



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, August 20, 2018
7:00 p.m.

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

CLOSED SESSION – Pursuant to California Government Code Section 54956.9(d)(1), the Board convened in Closed Session for an update on litigation:

Hanley v. City of Berkeley Rent Stabilization Board (RG 18896331)

Pursuant to California Government Code Section 54957(b), the Board also discussed:

EMPLOYMENT CONTRACT NEGOTIATIONS

Title: Executive Director

Upon conclusion of the closed session, Chair Selawsky announced that the Board heard updates on litigation, but took no action. The Board also discussed the Executive Director's contract, which was scheduled to be voted on later in the evening.

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- Roll call** – Chair Selawsky called the meeting to order at 7:31 p.m.
Aimee Mueller called roll.
Present: Chang, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky.
Absent: Laverde.
Staff present: Brown, Kelekian, Law (in audience), Mueller.
 - Approval of Agenda** – M/S/C (Tregub/Poblet) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ACTION ITEMS 5.a.(1), 5.a.(3), 5.a.(4), 5.a.(5), and 5.a.(6) TO CONSENT, AND ADJOURN THE MEETING IN HONOR AND MEMORY OF JUDY SHATTUCK AND ARETHA FRANKLIN. Voice vote.
Carried: 8-0-0-1. ABSENT: Laverde.

3. **Public Forum** – Moni Law spoke on items 5.a.(4) and 5.a.(5), Cal Students facing housing issues, the Rent Board’s incoming Cal Interns, and the displacement of people of color in Berkeley.

4. **CONSENT ITEMS**

Action items 5.a.(1), 5.a.(3), 5.a.(4), 5.a.(5), and 5.a.(6) were moved to Consent by an earlier vote of the Board.

- a. Approval of the July 16th meeting minutes
- b. Adopt Resolution 18-15 approving the Unrepresented Employee salary adjustments and update to the Unrepresented Employee Manual (Executive Director)
[Additional information available online]
- c. Adopt Resolution 18-16 approving the new Memorandum Agreement with SEIU Local 1021 (Maintenance & Clerical Chapter) with a term of June 17, 2018 through June 27, 2020 and authorizing the Executive Director to execute and implement the terms of the agreement (Executive Director) [Additional information available online]

M/S/C (Townley/Tregub) MOTION TO APPROVE ALL CONSENT ITEMS AS WRITTEN, INCLUDING ACTION ITEMS 5.a.(1), 5.a.(3), 5.a.(4), 5.a.(5), and 5.a.(6).
Voice vote. Carried: 8-0-0-1. ABSENT: Laverde.

5. **ACTION ITEMS**

Action items 5.a.(1), 5.a.(3), 5.a.(4), 5.a.(5), and 5.a.(6) were moved to Consent by an earlier vote of the Board.

a. From Board Members, Executive Director and Committees

- (1) Recommendation that the Board adopt Resolution 18-17 supporting Proposition 10, The Affordable Housing Act (Vice-Chair Laverde, Commissioner Simon-Weisberg and Commissioner Chang) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.
- (2) Recommendation to adopt Resolution 18-18 to extend and modify the contract with the Executive Director (Budget & Personnel Committee)

M/S/C (Simon-Weisberg/Murphy) MOTION TO ADOPT THE PROPOSED CONTRACT WITH THE FOLLOWING AMENDMENT: CHANGE SECTION 2, DUTIES, ITEM xi TO READ, “...DUTIES LISTED IN THIS CONTRACT GUIDED PRIMARILY BY PREVIOUS BOARD DECISIONS.” Roll call vote.
YES: Chang, Murphy, Poblet, Simon-Weisberg, Townley, Tregub, Selawsky;
NO: Soto-Vigil*; ABSTAIN: None; ABSENT: Laverde. Carried: 8-1-0-1.

*Commissioner Soto-Vigil stated that he voted “no” on the grounds that he opposes, as a matter of public policy, severance pay provisions for public officials.

- (3) Recommendation to invite the Berkeley Housing Authority (BHA) Executive Director to give a presentation to the full Board on the operations of the BHA (Eviction/Section 8/Foreclosure Committee) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.
- (4) Adopt a resolution to take the steps necessary to fill the vacant Deputy Director position and to temporarily modify the Staffing Model as deemed appropriate to provide assistance until the Deputy Director position is filled (Budget & Personnel Committee and Executive Director) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.
- (5) Authorize the Executive Director to relocate the regularly-scheduled September and October Rent Board meetings to Berkeley City College (Executive Director and Budget & Personnel Committee) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.
- (6) Proposal to approve staff recommendations on the following requests for waiver of late registration penalties (Executive Director) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

Administrative Waiver

Waiver No. Property Address

4704 2821 Grant Street

Ministerial Waivers

Waiver No. Property Address

4694 2938 Ellis Street
4705 520 Arlington Avenue
4718 1761 Spruce Street
4719 2473 Prince Street
4720 1221 Bonita Avenue
4721 1532 Virginia Street

6. APPEAL – Case No. IRD-138 (1406 Cornell Avenue)

This appeal was withdrawn by the appellant.

7. 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 Board’s recommendation to City Council regarding proposed amendments to the Rent Stabilization Ordinance (Executive Director)

- (2) July 10, 2018 Memo from Board Chair Selawsky to Members of the City Council regarding proposed Rent Stabilization Ordinance amendments (Chair Selawsky & Executive Director)
- (3) Online Registration update – *Verbal* (Executive Director)
- (4) Short-term Rental applications update (Executive Director) – Commissioner Townley noted that, based on the number of approved applications, there are still a lot of illegal short-term rentals in Berkeley.
- (5) Rent Board “Tip of the Month” for August 2018 – *Move-In Checklist* (Executive Director)
- (6) City Council Ordinance No. 7,622-N.S. amending the Berkeley Municipal Code (BMC) to specify that vacancy after a given period is a condition of unlawful nuisance (Executive Director)
- (7) August 3, 2018 *Forbes.com* article by Erik Sherman titled, “Additional Building Won’t Make City Housing More Affordable, Says Fed Study” (Executive Director) <https://www.forbes.com/sites/eriksherman/2018/08/03/additional-building-wont-make-city-housing-more-affordable-says-fed-study/#71249785218b>
- (8) August 6, 2018 *The Washington Post* article by Jeff Stein titled, “In expensive cities, rents fall for the rich – but rise for the poor” (Executive Director) https://www.washingtonpost.com/business/economy/in-expensive-cities-rents-fall-for-the-rich-but-rise-for-the-poor/2018/08/05/a16e5962-96a4-11e8-80e1-00e80e1fdf43_story.html?utm_term=.fc8df21ba72f&noredirect=on
- (9) August 14, 2018 *San Francisco Public Press* article by Noah Arroyo titled, “Remaking Rent Control – if Voters Approve” (Executive Director) <https://sfpublicpress.org/news/2018-08/housingsolutions2018/remaking-rent-control-if-voters-approve>

8. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Committee Chair Tregub stated that the Committee met last week and that their recommendations were adopted tonight.
 - (1) August 16th agenda
- b. Eviction/Section 8/Foreclosure – Committee Chair Poblet reported that the Committee had adopted the recommendation to invite the Berkeley Housing Authority Director to present to the full Board and open a dialogue.
- c. Habitable & Sustainable Housing (HASH) – Commissioner Townley reported that the Committee’s next meeting is Thursday, August 23 at 6:00 p.m.

(1) August 23rd agenda

- d. IRA, AGA and Registration – Staff Attorney Brown suggested a meeting on September 6 at 5:30 p.m. and the Committee members discussed availability.
- e. Outreach – Committee Chair Chang thanked the Executive Director for his presentation at the Committee’s last meeting, and thanked staff for their work on the Tip of the Month.
- 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 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 – Commissioner Murphy announced a town hall meeting on August 21, from 6-7:30 p.m., at the South Berkeley Senior Center about the closing of the emergency shelter located at 9th and University. She also spoke about ACE Action. Commissioner Townley announced that S.F. Public Press is a local, community-run publishing house that is a great resource for unbiased information.
- l. Discussion of items for possible placement on future agenda

9. **ADJOURNMENT** – The meeting adjourned at 8:15 p.m. in honor and memory of Judy Shattuck, a long-time social justice advocate, and the Queen of Soul Aretha Franklin.