.
- (12) March 22, 2018 *Berkeleyside* article by Emilie Raguso titled, "Likely Berkeley voters say yes to affordable housing bond, survey says" (Vice-Chair Laverde) <http://www.berkeleyside.com/2018/03/22/likely-berkeley-voters-say-yes-affordable-housing-survey-says>
- (13) March 27, 2018 *Daily Californian* article by Alyssa Bernardino titled, "State Sen. Nancy Skinner introduces bill to boost affordable student housing" (Vice-Chair Laverde & Commissioner Tregub) <http://www.dailycal.org/2018/03/27/state-sen-nancy-skinner-introduces-bill-boost-affordable-student-housing/>
- (14) March 28, 2018 *Curbed San Francisco* article by Brock Keeling titled, "Berkeley mayor: 'I am committed to building housing on the Berkeley BART parking lot' " (Vice-Chair Laverde) <https://sf.curbed.com/2018/3/28/17170130/berkeley-mayor-bart-parking-lot-housing>
- (15) April 3, 2018 *CALMatters.org* article by Felicia Mello titled, "California campuses confront a growing challenge: homeless students" (Vice-Chair Laverde) <https://calmatters.org/articles/homeless-college-students-california/>
- (16) April 4, 2018 *Berkeleyside* article by Natalie Orenstein titled, "Berkeley police tell Marina RV campers to move out ... or get towed" (Commissioner Tregub) <http://www.berkeleyside.com/2018/04/04/berkeley-police-tell-marina-rv-campers-to-move-out-or-get-towed>

- (17) April 4, 2018 *Daily Californian* article by Shelby Mayes titled, “California officials oppose Department of Housing and Urban Development scaling back fair housing enforcement” (Commissioner Tregub)
<http://www.dailycal.org/2018/04/04/california-officials-oppose-department-housing-urban-development-scaling-back-fair-housing-enforcement/>
- (18) April 4, 2018 *East Bay Express* article by Scott Morris titled, “Fire and Fortune” (Commissioner Tregub)
<https://www.eastbayexpress.com/oakland/fire-and-fortune/Content?oid=14820565>
- (19) April 4, 2018 *East Bay Express* article by Sam Lefebvre titled, “Oakland Tenants Take Direct Action to Fight Large Rent Hikes” (Commissioner Tregub)
<https://www.eastbayexpress.com/oakland/oakland-tenants-take-direct-action-to-fight-large-rent-hikes/Content?oid=14821769>
- (20) April 5, 2018 *Berkeleyside* article by Natalie Orenstein titled, “Should UC Berkeley’s Oxford Tract be developed for student housing?” (Vice-Chair Laverde)
<http://www.berkeleyside.com/2018/04/05/should-uc-berkeleys-oxford-tract-be-developed-for-student-housing>
- (21) April 5, 2018 *Berkeley News* article by Jill Schlessinger of UC Berkeley’s Division of Student Affairs titled, “Student film raises awareness, proposes solutions to student homelessness” (Vice-Chair Laverde)
<http://news.berkeley.edu/2018/04/05/cal-student-film-raises-awareness-proposes-solutions-to-student-homelessness/>
- (22) April 10, 2018 *SFGate* article by Melody Gutierrez titled, “Wiener scales back bill that would allow taller housing near public transit” (Commissioner Tregub)
<https://www.sfgate.com/bayarea/article/Wiener-scales-back-bill-to-fast-track-housing-12821492.php>

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Committee Chair Tregub and the Executive Director reported that the Committee will meet on April 23rd and, if necessary, April 30th to prepare a recommendation for the May 7th Special Meeting.
- (1) March 28th agenda
- (2) April 10th agenda
- b. Eviction/Section 8/Foreclosure
- (1) April 11th agenda
- c. Habitable & Sustainable Housing (HASH) – Committee Chair Laverde announced that the Committee will meet on May 17th.

- d. IRA, AGA and Registration – Committee Chair Simon-Weisberg clarified that the Committee meets the first Thursday of every month, and staff mentioned that the next meeting is May 3 at 5:30 p.m.
- e. Outreach – Chair Chang stated that the Committee normally meets the first Monday of every month, but because of the May 7 Special Meeting, the next Committee meeting will have to be rescheduled.
 - (1) April 2nd meeting – CANCELLED
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Selawsky provided an overview of the topics covered at the last meeting, including short-term rentals and accessory dwelling units.
 - (1) April 2nd agenda packet
- 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 – Discussion on SB 827 and 1227, and other state issues

Commissioner Tregub announced that the Joint Committee on Housing Laws will have its first meeting on Tuesday, April 17 from 7:00 p.m. at the North Berkeley Senior Center (1901 Hearst Avenue).

At this point, the Board adjourned to reconvene in Closed Session to discuss the item(s) listed below.

CLOSED SESSION – The Board convened in Closed Session pursuant to California Government Code Section 54957(b)(1) for discussion and possible action regarding:

PUBLIC EMPLOYEE PERFORMANCE EVALUTION

Title: Executive Director

Upon reconvening, Chair Selawsky reported the following: The Board completed the evaluation of the Executive Director.

10. ADJOURNMENT – Chair Selawsky adjourned the meeting at 10:08 p.m.