



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, February 18, 2021
7:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City of Berkeley Rent Stabilization Board (Rent Board) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://zoom.us/j/94935840413?pwd=VFNXTm9MN2RY1VPbW1UVmlWanJudz09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Meeting ID: 949 3584 0413 and Passcode: 417409. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit an e-mail comment to be read aloud during public comment, email amueller@cityofberkeley.info with the Subject Line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

Please be mindful that this meeting will be recorded, and all other rules of procedure and decorum will apply for Rent Board meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

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7:00 p.m.

Regular Meeting Minutes - Unapproved

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:01 p.m.
Aimee Mueller called the roll.
Commissioners present: Alpert, Chang (arrived at 9:15 p.m.), Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg.
Commissioners Absent: None.
Staff present: Brown, Bursell, Byrnes, Law (in audience), Mueller, Pretto, Siegel, Wu.
2. **Approval of Agenda** – M/S/C (Johnson/Laverde) MOVE THE AGENDA AS WRITTEN.
Friendly amendment by Alpert (accepted): MOVE ITEM 7.a.(2) TO CONSENT. Roll call vote. YES: Alpert, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.
3. **Public Comment (for items not on the agenda)** – There were two speakers. Anne T. Omura, Executive Director of the Eviction Defense Center (EDC), thanked the Board for amending their contract to allow EDC to expand their anti-displacement work through the Housing Retention grant program. Matthew Lewis spoke about the Tenant Opportunity to Purchase Act (TOPA) and the new zoning law City Council is considering.
4. **CONSENT ITEMS**

Item 7.a.(2) was moved to Consent by an earlier vote of the Board.
 - a. Approval of the January 21st regular meeting minutes

M/S/C (Selawsky/Laverde) MOTION TO MOVE CONSENT ITEMS, INCLUDING ITEM 7.a.(2). Roll call vote. YES: Alpert, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.
5. **SPECIAL PRESENTATION**: Honorary Resolution 21-02 to be presented to Gus Newport, former City of Berkeley mayor, in honor of Black History Month.

Following an introduction by Commissioner Laverde, Commissioner Mendonca read aloud Resolution 21-02 in recognition of former Berkeley Mayor Gus Newport.

M/S/C (Laverde/Mendonca) MOTION TO ADOPT RESOLUTION 21-02. Roll call vote. YES: Alpert, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.
6. **Public Comment (for agenda items)** – There were five speakers. Moni T. Law, Veronika Fukson, Frank Polizzi, Councilmember Max Anderson, and Matthew Lewis spoke in recognition of Gus Newport’s work and legacy.

7. ACTION ITEMS

Item 7.a.(2) was moved to Consent by an earlier vote of the Board.

a. From Board Members, Committees, and Executive Director

- (1) Discussion and possible action regarding Mid-Fiscal Year Budget Report and recommendation to adopt Resolution 21-01 which would adjust the staffing model to add a permanent Community Services Specialist II (Housing Counselor) to the Public Information Unit (Acting Executive Director and Budget & Personnel Committee)

M/S/C (Alpert/Kelley) MOVE THE RECOMMENDATION OF THE BUDGET & PERSONNEL COMMITTEE TO ADOPT RESOLUTION 21-01 AS WRITTEN. Roll call vote. YES: Alpert, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang. Carried: 8-0-0-1.

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

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4931	1520 Woolsey Street
4935	2317 Le Conte Avenue
4936	1327 Haskell Street
4938	1412 Kains Avenue
4939	2411 6 th Street

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4933	1819 9 th Street
4937	1232 Ashby Avenue

ITEM 7.a.(2) WAS MOVED TO CONSENT BY AN EARLIER VOTE OF THE BOARD.

8. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

The items below were each mentioned or briefly discussed. Underlined items have additional comments.

a. Reports from Board Members/Staff

- (1) Update on the Registration Unit's January billing of penalties for late or unpaid registration fees (Acting Executive Director) – The Acting Executive Director and Registration Unit Supervisor updated the Board on the status of the January penalty billing.

- (2) Measure MM implementation update (Acting Executive Director) – The Public Information and Registration Unit Supervisors gave a PowerPoint presentation on Measure MM implementation and answered questions from the Board.
 - a. February 2021 Measure MM mailing to 1,675 owners of rental properties subject to Measure MM
 - b. [New Rent Board Registration webpage](#) – Information for all types of registration
 - c. [New Measure MM Registration webpage](#)
 - d. [New Fully-Covered Rental Registration webpage](#)
- (3) Update on SB 91 Fact Sheet [COVID-19 relief: tenancy; federal rental assistance] (Acting Executive Director & Legal Staff)
- (4) Update on recent Rent Board outreach events (Acting Executive Director)
 - a. February 17th COVID-19 Update Webinar (10:00 - 11:30 a.m.)
- (5) [Discounted Rent offer information on the Rent Board website](#) (IRA/AGA/Registration Committee)
- (6) January 31, 2021 *San Francisco Chronicle* article by Tatiana Sanchez, Catherine Ho and Mallory Moench titled, “California says equity is vital for vaccine distribution. But data is almost nonexistent” (Commissioner Chang)
<https://www.sfchronicle.com/bayarea/article/California-says-equity-is-vital-for-vaccine-15910955.php>
- (7) Date to submit agenda topics for March 18, 2021 Rent Board meeting: Monday, March 8th

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel – Committee Chair Selawsky reported that the Committee’s next meeting is next week and asked members to submit any agenda items.
 - (1) January 28th agenda
- b. Eviction/Section 8/Foreclosure – Committee Chair Mendonca reported that the Committee is creating its workplan.
 - (1) February 11th agenda

- c. Habitable & Sustainable Housing (HASH)
- d. IRA/AGA/Registration – Committee Chair Kelley reported that the Committee will be looking at the new zoning ordinance being considered by City Council.
 - (1) February 9th agenda
- e. Outreach – Committee Chair Laverde reported that the Committee is discussing the tenant survey.
 - (1) February 10th agenda
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District
- g. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg announced that the Committee will meet next week and that she is bringing an item about habitability plans based on Los Angeles’ practice.
 - Next meeting date: Wednesday, February 24th at 3:00 p.m.
- h. Ad Hoc Committee on RSB Technology Issues
- i. Updates and Announcements
- j. Discussion of items for possible placement on future agenda

At this point, the Board adjourned to reconvene 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 as follows:

- *Marowitz v. City of Berkeley Rent Board* (Alameda County Superior Court Case #RG19042977)
- *Magganas v. City of Berkeley Rent Board* (Alameda County Superior Court – Case # not yet assigned)
- *Nanak Foundation v. City of Berkeley Rent Board* (Alameda County Superior Court Case #RG19047960)
- *NCR Properties v. City of Berkeley Rent Board; City of Berkeley* (Alameda County Superior Court Case #RG19024268)
- *Berkeley Rental Housing Coalition v. City of Berkeley Rent Board* (Court of Appeal, 1st App. District, Case #A160652)

Due to technical difficulties, the Chair was unable to publicly announce any reportable action taken by the Board in closed session. Any such action will be reported at the Board's next meeting.

10. **ADJOURNMENT** – Due to technical difficulties, the motion to adjourn was not a part of the publicly accessible meeting and will be reported at the Board's next meeting.