



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, September 17, 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* (Case # RG18896331)

Pursuant to California Government Code Section 54956.8, the Board also discussed:

UPDATE FROM REAL PROPERTY NEGOTIATOR
Renewal of Lease at 2125 Milvia Street

Upon conclusion of the closed session, Chair Selawsky announced that the Board heard updates on litigation, and an update on the renewal of the lease at 2125 Milvia Street. No action was taken.

1. **Roll call** – Chair Selawsky called the meeting to order at 7:26 p.m.
Aimee Mueller called roll.
Present: Chang, Laverde, Murphy, Poblet, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky.
Absent: None.
Staff present: Brown, Kelekian, Mueller.
2. **Approval of Agenda** – M/S/C (Chang/Murphy) MOTION TO MOVE ACTION ITEMS 5.a.(1) AND 5.a.(2) TO CONSENT. Voice vote. Carried: 9-0-0-0.
3. **Public Forum** – There was one speaker. Moni Law announced the Indigenous Peoples' Day event on October 6th in Civic Center Park from 10 a.m. – 6 p.m.
4. **CONSENT ITEMS**

Action items 5.a.(1) and 5.a.(2) were moved to Consent by an earlier vote of the Board.

- a. Approval of the August 20th meeting minutes
- b. Request to reimburse Commissioner Chang's stipend deduction for his absence from the August 16th Budget and Personnel Committee meeting (Commissioner Chang and Commissioner Murphy)

M/S/C (Chang/Murphy) MOTION TO APPROVE ALL CONSENT ITEMS, INCLUDING ACTION ITEMS 5.a.(1) and 5.a.(2) 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.(1) and 5.a.(2) were moved to Consent by an earlier vote of the Board.

a. From Board Members, Executive Director and Committees

- (1) Recommendation to adopt proposed amendments to Regulation 608 [Emergency Regulations and Orders of Repeal] on first reading (IRA/AGA/Habitability Committee & Executive Director) – MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.
- (2) 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.

Ministerial Waivers

Waiver No. Property Address

4736 2206 Martin Luther King Jr. Way

Discretionary Waivers

Waiver No. Property Address

4693 2124 Acton Street
4700 2331 8th Street
4706 1618 Alcatraz Avenue
4708 2709 Dwight Way
4709 2321 Blake Street
4710 1810 Euclid Avenue
4722 2713 Grant Street
4724 1534 Julia Street
4725 2710 Ashby Avenue

6. APPEAL – Case No. RWN-1608 (472 Kentucky Ave.)

Appearances:

Appellant Elizabeth Gannaway Ghassemi

Respondents Heidi and Jeremy Wagner

M/S/C (Poblet/Murphy) MOTION TO AFFIRM THE HEARING EXAMINER'S DECISION. 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.

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 Staffing Model – *Verbal* (Executive Director) – The Executive Director announced that the Division Manager of the Public Information and Registration Units has accepted a position as the Director of the Oakland Rent Board, and offered her resignation. Efforts to revise the Deputy Director job description are ongoing, and the Executive Director is exploring options to provide additional staff support during this transitional period.
- (2) Short-term Rental applications update (Executive Director) – After comments by several commissioners, it was decided that the issue of outreach and enforcement of the Short-term Rentals Ordinance would be added to the 4x4 Committee's agenda.
- (3) September 11, 2018 memo from City Attorney Farimah Brown regarding Campaigning in City Facilities (Executive Director)
- (4) Update on recent Rent Board outreach events (Executive Director)
- (5) Update on location of October Rent Board meeting – *Verbal* (Executive Director)
- (6) Rent Board "Tip of the Month" for September 2018 – *Rent Board Services* (Executive Director)
- (7) September 5, 2018 *The New York Times* article by Mihir Zaveri titled, "Laws Punishing Homeless People for Sleeping in Public Are Cruel and Unusual, Court Rules" and related U.S. Ninth Circuit Court of Appeals Opinion (Commissioner Murphy)
<https://www.nytimes.com/2018/09/05/us/-homeless-sleeping-on-street-ruling.html>
- (8) August 21, 2018 *The New York Times* article by Emily Badger titled, "The Bipartisan Cry of 'Not in My Backyard'" (Executive Director)
<https://www.nytimes.com/2018/08/21/upshot/home-ownership-nimby-bipartisan.html?action=click&module=Well&pgtype=Homepage§ion=The%20Upshot>
- (9) August 24, 2018 *SFGate.com* article by Bay City News Service titled, "SF realtor, Novato property owner charges (sic) with price gouging during North Bay wildfires" (Executive Director)
<https://www.sfgate.com/news/bayarea/article/Price-gouging-North-Bay-wildfires-Xavier-Becerra-13179372.php>

- (10) August 29, 2018 *Curbed San Francisco* article by Adam Brinklow titled, “Bay Area’s highest rents, mapped” (Executive Director)
<https://sf.curbed.com/maps/highest-rent-zip-codes-bay-area-map>
- (11) August 31, 2018 *Santa Cruz Sentinel* article by Jessica A. York titled, “What would Santa Cruz’s Measure M rent board look like, compared to others?” (Executive Director)
<http://www.santacruzsentinel.com/article/NE/20180831/NEWS/180839945>

8. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Committee Chair Tregub reported that the Committee met about a month ago and discussed the staffing model. It also finalized the Executive Director’s contract.
- b. Eviction/Section 8/Foreclosure – Committee Chair Poblet said the Committee met on August 27th and heard a report on distressed properties. The next meeting is on October 1st at 5:30 p.m.
 - (1) August 27th agenda
- c. Habitable & Sustainable Housing (HASH) – Committee Chair Laverde stated the Committee will meet on September 27th. The Committee is looking into creating a subcommittee to explore joint efforts with other city committees to expand green housing efforts.
- d. IRA, AGA and Registration – Committee Chair Simon-Weisberg reported that the Committee approved the proposed changes to Regulation 608, and discussed a registry. Their next meeting is scheduled for October 3rd at 8:30 a.m. to approve the Annual General Adjustment.
 - (1) September 12th agenda
- e. Outreach – Committee Chair Chang reported that the Committee is focusing on a tenant survey, and the issue of language accessibility.
 - (1) September 17th agenda
- 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
- l. Discussion of items for possible placement on future agenda – Refer the issue of Short-term Rentals Ordinance outreach and enforcement to the 4x4 Committee.

9. **ADJOURNMENT** – The meeting adjourned at 8:40 p.m.