



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, October 21, 2021
6:00 p.m.

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

Pursuant to Government Code Section 54953(e) and City Council Resolution 70,030-N.S., 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 Resolution and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. Therefore, **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/85931266669?pwd=ajM1cGx3TnExYlA4RHV5MGlmR092dz09>. 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: 859 3126 6669 and Passcode: 804190. 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 4:00 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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6:00 p.m.

Regular Meeting Minutes - *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 6:03 p.m.
Aimee Mueller called roll.
Commissioners present: Alpert, Chang (joined at 7:04 p.m.), Johnson, Kelley (joined at 6:15 p.m.), Laverde, Selawsky, Walker, Simon-Weisberg
Commissioners absent: Mendonca
Staff present: Brown, Lecky, Mueller, Siegel, Williams II

2. **Approval of Agenda**
M/S/C (Alpert/Selawsky) MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: REORDER AGENDA TO HEAR ITEM 3 IMMEDIATELY AFTER CLOSED SESSION; MOVE ACTION ITEMS 9.a.(5) AND 9.a.(6) TO CONSENT; AND HEAR ITEMS 9.a.(3) AND 9.a.(4) AS ONE ITEM. Roll call vote: YES: Alpert, Johnson, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Chang, Kelley, Mendonca. Carried: 6-0-0-3.

3. **Introduction of recently-hired Rent Board staff** – Robert Williams II and Basil Lecky, recently hired as Community Service Specialist II's, introduced themselves to the Board and spoke about their respective backgrounds.

4. **Public Comment** – Items on the agenda: There were no speakers.

5. **CLOSED SESSION** – The Board adjourned to reconvene in closed session around 6:12 p.m. to discuss the following:

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

Upon their return from closed session, the Chair announced that the Board did not take any reportable action.

6. **Public Comment** – *Non*-agendized items: There were no speakers.

7. **SPECIAL PRESENTATION**: “Berkeley Housing Authority: Program Updates” by Rachel Gonzales-Levine, Acting Executive Director, Berkeley Housing Authority

Ms. Gonzales-Levine presented to and took questions from the Board.

8. CONSENT ITEMS

Items 9.a.(5) and 9.a.(6) were moved to Consent by a prior vote of the Board.

- a. 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>
5001	2423 Haste Street
5002	1400 Oregon Street
5003	1418 Spruce Street
5008	1525 Delaware Street

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4990	3143 Ellis Street
5000	1518 Harmon Street
5004	3144 King Street
5005	2521 Regent Street
5006	1300 Delaware Street

M/S/C (Selawsky/Alpert) MOTION TO APPROVE ITEMS 8.a., 9.a.(5), AND 9.a.(6).
Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca.
Carried: 8-0-0-1.

9. ACTION ITEMS

Items 9.a.(5) and 9.a.(6) 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 21-26 to appoint Executive Director and approve Employment Agreement (Full Board)

Prior to the vote, Acting Executive Director Matt Brown read the following statement into the record:

“A motion has been made and seconded regarding the appointment and approval of an employment agreement for Executive Director to the Berkeley Rent Stabilization Board. Pursuant to Government Code 54953(c)(3), a summary of compensation must be orally reported prior to taking final action. Pursuant to the employment agreement, the Executive Director is to receive an annual salary of \$200,366.40 and employee benefits consistent with the City of Berkeley’s unrepresented employee manual for employees in Unit Z1. The term of the employment agreement is for three years. A copy of the employment agreement has been included in the agenda packet.”

M/S/C (Alpert/Laverde) MOTION TO ADOPT RESOLUTION 21-26 AS WRITTEN TO APPOINT DESEANA L. WILLIAMS AS THE EXECUTIVE DIRECTOR AND APPROVE HER EMPLOYMENT AGREEMENT. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

Ms. Williams thanked the Board and conveyed her appreciation for this opportunity.

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

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

- (3) Recommendation to adopt Resolution 21-27 confirming the 2022 Annual General Adjustment (AGA) of 2.1 percent and order that the 2022 AGA be published as Regulation 1144 (IRA/AGA/Registration Committee & Acting Executive Director) – *Item 9.a.(4) was heard with Item 9.a.(3) by a prior vote of the Board.*

M/S/C (Selawsky/Laverde) MOTION TO ADOPT RESOLUTION 21-27 CONFIRMING THE 2.1% AGA FOR 2022, AND RESOLUTION 21-28 CONFIRMING THE 3.2% INCREASE FOR OWNER MOVE-IN (OMI) AND ELLIS RELOCATION ASSISTANCE PAYMENTS EFFECTIVE JANUARY 1, 2022. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

- (4) Recommendation to adopt Resolution 21-28 confirming that the 2022 relocation assistance payments for Owner Move-in and Ellis Act evictions shall increase by 3.2 percent effective January 1, 2022, and publishing the 2022 relocation payment amounts (IRA/AGA/Registration Committee & Acting Executive Director) – *Item 9.a.(4) was heard with Item 9.a.(3) by a prior vote of the Board.*
- (5) Recommendation to adopt Resolution 21-29 authorizing the Rent Board to continue to meet via videoconference and teleconference pursuant to Assembly Bill 361 and incorporating by reference Council Resolution 70,030-N.S. (Chair Simon-Weisberg & Acting Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- (6) Recommendation to adopt Resolution 21-30 authorizing the Executive Director to modify the contract with QuickCaption, Inc. for real-time closed captioning of Rent Board Meetings by increasing the contract in the amount of \$10,000 for the 2021-2022 fiscal year (Acting Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

10. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

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

a. Reports from Board Members/Staff

- (1) September 30, 2021 press release regarding Superior Court of Alameda County's extension of stay on unlawful detainers (Acting Executive Director) – Staff Attorney Matthew Siegel explained that the Alameda County Superior Court announced on September 30, 2021, that they will only accept unlawful detainer complaints if the lawsuit is permitted by local ordinance.
- (2) Update on Fair Chance Ordinance counseling materials (Acting Executive Director)
- (3) Updated Commissioner attendance records for Board and Committee meetings through the 3rd quarter of 2021 (Acting Executive Director)
- (4) October 5, 2021 *U.S. News.com* article by Colleen Wynn titled, “More Than a Home: Housing Is a Human Right” (Commissioner Laverde)
<https://www.usnews.com/news/health-news/articles/2021-10-05/more-than-a-home-housing-is-a-human-right>
- (5) Date to submit agenda topics/items for the November 18th Rent Board meeting:
Friday, November 5th

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- ### a. Budget and Personnel Committee (Commissioner Selawsky, Chair) – General Counsel Matt Brown reported that the new ED will be joining the next meeting, which hasn't been scheduled yet.

Next regularly-scheduled meeting: TBA

- ### b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair)

Next regularly-scheduled meeting: TBS

- (1) October 14th agenda

- ### c. IRA/AGA/Registration Committee (Commissioner Kelley, Chair) – Committee Chair Kelley said the AGA and OMI/Ellis items are the primary items from the Committee's last meeting.

Next regularly-scheduled meeting: Wednesday, November 10, 2021 at 5:00 p.m.

- (1) October 13th agenda

- d. Outreach Committee (Commissioner Laverde, Chair) – Chair Laverde reported that the Committee discussed the Fair Chance Ordinance, tenant survey, and outreach to tenants.
Next regularly-scheduled meeting: TBA

(1) October 20th agenda

- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – 3 min.* Regularly-scheduled meeting date: TBA

- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg and Vice-Chair Alpert provided a preview of items on the agenda for the upcoming October meeting.

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

Next regularly-scheduled meeting: Wednesday, October 27th at 3:00 p.m.

(1) September 22nd agenda packet (amended)

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

Next meeting date: TBA

- h. Updates and Announcements

- i. Discussion of items for possible placement on future agenda – Commissioner Laverde requested an update on proposed demolitions of buildings with rent-controlled units, particularly 1915 Berryman Street.

12. ADJOURNMENT

M/S/C (Alpert/Selawsky) MOTION TO ADJOURN IN HONOR OF LARRY ITLIONG, A PIONEERING FILIPINO ACTIVIST, AND IN RECOGNITION OF FILIPINO HERITAGE MONTH; AND IN SOLIDARITY WITH STRIKETOBER. Roll call vote. YES: Alpert, Chang, Johnson, Kelley, Laverde, Selawsky, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mendonca. Carried: 8-0-0-1.

The meeting adjourned at 8:24 p.m.