



4x4 Committee on Housing
City Council and Rent Board

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

Wednesday, September 22, 2021 – 3:00 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 Council and Rent Stabilization Board's **4 x 4 Joint Committee on Housing** (Committee) 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/86898605916?pwd=aTh1QW85cXI5QVhYK2MwSGVQb0NvUT09>. 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 Webinar ID: 868 9860 5916 and Passcode: 328474. 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 e-mail comment to be read aloud during public comment, email btran@cityofberkeley.info 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 1:00 p.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. Questions regarding this matter may be addressed to Matt Brown, Acting 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.



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City Council and Rent Board

AGENDA

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

Wednesday, September 22, 2021 – 3:00 p.m.

1. Roll Call
2. Approval of the Agenda
3. Public Comment on Non-Agenda Matters
4. Approval of June 23, 2021 Committee Meeting Minutes
5. Update on Fair Chance Ordinance Implementation and Notification (Rent Board and City Attorney)
6. Update on Source of Income Discrimination Ordinance Implementation (City Attorney and Mayor's Office)
7. Quick Updates on Previously Discussed Items
 - a. Amendments to the Demolition Ordinance
 - b. Measure MM Registration
8. Discussion of Possible Future Agenda Items
9. Adjournment

COMMITTEE MEMBERS:

Mayor Jesse Arreguín

City Councilmember Kate Harrison

City Councilmember Rigel Robinson

City Councilmember Terry Taplin

Rent Board Chairperson Leah Simon-Weisberg

Rent Board Vice-Chairperson Soli Alpert

Rent Board Commissioner Xavier Johnson

Rent Board Commissioner Andy Kelley



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

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Wednesday, June 23, 2021 – 3:00 p.m.

Minutes To Be Approved

- Roll Call: RB Chair Simon-Weisberg called the meeting to order at 3:04 p.m.
Present: RBC Alpert, Mayor Arreguín (logged on at 3:45 p.m.), CM Harrison, RBC Kelley (logged on at 3:44 p.m.), CM Robinson, RB Chair Simon-Weisberg, RBC Walker (substitute for RBC Johnson).
Absent: CM Taplin.
Staff present: Matt Brown, Angie Chen, Brendan Darrow, Jen Fabish, J.T. Harechmak, Allison Pretto, Matthew Siegel, Be Tran, Lisa Warhuus, Lynn Wu.
- Approval of the Agenda: M/S/C (Simon-Weisberg/Harrison) Hear the items in the following order: Item 4, Item 7, Item 8, Item 5, and Item 6. Roll call vote. YES: Alpert, Harrison, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Arreguín, Kelley. Carried: 6-0-0-2.
- Public Comment on Non-Agenda Matters: None.
- Approval of May 4, 2021 Committee Meeting Minutes: M/S/C (Robinson/Harrison) Approve the minutes as written. Roll call vote. YES: Alpert, Harrison, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Arreguín, Kelley. Carried: 6-0-0-2.
- Assessment of the Effectiveness of Berkeley's COVID-19 Rental Forgiveness Program and Planning for Future Reopening (RBC Johnson): Deferred due to RBC Johnson's absence, and pending state action on the state eviction moratorium.
- Discuss Eviction Moratorium (Mayor Arreguín): The committee discussed the status of the state and local eviction moratoriums with input from Brendan Darrow of the City Attorney's Office. Director of Health, Housing, and Community Services Lisa Warhuus updated the committee on Berkeley's housing retention grant program and the Eviction Defense Center's work administering the program.

No public speakers.

- Discuss the Practice Around Rental Lease Co-Signers for Cal Students (Chair Simon-Weisberg): The committee's discussion included requirements for parents to be lease co-signers, situations where landlords refuse to rent to students if they want/need to have a co-signer, and income requirements. RBC Alpert with work with CM Harrison to identify a set of issues and questions, and CM Harrison will refer them to the City Attorney for exploration.

No public speakers.

8. Quick Updates on Previously Discussed Items
 - a. Measure MM Registration: Rent Board Registration Unit Manager Allison Pretto updated the committee on the status of Measure MM billing and collections. She and Rent Board Acting Executive Director responded to questions. RB Chair Simon-Weisberg and CM Harrison will identify metrics which they would like additional reporting on at the September meeting.
 - b. Amendments to the Demolition Ordinance: Mayor Arreguín with check in with interim Planning Director Jordan Klein on the status of the amendments.

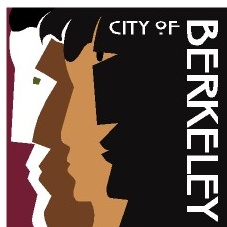
9. Discussion of Possible Future Agenda Items: Measure MM Update (September meeting); Tenant Habitability Plan (September meeting); Demolition Ordinance Amendments (July meeting if there are updates).

10. Adjournment: M/S/C (Harrison/Alpert) Motion to adjourn. Roll call vote. YES: Alpert, Arreguín, Harrison, Kelley, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Taplin. Carried: 7-0-0-1.

The meeting adjourned at 4:25 p.m.

COMMITTEE MEMBERS:

Mayor Jesse Arreguín	Rent Board Chairperson Leah Simon-Weisberg
City Councilmember Kate Harrison	Rent Board Vice-Chairperson Soli Alpert
City Councilmember Rigel Robinson	Rent Board Commissioner Xavier Johnson
City Councilmember Terry Taplin	Rent Board Commissioner Andy Kelley



Office of the Mayor

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: September 22, 2021

Item Number: 6

Item Description: Update on Source of Income Discrimination Ordinance Implementation (City Attorney and Mayor's Office)

Supplemental/Revision Submitted By: Mayor Jesse Arreguín

“Good of the City” Analysis:

The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.

The Mayor's office is submitting three documents to inform Item 6, Update on Source of Income Discrimination Ordinance:

1. September 28, 2020, Memorandum Regarding Mayor's Office Research into Housing Discrimination by Source of Income and Criminal History, by Walker Laughlin
2. Spreadsheet, Housing Discrimination Database
3. Google Form, Source of Income Housing Discrimination

Background

In the Fall of 2020, the Mayor's office had an intern conduct research on housing discrimination in Berkeley. The research findings and methodology are summarized in attachment 1.

The findings reference a database, which is provided as attachment 2. This research is not up to date and represents just a snapshot over several weeks that Mr. Laughlin researched housing listings across a variety of platforms and identified advertisement in direct conflict with either the Source of Income Discrimination Ordinance or the Fair Chance Housing Ordinance. While this type of review is time consuming, Mr. Laughlin indicated that this type of data could be “scraped” from platforms in an automated fashion to populate a similar spreadsheet with relative ease based on his discussions with a software engineer.

Finally, the google form was developed by the Mayor's Office at the request of BHA as a tool to potentially inform the design of a new approach to enforcing discrimination in housing applications. It was not designed to be a formal mechanism for filing a complaint or for invoking rights under either the Source of Income Discrimination

Ordinance or the Fair Chance Housing Ordinance. This form was listed on the BHA website for sometime in early 2021, with notifications sent to the appropriate staff for review. The BHA website now directs to the California Department of Fair Employment and Housing.



Office of the Mayor

Jesse Arreguín, Mayor

MEMORANDUM

Date: September 18, 2020

To: Berkeley Housing Administration and the Berkeley City Attorney's Office

From: Walker Laughlin and Tano Trachtenberg

Regarding: Mayor's Office Research into Housing Discrimination by Source of Income and Criminal History

In August 2020, the Mayor's Office, the Berkeley City Attorney's Office, and the Berkeley Housing Administration proposed a research project to examine the following cases of housing discrimination in the city:

- Cases where Berkeley landlords prohibited applications from prospective tenants with Section 8 or other housing vouchers, in violation of Municipal Code Chapter 13.31 (Discrimination in Property Rental) and California Government Code Section 12955 (Fair Employment and Housing Act).
- Cases where Berkeley landlords required that prospective tenants undergo criminal background checks as part of the application process, in violation of the new Fair Chance Housing Ordinance.

This memo is to update the BHA and the City Attorney's Office on the progress of our research into these two classifications of housing discrimination. It will cover the methods used, our early findings, the office's expected deliverables, and proposed next steps.

Methods

Since Thursday, September 10, we have been searching apartment listing websites with the keywords "Section 8," "Background check," and "Criminal" to find landlords' advertisements that fall under the two categories listed above. The websites consulted so far are:

- Craigslist
- Apartments.com
- ApartmentFinder
- Trulia
- Facebook (specifically, listings in housing groups like UC Berkeley Off-Campus Housing)
- Zillow
- Tenantturner
- Apartmentlist.com

Findings to Date

- We have identified 9 listings that expressly prohibit applications from Section 8 or other voucher holders. 5 of them were listed on Craigslist, 2 were listed on Zillow, and 2 were listed on Tenantturner. These listings are managed by:
 - Advent Properties (4 cases)
 - The Berkeley Group (1 case)
 - Wells Bennett Realtors (1 case)
 - Keyrenter East Bay Property Management (1 case)
 - Seville Property Management (1 case)
 - [Unknown property management agency] (1 case)
- A number of listings on Tenantturner forbid applications from tenants whose income is lower than 2.0-2.5 times the rent, without specifying whether or not a housing voucher could count towards that income.

- We have identified 25 listings that require background checks. All but 3 were listed exclusively on Craigslist. These listings are managed by:
 - Hudson McDonald Properties (7 cases)
 - Prime Metropolis Properties (2 cases)
 - Bayview Real Estate (1 case)
 - Bay Area Leasing (2 cases)
 - Grid 7 Properties (1 case)
 - [Unknown property management agency] (12 cases)

Expected Deliverables

We are working on 2 deliverables to help record and organize information related to the research project:

1. A Google Sheet that can serve as a database of cases. Its current design has the following data points:
 - a. Post title
 - b. Listing address
 - c. Source (e.g. Craigslist, Zillow)
 - d. Date of post
 - e. Date of sighting
 - f. Management agency
 - g. Rental housing type
 - h. Link for listing
 - i. Link for screenshot of listing
 - j. Notes

2. A Google form where individuals can report cases. Currently we have made one for reporting discrimination based on source of income. It asks for the same information that we collect in the spreadsheet and gives a space for a respondent's questions or concerns.

Proposed Next Steps

- **Walker can revise the spreadsheet, methods or google form based on feedback from BHA and the City Attorney's Office**
- **New methods of data collection:** One possibility is to reach out to private law firms who could name property management agencies they see frequently committing housing discrimination by source of income or criminal history. Walker reached out to Astanehe Law last week towards this end.
- **New data points:** which landlords and property management agencies with documented cases of housing discrimination belong to the Berkeley Property Owners Association?

SOURCE OF INCOME PROHIBITIONS										
Post Title	Address	Source	Post Date	Spot Date	Management Agency	BPOA member?	Rental Housing Type	Listing Link	Screenshot Link	Notes
\$2,200 / 1br - 750ft2 - Sunny and Bright Craftsman Apartment (berkeley)	2122 McGee near Alston	Craigslist	9/3/2020; Reposted 9/21/2020	9/11/2020; Re-spotted 9/23/2020	Listed by property owner, Stefan Alan Isaksen		Upstairs bedroom in 4-unit building	Repost: https://sfbay.craigslist.org/eb/apa/d/berkeley-sunny-and-bright-craftsman/7200282564.html	Repost: https://drive.google.com/file/d/1vJAEUVHYYMvLWF_EXuCjCRHAWvDC6j5a/view?usp=sharing	
\$1,295 / 112ft2 - Advent- Single occupancy room directly across from UC Berkeley!	225A Hearst Avenue	Craigslist	09/14/2020	9/16/2020	Advent Properties		Single room in apartment	https://sfbay.craigslist.org/eb/apa/d/berkeley-advent-single-occupancy-room/7196077067.html	https://drive.google.com/file/d/1Xoa8Od3UasrMi1M0CjdbkAv7y1u35_uview?usp=sharing	
\$1,295 / 112ft2 - Advent- Single room (404) available directly across from UC Berkeley!	225A Hearst Avenue	Craigslist	09/14/2020	9/16/2020	Advent Properties		Single room in apartment	https://sfbay.craigslist.org/eb/apa/d/berkeley-advent-single-room-404/7196076836.html	https://drive.google.com/file/d/1oOXu1EEJ_RDV_oUe0EickY0dxFPQ7/view?usp=sharing	
\$1,395 Advent- Single room (406) available directly across from UC Berkeley!	225A Hearst Avenue	Craigslist	09/14/2020	9/16/2020	Advent Properties		Single room in apartment	https://sfbay.craigslist.org/eb/apa/d/berkeley-advent-single-room-406/7196075779.html	https://drive.google.com/file/d/1HW45fhEgJGhtcQ8XmQnshAqg_NNbh6W/view?usp=sharing	
\$1,495 / 230ft2 - Advent- Large single room (502) available directly across from UC Berk	225A Hearst Avenue	Craigslist	09/14/2020	9/16/2020	Advent Properties		Single room in apartment	https://sfbay.craigslist.org/eb/apa/d/berkeley-advent-large-single-room-502/7196075373.html	https://drive.google.com/file/d/1QxXdLnmX2rYb8HbAG-JHPJmo4VrJQyd/view?usp=sharing	
2714 College Ave, Berkeley, CA 94705	2714 College Ave	Zillow	Listing removed 10/7/2018	9/18/2020	The Berkeley Group		Home for rent	https://www.zillow.com/homedetails/2714-College-Ave-Berkeley-CA-94705/2090929564_zpid/	https://drive.google.com/file/d/1hRlHohQ7L-mlyXcGx-O_OyqmQVTzE4e/view?usp=sharing	Off market
1036 Carleton St, Berkeley, CA 94710	1036 Carleton St	Zillow	Listed 10/18/2017; sold 11/16/17	9/18/2020	The Grubb Company		Home for rent	https://www.zillow.com/homedetails/1036-Carleton-St-Berkeley-CA-94710/24832655_zpid/	https://drive.google.com/file/d/13YdFH8w5c7coMJIWwJSh4XKMegmN9T-H/view?usp=sharing	Sold in 2017
\$2,595.00 / 2 br / 1.0 ba / 820 sqft Newly renovated South Berkeley top floor LARGE apartment	1614 Alcatraz Ave, Unit A	Tenantturner	8/20/2020	9/18/2020	Keyrenter East Bay Property Management		Apartment in apartment building	https://app.tenantturner.com/qualify/1614-alcatraz-ave	https://drive.google.com/file/d/1cTEZqybH17yuiQvJAYk9FTqVfaectG/view?usp=sharing	"This property is not available for tenants with a bankruptcy, a judgment, an eviction, recent felonies against people or property, a housing voucher , an income less than 2.0x rent, pets, a move in date too far out, or any unmet property requirements."
1629 Sixth Street - Upper	1629 Sixth Street	Tenantturner	8/21/2020	9/18/2020	Seville Property Management		Apartment in duplex	https://app.tenantturner.com/qualify/1629-sixth-street--upper	https://drive.google.com/file/d/16j2bPMk0a9qNgOTDmC_GCdY6HwpxJtS6/view?usp=sharing	"This property is not available for tenants with a housing voucher , an income less than 2.0x rent, pets, or any unmet property requirements."
\$3,550 / 3br - 1128ft2 - LOCATION LOCATION 3 plus rooms, 1.5 bathrooms (berkeley north / hills)	3219 King Street near Ashby	Craigslist, Trulia, Zillow, Hotpads	Craigslist, Zillow and Hotpads: 9/20/2020, Trulia: ???,	Craigslist: 9/23/2020, Trulia, Zillow, and Hotpads: 9/25/2020	Managed by owning family; contact Ann Carson at (510) 467-3442		Home for rent	Craigslist: https://sfbay.craigslist.org/eb/apa/d/berkeley-location-3-plus-rooms/7199540716.html Trulia: https://www.trulia.com/p/ca/berkeley/3219-king-st-berkeley-ca-94703-1001952033_zillow/ Zillow: https://www.zillow.com/homedetails/3219-King-St-Berkeley-CA-94703/24828441_zpid/ Hotpads: https://hotpads.com/3219-king-st-berkeley-ca-94703-skv14u/pad?keywords=section%208&lat=37.8708&lon=122.3010&orderBy=experimentScore&z=12	Craigslist: https://drive.google.com/file/d/11VHEN7yVQDg6BYZD2rG60kOf6ookzWviw7usp=sharing Trulia: https://drive.google.com/file/d/1QXn1LaeJ-Fbn-wc5kosMMuNIUp5K0z/viaw?usp=sharing Zillow: https://drive.google.com/file/d/1Q6B8LWuawcukPAGRPAwVakbeWUUVjVv/view?usp=sharing	On Craigslist: Also mandates background check. On Trulia, Zillow, and Hotpads: "We seek employed or financially sound applicants, honest, respectful, people, section 8 is not available, and their is a back ground check, charge."

Source of Income Housing Discrimination

You can use this form to report incidents where landlords discriminated against prospective tenants because of their source of income. This includes cases where landlords advertised Berkeley rental property as unavailable to applicants with "Section 8" or other housing vouchers that subsidize their rent, or where landlords expressed a preference for renters not receiving rental assistance from benefit or subsidy programs.

* Required

1. What is the address of the rental property? *

2. When did you see the posting? *

Example: January 7, 2019

3. Please describe the nature of discrimination. For example, the landlord may have written "No Section 8" on a listing, expressed bias against housing voucher holders over the phone or in an email, or failed to show up to a viewing after learning that you were a voucher holder. *

4. What type of rental housing was advertised? *

Mark only one oval.

- Unit in an apartment complex
- Unit in a duplex
- Unit in a triplex
- Accessory dwelling space (aka an "in-law apartment" or "granny flat")
- Room or rooms in a single-family home with common indoor living spaces
- Room or rooms in a multi-family home with common indoor living spaces
- House for rent
- Other: _____

5. Is the property managed by a property management agency? If so, please provide its name. *

6. Where did you see the property listed? *

Mark only one oval.

- Craigslist.org
- Zillow.com
- Apartments.com
- Trulia.com
- Rent.com
- ForRent.com
- Facebook.com
- Other: _____

7. Please provide a link to the apartment listing, if available.

8. Thank you for helping to make Berkeley a more welcoming city for residents with housing vouchers. Please provide any questions or concerns you may have in the space below.

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