



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

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

Wednesday, December 14, 2022 – 2:30 p.m.

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

Pursuant to Government Code Section 54953(e)(3), City Council Resolution 70,030-N.S., and Rent Board Resolution 21-29, this meeting of the City Council and Rent Stabilization Board's **4 x 4 Joint Task Force Committee on Housing** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolutions 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/89280424536?pwd=aWRTQXo5SnBKRnZobVEvL1pkOHlvdz09>. 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: 892 8042 4536 and Passcode: 339987. 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 a written communication for the Committee's consideration and inclusion in the public record, email [BTran@cityofberkeley.info](mailto:BTran@cityofberkeley.info) with the Subject line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 COMMITTEE." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 12:30 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

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 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.



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Wednesday, December 14, 2022 – 2:30 p.m.

### Approved Minutes

- Roll call: Mayor Arreguín called the meeting to order at 2:34 p.m.  
Present: Mayor Arreguín, CM Harrison (logged on at 2:51 p.m.), RBC Johnson, RBC Kelley, CM Robinson, RB Chair Simon-Weisberg, CM Taplin (logged on at 3:05 p.m., logged off at 4:28 p.m.)  
Absent: RBC Alpert.  
Staff present: Diego Aguilar-Canabal. Matt Brown, Steven Buckley, Lief Bursell, Nate Dahl, Brendan Darrow, Ollie Ehlinger, Stefan Elgstrand, Jen Fabish, Hannah Kim, Jordan Klein, Be Tran, DéSeana Williams.
- Land Acknowledgment 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.

- Approval of the agenda: M/S/C (Simon-Weisberg/Robinson) Approve the agenda as written. Roll call vote. YES: Arreguín, Johnson, Kelley, Robinson, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert, Harrison, Taplin. Carried: 5-0-0-3.
- Public comment on non-agenda matters: There were no speakers.
- Approval of October 26, 2022 Committee meeting minutes (see attachment): M/S/C (Robinson/Kelley) Approve the October 26, 2022 meeting minutes as written. Roll call vote. YES: Arreguín, Harrison, Johnson, Kelley, Robinson, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert, Taplin. Carried: 6-0-0-2.
- Approval of November 30, 2022 Committee meeting minutes (see attachment): M/S/C (Robinson/Arreguín) Approve the November 30, 2022 meeting minutes as written. Roll call

vote. YES: Arreguín, Harrison, Johnson, Kelley, Robinson, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert, Taplin. Carried: 6-0-0-2.

7. Discussion and possible action on Committee meeting schedule for 2023 (requested by Mayor Arreguín): The committee discussed moving to a bi-monthly or quarterly schedule. Mayor Arreguín and Chair Simon-Weisberg will take the committee's feedback into account when setting the 2023 meeting schedule.
8. Discussion and possible action to consider a recommendation to City Council regarding amendments to the Demolition Ordinance (Steve Buckley, Planning Department, see attached staff report): The committee had a lengthy discussion on this item, and staff from the Planning Department, Rent Board, and City Attorney's Office responded to questions. Issues and possible amendments raised by the committee included:
  - a. Revise the process regarding the determination of whether harassment has occurred (as per sections 23.326.030.A.2 and 23.326.040.C.2): restate so that the Hearing officer makes the determination and ZAB reviews/confirms. Consider whether a body other than ZAB (i.e., City Council or Rent Board) should make the determination.
  - b. Reconsider applicability to ADUs/JADUs (and review whether it would be allowable under state law). Alternatively, add tenant protections requirements for demolished ADUs/JADUs (as is applied to unpermitted units).
  - c. Reconsider applicability to unpermitted units; consider distinguishing between units that are unsafe, and other units.
  - d. Add definition of "comparable unit"- size, amenities, location (e.g., consider requiring in the same school district).
  - e. Expanding noticing requirements.
  - f. Keep section "23.326.040.D. Effect of Eliminating a Dwelling Unit."
  - g. Reconsider deletion of non-detriment finding (23.326.030.A).
  - h. Use definition of harassment from Tenant Protection Ordinance.

M/S/C (Arreguín/Harrison) Motion to refer the issues and amendments raised today to City staff, and recommend the adoption of the Ordinance with these revisions. Roll call vote. YES: Arreguín, Harrison, Johnson, Kelley, Robinson, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert, Taplin. Carried: 6-0-0-2.

There was one public speaker.

9. Discussion of possible future agenda items: Occupancy limits (Johnson), Elevator Ordinance (Harrison)
10. Confirm next meeting date: Mayor Arreguín and Chair Simon-Weisberg will confer with staff on a 2023 meeting schedule. The committee will likely meet in January 2023 at a date to be announced.
11. Adjournment: M/S/C (Kelley/Harrison) Adjourn the meeting. Roll call vote. YES: Arreguín, Harrison, Johnson, Kelley, Robinson, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Alpert, Taplin. Carried: 6-0-0-2.

The meeting adjourned at 4:30 p.m.

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