



**4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING  
CITY COUNCIL/RENT STABILIZATION BOARD**

**Friday, May 16, 2025 – 1:00 p.m.**  
**2180 Milvia Street, 1<sup>st</sup> Floor, Cypress Room, Berkeley, CA**  
**Teleconference Location: 230 California Street, San Francisco, CA**

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.**

For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

**To access this meeting remotely:** Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://cityofberkeley-info.zoomgov.com/j/1617773840?pwd=zWGbGFJMMloKzomAYtogUzkBR3aHvf.1>. If you do not wish your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself as anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

**To join by phone:** Dial 1-669-254-5252 and enter Webinar ID: 161 777 3840 and Passcode: 446332. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Committee Chair.

To submit an email comment for the Committee's consideration and inclusion in the public record, email [DeWilliams@berkeleyca.gov](mailto:DeWilliams@berkeleyca.gov) with the Subject line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 COMMITTEE." 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 10:00 a.m. on the day of the Committee meeting in order to be included.**

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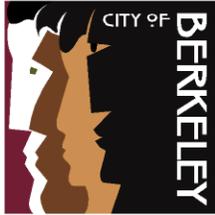
This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting at the posted location(s). Questions regarding this matter may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



**COMMUNICATION ACCESS INFORMATION:**

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4x4 Joint Task Force Committee on Housing  
City Council and Rent Board

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Friday, May 16, 2025 – 1:00 p.m.

2180 Milvia Street, 1<sup>st</sup> Floor, Cypress Room, Berkeley

Teleconference Location: 230 California Street, San Francisco, CA

### AGENDA

1. Roll call
2. Land Acknowledgement Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of Agenda
4. Non-agenda Public Comment
5. Approval of April 7, 2025, Committee Meeting Minutes
6. Discussion and possible recommendations on Rental Assistance Funding. (Requested by Chair Alpert)
7. Discussion and possible recommendations on Eviction Emergency Legislation Related to Federal Actions and Natural Disasters. (Requested by Chair Alpert)
8. Staff Presentation, Discussion, and possible recommendations on the impact of the Permit Amnesty Program on Rental Units. (Requested by Chair Alpert)
9. Discussion and possible recommendations on Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area (Requested by Councilmember Tregub)
  - a. Agenda Materials Attached

10. Discussion of possible future agenda items
11. Confirm next meeting date/set regular meeting date
12. Adjournment

**COMMITTEE MEMBERS:**

City Councilmember Ben Bartlett  
City Councilmember Brent Blackaby  
City Councilmember Cecilia Lunaparra  
City Councilmember Igor Tregub

Rent Board Chairperson Soli Alpert  
Rent Board Commissioner Xavier Johnson  
Rent Board Commissioner Vanessa Danielle Marrero  
Rent Board Commissioner Albert Twu



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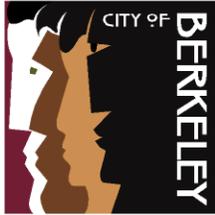
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### Minutes – To Be Approved

*Prior to roll call, RBC Alpert announced that CM Tregub would appear remotely under the Just Cause provision of the Brown Act. CM Tregub stated for the record that he was traveling on City business.*

1. Roll call: RB Chair Alpert called the meeting to order at 1:08 p.m.  
Present: RB Chair Alpert, RBC Johnson, RBC Marrero, RBC Twu, CM Bartlett (left at 1:57 p.m.), CM Blackaby, CM Lunaparra, CM Tregub (via Zoom).  
Staff present: Brown, Cerami, Chang, Ehlinger, Fabish, Oliver, Spencer Mace, Williams.
2. Land Acknowledgement Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*

The Land Acknowledgement Statement was read aloud.

3. Approval of the agenda: M/S/C (Johnson, Blackaby) Approve the agenda as written. Roll call vote. YES: Alpert, Bartlett, Blackaby, Johnson, Lunaparra, Marrero, Tregub, Twu; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.
4. Public comment on non-agenda matters: There was one speaker.
5. Designation of Council Co-Chair: CM Tregub nominated CM Lunaparra, who accepted. There were no further nominations. Roll call vote, CMs only. YES: Bartlett, Blackaby, Lunaparra, Tregub; NO: None; ABSTAIN: None; ABSENT: None. Carried: 4-0-0-0.

6. Approval of the October 7, 2024 Committee meeting minutes (see attachment): M/S/C (Lunaparra/Marrero) Roll call vote. YES: Alpert, Bartlett, Blackaby, Johnson, Lunaparra, Marrero, Tregub, Twu; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.
7. Discussion and possible recommendations on Rental Assistance Funding. (Requested by Chair Alpert): The committee had a preliminary discussion to guide future consideration of this item when more information (for example, historical funding levels, fund usage) is available. No action was taken.

There was one public speaker.

8. Discussion and possible recommendations on Eviction Emergency Legislation Related to Federal Actions and Natural Disasters. (Requested by Chair Alpert): Committee members expressed support in concept for developing a City ordinance that could be evoked by Council resolution in the case of a declared emergency to prevent evictions. The committee held a preliminary discussion on topics like ordinance application, triggers, and pathways forward. No action was taken.

There were two public speakers.

9. Discussion and possible recommendations on the impact of Permit Amnesty Program on Rental Units. (Requested by Chair Alpert): The committee's discussion included themes like protecting tenant rights, encouraging safe housing, encouraging the renting of vacant spaces, and creating clarity on the impacts of the two pathways offered under the City's Amnesty Program. No action was taken.

10. Discussion and possible recommendations on Informing Berkeley Tenants about Protections for Noncitizen Renters (Requested by Councilmember Lunaparra): The committee discussed various ways of getting information to the community and collaborating with other entities, such as the Mayor's Sanctuary City Taskforce and the Berkeley Property Owners Association. No action was taken.

There were two public speakers.

11. Discussion of possible future agenda items: In addition to further considering items 6-9, there were two requests: Right to sublease (RBC Johnson), and Assembly Bill 306 (CM Tregub).

12. Confirm next meeting date / set regular meeting date: The next meeting was tentatively set for May 16, 2025, from 1-3 p.m.

13. Adjournment: M/S/C (Lunaparra/Blackaby) Adjourn the meeting. Roll call vote. YES: Alpert, Blackaby, Johnson, Lunaparra, Marrero, Tregub, Twu; NO: None; ABSTAIN: None; ABSENT: Bartlett. Carried: 7-0-0-1. The meeting adjourned at 2:25 p.m.

#### COMMITTEE MEMBERS:

City Councilmember Ben Bartlett	Rent Board Chairperson Soli Alpert
City Councilmember Brent Blackaby	Rent Board Commissioner Xavier Johnson
City Councilmember Cecilia Lunaparra	Rent Board Commissioner Vanessa Danielle Marrero
City Councilmember Igor Tregub	Rent Board Commissioner Albert Twu

Internal

**02a.34**

Igor Tregub  
Councilmember, District 4

CONSENT CALENDAR

MAY 20, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author), Ben Bartlett (Co-Sponsor), Terry Taplin (Co-Sponsor)

Subject: Referral to 4 x 4 Committee: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area

**RECOMMENDATION**

Refer to the 4 x 4 Committee of the Berkeley City Council and Rent Stabilization Board a proposal related to the removal of an on-site manager exemption loophole, which is currently used by certain Berkeley properties to circumvent California Code Regulation, Title 25, Paragraph 42, for certain multi-family properties that are adjacent and/or share the same common area. If the recommended regulation is enacted, it is the intent of the referral to apply it to subject properties in a prospective manner that ensures that the rights of sitting tenants continue to be fully protected (i.e., a fully occupied property will not be required to rent to an on-site manager until at least one unit becomes vacant in accordance to all applicable state and local laws governing good cause eviction protections). The referral further requests that the 4 x 4 Committee discuss and provide recommendations as to:

- Any parameters that may limit the scope of this referral, including but not limited to situations in which one or more of the subject properties are owned by limited liability corporations (LLCs) and/or owners that own multiple other properties in Berkeley, California and/or beyond, with a total number of units or properties under ownership to be determined;
- Any exemptions to the on-site manager requirement for certain circumstances, such as for hardship of the property owner and/or LLC and/or other circumstances in which the interest of justice may supersede the public interest of this requirement;
- The enforcement mechanism and enforcing jurisdiction (i.e., City of Berkeley or Berkeley Rent Stabilization Board, with compensation by the City of Berkeley)

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that the City of Berkeley should employ in furtherance of the recommended regulation; and

- Any other provisions pertinent to the efficient, just, and fair administration of the recommended regulation.

## **CURRENT SITUATION AND ITS EFFECTS**

California Code Regulation, Title 25, Paragraph 42 (CCR 25 ¶42) includes the following requirements (germane language is emphasized in **bold**):

**“A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments,** and of every hotel in which there are 12 or more guest rooms, **in the event that the owner of an apartment house or hotel does not reside upon said premises.** Only one caretaker would be required for all structures under one ownership and on one contiguous parcel of land. **If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating the owner's name and address, or the name and address of the owner's agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.”**<sup>1</sup>

Over the past several months, it has come to our attention that at several contiguous properties in Berkeley have, in total, over 16 apartments but fulfill neither the on-site “manager, janitor, housekeeper, or other responsible person” nor the “notice stating the owner’s name and address” requirement. The properties in question share an entrance, common area space, and required amenities such as garbage and recycling collection and appear to have been part of a single parcel that was, somewhere over the course of their operation as apartment buildings, subdivided into separate parcels such that, individually, the number of apartment units on each parcel numbered less than sixteen (“16”).

It is the intent of this referral to explore local pathways to close this loophole and ensure that the integrity of CCR 25 ¶42 is restored in the face of efforts to subdivide a parcel with contiguous multifamily rental properties or hotels that otherwise, based on the number of apartments or hotel rooms would be subject to the “on-site manager, housekeeper, or other responsible person” provision. While not specifically the subject of this item, in the intent of this item is to ¶reveal how, if at all, the “notice” section of CCR 25 ¶42 is being enforced for existing properties on a parcel that, in total, includes between four (“4”) and sixteen (“16”) units.

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[https://govt.westlaw.com/calregs/Document/I3F1C71434C8611ECB533000D3A7C4BC3?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I3F1C71434C8611ECB533000D3A7C4BC3?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)

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## **RATIONALE FOR RECOMMENDATION**

The lack of an on-site manager within contiguous properties have, in total, over 16 apartments but fulfill neither the on-site “manager, janitor, housekeeper, or other responsible person,” sometimes coupled with the nonexistence of a “notice stating the owner’s name and address,” in contravention to the spirit, if not the letter, of CCR 25 ¶42 has led to significant adverse impacts to the neighbors as well as the sitting occupants of the properties in question. These have included but not been limited to: poor or nonexistent garbage and/or recycling collection; slow or non-existent efforts on the part of the property owner and/or off-site manager to comply with “warranty of habitability” and/or health and safety requirements; and inability to effectively mitigate for noise violations. It is the intent of this recommendation to address a clear loophole in the state code that has been exploited by some property owners and LLCs to the detriment of the residents and neighbors of the subject properties.

## **FINANCIAL IMPLICATIONS**

Financial implications may include staff time associated with writing, reviewing, and, as necessary, enforcing the recommended language. It is the intent of this referral that discussion at the 4 x 4 Committee among members and staff from the City of Berkeley and Berkeley Rent Stabilization Board may be able to finetune these cost projections.

## **ENVIRONMENTAL SUSTAINABILITY**

Indirect environmental sustainability benefits may result from these items, particularly around improved enforcement of disaggregation between recyclable, non-recyclable, and compostable items within subject multifamily housing buildings that currently do not have an on-site manager but would be required to under language contemplated by this referral.

## **CONTACT PERSON**

Igor Tregub, Councilmember District 4

Olga Bolotina, Chief of Staff, Council District 4

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[OBolotina@Berkeleyca.gov](mailto:OBolotina@Berkeleyca.gov)