



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: April 15, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Leah Simon-Weisberg, Rent Board Chair
By: Matt Brown, Acting Executive Director

RE: Recommendation to adopt Resolution 21-04 to amend Rent Board regular meeting schedule for 2021 calendar year

Recommendation

That the Board adopt Resolution 21-04 to amend the Rent Board regular meeting schedule for the 2021 calendar year to allow landlords more time to receive notification of registration fees.

Background

Pursuant to Government Code Section 54954 et seq., in December of each year the Board adopts a schedule of its regular meetings for the following calendar year, including the time and location of the meeting. From time to time, the Board adjusts its regular meeting schedule to accommodate the elected Commissioners, needs of the agency, and input from the community.

This year, staff and the Board have been working tirelessly to implement Measure MM¹ and ascertain the number of units that will be subject to the law's new registration requirements. To that end, Board staff have sent out two letters to landlords of a number of properties comprising approximately 9,400 rental units to determine whether these units are rented or available for rent. The Commissioners have provided direction that the Board needs to have as accurate a picture as possible of the number of units that will likely register for the 2021/2022 Fiscal Year in order to determine the fee to provide services for these rental units.

¹ Measure MM was adopted by the Berkeley voters during the November 2020 general election. Among other things, it requires the Board to register various partially covered rental units including rented single family homes, condominiums, and units that qualify as new construction. These units have not previously been required to register.

California law requires that a local agency hold at least one public meeting prior to approving an increase to an existing fee as part of a regularly scheduled meeting.² The Measure MM fee is a new one, so there will necessarily be an increase.

Rent Board fees are due July 1st of each calendar year.³ This year, for the first time, Board staff will be billing landlords of both Measure MM and rent-controlled units. Additionally, given that the agency is currently in the process of converting to a new database, staff will have to bill and collect money for all the Measure MM units using the new database, but staff will still bill and collect money for the rent-controlled units using the older database.⁴

The regular meeting schedule adopted at the December 17, 2020 meeting set the May meeting date for May 20, 2021. If the Board waits until this date to adopt the registration fees, it will leave staff and landlords very little time to send notices and collect fees prior to the July 1, 2021 deadline. This is a disservice to the landlord community – many of whom will be registering their rental units with the Board for the first time given the express mandate of Measure MM.

Conclusion

In order to give landlords more time to pay and staff more time to deal with two unique databases they will use for collection of registration fees, I am recommending that the Board adopt attached Resolution 21-04 which revises the Board's regular meeting schedule for the 2021 calendar year. Specifically, the May 20, 2021 regular meeting would be moved to May 6, 2021. This will provide staff and, more importantly, the landlord community more opportunity to achieve compliance by the July 1st deadline.

Attachment

Resolution 21-04

² California Government Code Section 66016(a)

³ This is hard-coded in the ordinance (B.M.C. Section 13.76.080D.). While the Board has rather broad authority to forgive late penalties for failure to timely register, Commissioners may not adjust the annual registration fee due date.

⁴ There have been delays in the implementation of the 3Di database that prevent the agency from fully converting to the new database prior to this year's fiscal year registration period.

RESOLUTION 21-04

REVISING THE REGULAR MEETING SCHEDULE AND LOCATION FOR BERKELEY RENT STABILIZATION BOARD FOR THE 2021 CALENDAR YEAR

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, the Brown Act (Gov. Code Section 54954 et seq.) requires a legislative body, such as the Rent Stabilization Board, to annually establish a schedule of its regular meetings, including the time and location of the meeting; and

WHEREAS, beginning in 2019, the Board relocated its meetings from Old City Hall to the New Berkeley Unified School District (“BUSD”) Board Room, located at 1231 Addison Street; and

WHEREAS, since March of 2020 the Board has been meeting remotely pursuant to the mandate of Section 3 of Governor Newsom’s Executive Order N-29-20; and

WHEREAS, beginning in 2019, the Board changed its regular meeting day to the third Thursday of each month and wishes to generally continue this arrangement except when circumstances require a different date; and

WHEREAS, the Board may revise this schedule to accommodate needs of the elected Commissioners, staff, and community; and

WHEREAS, at its December 17, 2020 meeting the Board initially approved a regular meeting schedule that included a May 20, 2021 meeting date; and

WHEREAS, Measure MM (adopted by the Berkeley voters in November of 2020) now imposes new registration requirements for rented single family homes, condominiums, and units that qualify as new construction; and

WHEREAS, landlords will receive insufficient notice to pay their registration fees unless the Board meets earlier at a regular meeting to establish both its regular and Measure MM registration fees;

RESOLUTION 21-04

**REVISING THE REGULAR MEETING SCHEDULE AND LOCATION FOR
BERKELEY RENT STABILIZATION BOARD FOR THE 2021 CALENDAR YEAR**
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NOW, THEREFORE, BE IT RESOLVED that the Board shall hold its regularly-scheduled monthly meetings at the BUSD Board Room during the 2021 Calendar year on the following dates:

January 21	April 15	July 15	October 21
February 18	May 6	August 19	November 18
March 18	June 17	September 23	December 16

BE IT FURTHER RESOLVED that all meetings shall begin at 7:00 p.m. unless otherwise noticed pursuant to the requirements of the Brown Act and that regular meetings scheduled for the third Thursday of each month shall only be operative during the 2021 calendar year unless the change is made permanent by subsequent future Board Resolution, or unless the Board chooses to adopt a similar or revised annual schedule for another year by subsequent Resolution.

Dated: April 15, 2021

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:
NO:
ABSTAIN:
ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
Matt Brown, Acting Executive Director