



RENT STABILIZATION BOARD
Regular Meeting and Public Hearing
Thursday, May 6, 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/97418734828?pwd=eTBMOXBIZFd0RFNPektTRVBkTVZzdz09>. 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: 974 1873 4828 and Passcode: 285019. 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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Regular Meeting Minutes - *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 7:01 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker (logged on at 7:48 p.m.), Simon-Weisberg.
Absent: None.
Staff present: Brown, Bursell, Fabish, Mueller, Romain, Siegel, Van Dyke.
2. **Approval of Agenda** – M/S/C (Alpert/Laverde) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE CONSENT ITEM 4.c. TO ACTION; AND CONSIDER ACTION ITEMS 7.a.(2), 7.a.(3), AND 7.a.(4) AS ONE ITEM. Roll call vote. YES: Alpert, Chang, Kelley, Johnson, Laverde, Mendonca, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.
3. **Public Comment** – for *non*-agendized items: There were no speakers.

4. **CONSENT ITEMS**

Item 4.c. was moved to action by a prior vote of the Board.

- a. Approval of the April 15th regular meeting minutes
- b. Recommendation to adopt Resolution 21-10 authorizing the Acting Executive Director to execute a contract with Kinnectics, LLC through June 30, 2022 in an amount not to exceed \$25,000 (Budget & Personnel Committee and Acting Executive Director)
- c. Recommendation to approve the Rent Board Office closure every 2nd and 4th Wednesdays of the month and City of Berkeley Reduced Service Days (VTO) (Acting Executive Director) – This item was heard on the action calendar by a prior vote of the Board.

M/S/C (Alpert/Laverde) MOTION TO APPROVE THE PROPOSAL TO CLOSE THE RENT BOARD OFFICE TO THE PUBLIC ON THE SECOND AND FOURTH WEDNESDAYS OF THE MONTH, AND ON VTO DAYS; AND REPORT BACK TO THE BOARD IN SIX MONTHS WITH AN ANALYSIS OF THE IMPACT THAT INCLUDES STAFF FEEDBACK. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- d. Recommendation to adopt Resolution 21-11 approving the hiring of a temporary worker to assist the Registration Unit during the Registration Period from May 17 - July 17, 2021 (Budget & Personnel Committee and Acting Executive Director)

- e. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Acting Executive Director & Registration Unit Supervisor)

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4971	2014 Channing Way
4972	2326 10 th Street
4973	1310 Addison Street
4979	2948 Hillegass Avenue

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4968	1235 Carrison Street
4974	1103 Keeler Avenue
4981	2133 Parker Street

M/S/C (Laverde/Selawsky) MOTION TO APPROVE CONSENT ITEMS 4.a., 4.b., 4.d., AND 4.e. AS WRITTEN. Roll call vote. YES: Alpert, Chang, Kelley, Johnson, Laverde, Mendonca, Selawsky, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 8-0-0-1.

5. APPEAL – Case No. **T-5883 (2030 Essex St., Unit A)**

Appearances:

Michael Nikraves and Ron Fattal, Appellants

Winn Child-Phillips and Robert Phillips, Respondents

M/S/C (Alpert/Selawsky) MOTION TO UPHOLD THE HEARING EXAMINER'S DECISION. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None; RECUSED: Mendonca*. Carried: 8-0-0-0-1.

*Commissioner Mendonca recused herself because she is acquainted with one of the parties.

6. PUBLIC HEARING on the Annual Registration Fee for Rent-Controlled Units and the Annual Registration Fee for rental units subject to Measure MM registration requirements for the 2021-2022 fiscal year (FY)

- a. Public Comment on **agendized** items – There were three speakers. Carole Marasovic thanked Commissioner Selawsky for his comments on item 7.a.(1). Nick Griffin from RDC spoke about the language in Resolution 21-07. Sara Abramowitz-Hill spoke on item 7.a.(2).
- b. Comments from the Board, Acting Executive Director and Committees – The Board offered comments and feedback, and staff answered questions from Commissioners.

7. ACTION ITEMS

Item 4.c. was moved to action, and items 7.a.(2), 7.a.(3), and 7.a.(4) were considered as one item by a prior vote of the Board.

a. From Board Members, Committees, and Executive Director

- (1) Presentation and possible action regarding the *Draft Berkeley Existing Buildings Electrification Strategy* by Billi Romain, Manager, Office of Energy and Sustainable Development (OESD), and Katie Van Dyke, OESD Climate Action Program Manager/Chief Resilience Officer

M/S/C (Simon-Weisberg/Chang) MOTION TO EMPOWER COMMISSIONERS KELLEY AND SELAWSKY, AND CHAIR SIMON-WEISBERG TO WORK WITH STAFF TO DRAFT COMMENTS INCLUDING A DESCRIPTION OF HOW CAPITAL IMPROVEMENT PASS-THROUGHS WORK, HABITABILITY PLANS, AND SUGGESTED CHANGES TO THE RELOCATION ORDINANCE; AND CAPTURING OTHER COMMENTS BY COMMISSIONERS ON THE DRAFT EXISTING BUILDINGS ELECTRIFICATION STRATEGY WITH AN EQUITY AND INCLUSION LENS. Roll call vote. YES: Alpert, Chang, Kelley, Johnson, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

- (2) Recommendation to adopt Resolution 21-05 setting the Annual Registration Fee for rent-controlled units for FY 2021-2022, due on July 1, 2021; and Resolutions 21-06 and 21-07 setting the Annual Registration Fee for rental units subject to Measure MM registration requirements for FY 2021-2022, due on July 1, 2021 (Budget & Personnel Committee and Acting Executive Director)
Items 7.a.(2), 7.a.(3), and 7.a.(4) were considered as one item by a prior vote of the Board.
- (3) Recommendation to adopt Resolution 21-08 setting the Summer Rental Registration Fee for qualifying sororities and fraternities for FY 2020-2021 (Budget & Personnel Committee and Acting Executive Director)
Items 7.a.(2), 7.a.(3), and 7.a.(4) were considered as one item by a prior vote of the Board.
- (4) Recommendation to adopt Resolution 21-09 authorizing the pass-through of a portion of the FY 2021-2022 Annual Registration Fee for rent-controlled units to certain tenants (Budget & Personnel Committee and Acting Executive Director)
Items 7.a.(2), 7.a.(3), and 7.a.(4) were considered as one item by a prior vote of the Board.

M/S/C (Selawsky/Chang) MOTION ON ITEMS 7.a.(2), 7.a.(3), and 7.a.(4): ADOPT RESOLUTIONS 21-05, 21-06, 21-08, AND 21-09 AS WRITTEN, AND RESOLUTION 21-07 AS MODIFIED AND READ ALOUD AT THE MEETING. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde,

Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None;
ABSENT: None. Carried: 9-0-0-0.

- (5) Update and possible action regarding the Executive Director recruitment and hiring process (Chair Simon-Weisberg)
Chair Simon-Weisberg updated the Board on the steps she's taken and the status of the recruitment process.

8. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

**ALL ITEMS BELOW WERE MENTIONED OR BRIEFLY DISCUSSED.
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.**

a. Reports from Board Members/Staff

- (1) Update on Amicus Curiae brief in *Community Housing Improvement Program v. City of New York Rent Guidelines Board* (U.S. Court of Appeals, 2nd Cir., Case #20-3366) (Acting Executive Director)
- (2) Commissioner attendance at Board and Committee meetings through the first quarter of 2021 (Acting Executive Director)
- (3) Update on recent/upcoming Rent Board outreach events (Acting Executive Director)
 - a. Wednesday, March 24, 2021 (10:00 - 11:30 AM) – Security Deposits: Rights and Responsibilities webinar
 - b. Wednesday, April 7, 2021 (10:00 - 11:30 AM) – Buying and Selling Rental Property in Berkeley webinar
 - c. Wednesday, April 14, 2021 (10:00 – 11:30 AM) – Measure MM webinar
 - d. Wednesday, May 12, 2021 (10:00 – 11:30 AM) – Rent Board Registration 101/Registering your Berkeley Rental Property webinar
- (4) April 17, 2021 *The New York Times* article by Ron Lieber titled “Realtors Want to Sell You a Home. Their Trade Group Backs Evicting Others.” (Chair Simon-Weisberg)
<https://www.nytimes.com/2021/04/17/your-money/realtors-pandemic-eviction-ban.html>
- (5) April 19, 2021 *The Oaklandside* article by Natalie Orenstein titled “Eviction attempts plummeted during the pandemic in Oakland” (Chair Simon-Weisberg)
<https://oaklandside.org/2021/04/19/eviction-attempts-plummeted-during-the-pandemic-in-oakland/>
- (6) April 19, 2021 *Science Daily.com* press release from Johns Hopkins Medicine

titled, “Pandemic eviction bans found to protect entire communities from COVID-19 spread” (Chair Simon-Weisberg)

<https://www.sciencedaily.com/releases/2021/04/210419110130.htm>

- (7) April 21, 2021 *The New York Times* article by Jim Tankersley titled “Biden Administration Debating How to Overhaul a Trump-Era Tax Break” (Chair Simon-Weisberg)

<https://www.nytimes.com/2021/04/21/business/biden-trump-opportunity-zones.html>

- (8) April 22, 2021 *48 Hills.org* article by Zelda Bronstein titled, “Facebook’s housing echo chamber” (Chair Simon-Weisberg)

<https://48hills.org/2021/04/facebooks-housing-echo-chamber/>

- (9) April 23, 2021 *Reuters* article by Michelle Conlin titled, “SPECIAL REPORT: Giant U.S. landlords pursue evictions despite CDC ban” (Chair Simon-Weisberg)

<https://www.reuters.com/world/us/special-report-giant-us-landlords-pursue-evictions-despite-cdc-ban-2021-04-23/>

- (10) April 23, 2021 *The Seattle Times* article by Sydney Brownstone and Heidi Groover titled, “Washington becomes first state to guarantee lawyers for low-income tenants during evictions” (Chair Simon-Weisberg)

<https://www.seattletimes.com/seattle-news/homeless/washington-becomes-first-state-to-guarantee-lawyers-for-low-income-tenants-during-evictions/>

- (11) Date to submit agenda topics/items for the June 17, 2021 Rent Board meeting:

Monday, June 7th

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Selawsky, Chair)
Next regularly-scheduled meeting: Thursday, May 27th at 5:00 p.m.

(1) April 22nd agenda

(2) April 27th agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair)
Commissioner Mendonca reported that the Committee will be hearing proposals from the legal services providers at their next meeting.

Next regularly-scheduled meeting: Thursday, May 13th at 5:30 p.m.

- c. IRA/AGA/Registration Committee (Commissioner Kelley, Chair)
Next regularly-scheduled meeting: Thursday, May 20th at 5:00 p.m.

- d. Outreach Committee (Commissioner Laverde, Chair)
Next regularly-scheduled meeting: Thursday, May 19th at 5:30 p.m.

(1) April 21st agenda

e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District

Chair: TBD

Next regularly-scheduled meeting: TBD

f. 4 x 4 Joint Committee on Housing: City Council/Rent Board

Committee Co-Chairs: Mayor Arreguín and Chair Simon-Weisberg

Next regularly-scheduled meeting: Tuesday, May 4th at 3:00 p.m.

(1) May 4th agenda packet

g. Ad Hoc Committee on RSB Technology Issues (Chair TBD)

Next meeting date: TBD

h. Updates and Announcements – Commissioner Laverde announced that the Berkeley Tenants Union will be holding a workshop on SB 91 Rental Assistance and will have a Spanish translator available. Commissioner Selawsky announced that the UC Regents will be meeting about 1912 Walnut St. and comments are due soon.

i. Discussion of items for possible placement on future agenda

10. ADJOURNMENT—M/S/C (Selawsky/Kelley) MOTION TO ADJOURN. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The meeting adjourned at 10:17 p.m.