



RENT STABILIZATION BOARD
Regular Meeting
Thursday, September 23, 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://us06web.zoom.us/j/85897681734?pwd=VnBEOTZieGFOWHIXRkQzd2dubXN1Zz09>. 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: 858 9768 1734 and Passcode: 633747. 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, email amueller@cityofberkeley.info with the Subject Line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. 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*

5:00 p.m. – CLOSED SESSION

Per an earlier vote, the Board took public comment before the closed session. There were no speakers. Around 5:15 p.m., the Board convened in closed session to discuss the following items pursuant to the Government Code sections listed below:

Public Employee Appointment pursuant to Government Code Section 54957(b)(1)
Title: General Counsel

Conference with Labor Negotiators pursuant to Government Code Section 54957.6
Agency Designated Representative: Board Chair
Unrepresented Employee: General Counsel

Public Employee Appointment pursuant to Government Code Section 54957(b)(1)
Title: Executive Director

Conference with Labor Negotiators pursuant to Government Code Section 54957.6
Agency Designated Representative: Board Chair
Unrepresented Employee: Executive Director

At the start of open session, Chair Simon-Weisberg announced the Board did not take any reportable action during closed session.

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 5:04 p.m.
Lief Bursell called roll.
Commissioners present: Alpert, Chang (logged on around 6 p.m.), Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg
Commissioners absent: Selawsky
Staff present: Brown, Bursell, Gill, Law, Mueller, O'Malley, Pretto

2. **Approval of Agenda** – M/S/C (Alpert/Kelley) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: HEAR PUBLIC COMMENT ON AGENDIZED ITEMS BEFORE THE CLOSED SESSION, MODIFY RESOLUTION 21-22 FOR CONSENT ITEM 6.e. TO NOTE THAT THE ANTI-EVICTION MAPPING PROJECT'S FISCAL SPONSOR IS INDEPENDENT ARTS & MEDIA; AND MOVE ITEMS 7.a.(4) AND 7.a.(5) TO CONSENT. Roll call vote. YES: Alpert, Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang, Selawsky. Carried: 7-0-0-2.

After approval of the agenda, the Board took public comment on closed session items before transitioning to closed session around 5:15 p.m.

3. **Introduction of recently-hired Rent Board staff** – Acting Executive Director (AED) Matt Brown announced that the Board hired a new staff person for the Registration Unit. Chrystal O’Malley, a new housing counselor in the Public Information Unit, introduced herself to the Board. AED Brown mentioned that Robert Williams, II was also hired as a new housing counselor and will be at the October meeting to introduce himself to the Board.
4. **Public Comment** – *Non*-agendized items: There were two speakers. “Ms. Brown” requested assistance with filing a petition for an administrative determination on her exempt unit. Bryce Nesbitt spoke about the settlement in case D-59 involving his property.
5. **Public Comment** – Items on the agenda: There were four speakers. Della Moran requested assistance with the petition process for an exempt rental unit. Carole Marasovic spoke about a letter from the City Manager on how the City is addressing the homeless crisis. Bryce Nesbitt spoke about his recommendations related to Net Energy Metering. “Ms. Brown” asked for the correct email to send a request for assistance with a petition.

6. **CONSENT ITEMS**

Items 7.a.(4) and 7.a.(5) were moved to Consent by a prior vote of the Board.

- a. Approval of the June 17th regular meeting minutes
- b. Approval of the July 15th regular meeting minutes
- c. Recommendation to adopt Resolution 21-21 authorizing the purchase of 14 laptops for staff’s use for remote work (Acting Executive Director)
- d. Proposal to extend allowance for exclusively remote housing counseling until the end of the calendar year (Chair Simon-Weisberg, Vice-Chair Alpert & Acting Executive Director)
- e. Recommendation to adopt Resolution 21-22 to approve a contract to fund report from the Anti-Eviction Mapping Project (AEMP) regarding Berkeley Upzoning (IRA/AGA/Registration Committee)
- f. 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>
4982	2041 Lincoln Street
4985	2321 Blake Street
4987	1930 Blake Street
4994	1529 Tyler Street

4995 2541 Piedmont Avenue

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4980	1524 Arch Street
4987	1520 Berkeley Way
4988	2238 Roosevelt Avenue
4989	2351 West Street
4991	2502 Webster Street
4996	1619 Walnut Street

M/S/C (Alpert/Laverde) MOTION TO APPROVE CONSENT ITEMS 6.a., 6.b., 6.c., 6.d., ITEM 6.e. AS AMENDED BY AN EARLIER VOTE ON APPROVAL OF THE AGENDA; ITEM 6.f.; AND ITEMS 7.a.(4) AND 7.a.(5) WHICH WERE MOVED TO CONSENT. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Selawsky. Carried: 8-0-0-1.

7. ACTION ITEMS

Items 7.a.(4) and 7.a.(5) were moved to Consent by a prior vote of the Board.

a. From Board Members, Committees, and Executive Director

- (1) Discussion and possible action to adopt proposed Resolution 21-20 to appoint General Counsel and approve Employment Agreement (Budget & Personnel Committee) – Prior to the Board’s vote, Osman Mufti of Sloan Sakai Yeung & Wong, LLP read aloud the following into the record:

“A motion has been made and seconded regarding the appointment and approval of an employment agreement for General Counsel to the Berkeley Rent Stabilization Board. Pursuant to Government Code 54953(c) a summary of compensation must be orally reported prior to taking final action. Pursuant to the employment agreement, the General Counsel is to receive an annual salary of \$228,259 and employee benefits consistent with the City of Berkeley’s unrepresented employee manual for employees in Unit Z9. The term of the employment agreement is for 5 years. A copy of the employment agreement has been included in the agenda packet.”

M/S/C (Laverde/Alpert) MOTION TO ADOPT RESOLUTION 21-20 AS WRITTEN APPOINTING MATTHEW (MATT) BROWN AS GENERAL COUNSEL. Roll call vote. YES: Alpert; Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Selawsky. Carried: 8-0-0-1.

- (2) Recommendation to adopt proposed amendments to Regulation 503 [Definition of Principal Residence] – *First reading* (IRA/AGA/Registration Committee &

Legal Staff)

M/S/C (Kelley/Laverde) ADOPT PROPOSED AMENDMENTS TO REGULATION 503 ON FIRST READING. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Selawsky. Carried: 8-0-0-1.

- (3) Recommendation to adopt Resolution 21-23 allowing landlords to use Regulation 1017 to provide temporary, below-market rental housing in Berkeley to disaster victims displaced by the Northern California wildfires and to refugees fleeing the Afghanistan conflict (IRA/AGA/Registration Committee & Acting Executive Director)

M/S/C (Laverde/Chang) ADOPT RESOLUTION 21-23 AS WRITTEN WITH *friendly Amendment by Simon-Weisberg (accepted)*: INCLUDE HAITIAN REFUGEES IN THE RESOLUTION. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Selawsky. Carried: 8-0-0-1.

- (4) Recommendation to adopt Resolution 21-24 to express support for the Mayor's proposal to expand the Berkeley Fair Elections Program to include the Rent Board Commissioners (IRA/AGA/Registration Committee) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- (5) Recommendation to adopt Resolution 21-25 in support of Net Energy Metering (Vice-Chair Alpert, Chair Simon-Weisberg & Commissioner Kelley) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- (6) Discussion and possible action to amend the Board's 2021 Regular Meeting schedule (Acting Executive Director & Chair Simon-Weisberg)

M/S/C (Kelley/Mendonca) MOTION TO REVISE THE BOARD'S 2021 REGULAR MEETING SCHEDULE TO INCLUDE A MEETING ON OCTOBER 7, 2021, AT 6:00 P.M. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Selawsky. Carried: 8-0-0-1.

All commissioners present indicated they could attend this meeting.

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 regarding fee collection and amnesty for penalties – *Verbal* (Acting Executive Director & Registration Unit Supervisor) – Registration Unit Supervisor

Allison Pretto provided an update and took questions from the Board.

- (2) Fair Chance Implementation update (Acting Executive Director)
- (3) Letter to Governor Newsom requesting extension of allowance for fully remote meetings (Acting Executive Director)
- (4) Report regarding COVID-related state financial assistance and eviction numbers for the City of Berkeley (Acting Executive Director)
- (5) August 9, 2021 letter from Board Chair to City Auditor regarding potential audit of Rent Board (Chair Simon-Weisberg)
- (6) Date to submit agenda topics/items for the October 21st Rent Board meeting:
Friday, October 8th

9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Selawsky, Chair)
Next regularly-scheduled meeting: TBA

- (1) August 31st agenda

- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – Committee Chair Mendonca said the Committee will receive a presentation from the East Bay Community Law Center at the October 14th meeting.

Next regularly-scheduled meeting: Thursday, October 14th at 5:30 p.m.

- (1) July 29th agenda

- c. IRA/AGA/Registration Committee (Commissioner Kelley, Chair) – Committee Chair Kelley said two of the Committee's items were passed tonight.

Next regularly-scheduled meeting: Wednesday, October 13th at 5:00 p.m.

- (1) July 28th agenda

- (2) September 8th agenda

- d. Outreach Committee (Commissioner Laverde, Chair) – Committee Chair Laverde reported that the Committee discussed the Tenant Survey and Fair Chance Ordinance at their last meeting.

Next regularly-scheduled meeting: TBA

- (1) July 21st agenda

(2) September 15th agenda

- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA)
Regularly-scheduled meeting date: TBA
- 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: Wednesday, September 22nd at 3:00 p.m.

(1) September 22nd agenda

- g. Ad Hoc Committee on RSB Technology Issues (Chair TBA)
Next meeting date: TBA
 - h. Updates and Announcements – Commissioner Laverde announced that the Berkeley Tenants’ Union will be meeting on October 2nd at 4 p.m. to discuss the Tenant Opportunity to Purchase Act (TOPA). Commissioner Johnson will also be speaking about the eviction moratorium.
 - i. Discussion of items for possible placement on future agenda – Chair Simon-Weisberg requested an item on affordable housing units that have not paid registration fees and/or refused to provide the required tenancy data, and a list of affordable housing providers who haven’t paid the registration fee. Commissioner Kelley requested an update on the research project for the AEMP. Commissioner Laverde requested an update on the Relocation and Demolition Ordinances.
- 10. ADJOURNMENT** – M/S/C (Johnson/Alpert) MOTION TO ADJOURN IN HONOR AND RECOGNITION OF HISPANIC HERITAGE MONTH. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Mendonca, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Selawsky. Carried: 8-0-0-1.

The meeting adjourned at 9:28 p.m.