Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting Minutes
(Approved)

Maudelle Shirek Building
2134 Martin Luther King Jr. Way
Council Chambers, Second Floor
Broadcast Live on KPFB – 89.3 and BTV Cable Channel 33
Live Webcasting at www.cityofberkeley.info/rent

Monday, March 17, 2014
7:00 p.m.

1. **Roll call** – Chair Stephens called the meeting to order at 7:18 p.m.*
   Aimee Mueller called roll.
   Commissioners present: Blake, Dodsworth, Harr, Hunt, Shelton, Soto-Vigil, Townley, Webster, Stephens
   Commissioners absent: None
   Staff present: Arreguin, Brown, Kelekian, Law (in audience), Mueller

   **The meeting start time was delayed due to a problem with the KPFB broadcast.*

2. **Approval of Agenda** M/S/C (Harr/Townley) APPROVE AGENDA WITH THE FOLLOWING CHANGE: MOVE ITEM 7.a.(1) TO ACTION AND HEAR THIS ITEM BEFORE WAIVERS. Voice vote. Carried: 9-0-0-0.

3. **Public Forum** – There were three speakers. Ezekiel Gorrocino of the Better Berkeley Working Group spoke in support of the Rent Board staff recommendations for AB 2175 (Daly), SB 1439 (Leno) and AB 2181 (Bloom); Moni T. Law spoke about the Daily Cal article on housing; and Leah Simon-Weisberg of Berkeley Tenants Union spoke about the state legislation and Ellis reform.

4. **Approval of the January 27th Regular Meeting minutes** M/S/C (Townley/Hunt) APPROVE MINUTES AS WRITTEN. Voice vote. Carried: 9-0-0-0.

5. **Special Presentation by representatives from Christine Minnehan & Associates, Rent Board Legislative Advocate, on housing-related legislation**

   a. **State Legislative Report**

b. <u>Recommendation concerning three pieces of legislation</u>:

(1) Recommendation that the Board go on record supporting AB 2175 (Daly)

(2) Recommendation to direct Legislative Advocate to urge author to amend SB 1439 (Leno)

(3) Recommendation to encourage the Berkeley City Council to review AB 2181 (Bloom)

Following the presentation by Michael Moynagh and Brian Augusta of Christine Minnehan & Associates, the presenters took questions from the Board. After discussion, the Board took the following action:

M/S/C (Harr/Webster) ADOPT RECOMMENDATIONS 5.b.(1) AND 5.b.(3), AND AMEND RECOMMENDATION 5.b.(2) AS FOLLOWS: DIRECT THE RENT BOARD'S LEGISLATIVE ADVOCATE TO URGE AUTHOR LENO TO AMEND SB 1439; TO ALSO DIRECT THE LEGISLATIVE ADVOCATE TO ASK LONI HANCOCK AND NANCY SKINNER TO WORK TOWARD A BILL THAT WOULD PROTECT EAST BAY RENTERS; AND AUTHORIZE THE CHAIR TO WRITE THE CITY COUNCIL REQUESTING THAT THEY ALSO APPROACH HANCOCK AND SKINNER TO WORK TO PROTECT BERKELEY TENANTS BY ENCOURAGING AND THEN SUPPORTING A BILL THAT WOULD PROTECT EAST BAY TENANTS. Voice vote. 8-1-0-0. NO: Hunt.

6. <u>Action Items</u>

a. <u>From Board Members, Executive Director and Committees</u>

(1) <u>Discussion and possible action regarding the Multi-Unit Housing Emergency Preparedness Program memo</u> (Commissioner Townley)

M/S/C (Blake/Soto-Vigil) SUPPORT THE PROPOSALS OUTLINED IN THIS MEMO WITH THE FOLLOWING CHANGES TO THE THIRD PAGE OF THE MEMO:

- REMOVE THE PARAGRAPH THAT BEGINS WITH "The course would be required annually…"
- REMOVE THE PARAGRAPH THAT BEGINS WITH "The Fire Department and the Rent Board…".
- INSERT THE FOLLOWING SENTENCE IN THE PARAGRAPH THAT BEGINS WITH "These special two-hour classes would…": "We also think that the class should eventually be required for all managers of 16-unit and larger buildings, of which most have onsite managers; there are approximately 300 such buildings in Berkeley."

Roll call vote. YES: Blake, Dodsworth, Hunt, Shelton, Soto-Vigil, Webster, Stephens; NO: Harr, Townley; ABSTAIN/ABSENT: None. Carried: 7-2-0-0.

(2) Recommendation to restore the 10% deduction from Commissioner Hunt's stipend for her absence from the January 3rd Eviction/Section 8/Foreclosure Committee meeting (Commissioner Hunt)

M/S/C (Soto-Vigil/Webster) RESTORE THE 10% DEDUCTION FROM COMMISSIONER HUNT'S STIPEND FOR HER ABSENCE FROM THE JANUARY 3, 2014 EVICTION/SECTION 8/FORECLOSURE COMMITTEE MEETING. Voice vote. Carried: 9-0-0-0.

(3) Proposal to approve staff recommendation on the following request for waiver of late registration penalties (Executive Director)

Ministerial Waiver

Waiver No.	Property Address
4325	2119 Emerson St
4348	2042 Dwight Way
4349	3135 Mabel St
4352	1330 Oxford St

Discretionary Waiver

Waiver No.	Property Address
4340	1533 MLK Jr Way
4341	1308 Hopkins St
4343	1333 Santa Fe Ave
4344	1215 Kains Ave
4351	3141 College Ave
4353	2919 Acton St
4357	2443 Derby St

M/S/C (Blake/Soto-Vigil) APPROVE ALL MINISTERIAL WAIVERS AND DISCRETIONARY WAIVER NOS. 4343 AND 4353. Voice vote. Carried: 9-0-0-0.

M/S/C (Hunt/Webster) APPROVE STAFF RECOMMENDATION FOR WAIVER NO. 4340. Voice vote. Carried: 9-0-0-0.

M/S/C (Blake/Hunt) APPROVE WAIVING $482.00 FOR WAIVER NO. 4341. Voice vote. Carried: 9-0-0-0.

M/S/C (Blake/Hunt) APPROVE STAFF RECOMMENDATION FOR WAIVER NO. 4344. Voice vote. Carried: 9-0-0-0.

M/S/C (Harr/Webster) APPROVE STAFF RECOMMENDATION FOR WAIVER NO. 4351. Voice vote. Carried: 7-1-1-0. NO: Townley; ABSTAIN: Shelton.

M/S/C (Harr/Webster) WAIVE ONE HUNDRED PERCENT FOR WAIVER NO. 4357. Voice vote. Carried: 9-0-0-0.

7. Information and Announcements

Please Note: The Board may move Information Items to the Action Calendar.

a. Reports from Board Members/Staff

(1) February 21, 2014 staff report to Outreach Committee regarding Providing City E-mail Addresses to Commissioners (Executive Director) This item was moved to action by an earlier vote on approval of the agenda and voted on following the Waivers. Following discussion on each Recommended Option enumerated on the second page of this item, the Board voted on each one separately:

M/S/C (Soto-Vigil/Townley) ADOPT "Recommended Option 1." AS WRITTEN. Voice vote. Carried: 9-0-0-0.

M/S/C (Soto-Vigil/Townley) ADOPT "Recommended Option 2." AS WRITTEN. Voice vote. Carried: 8-1-0-0. NO: Stephens.

M/S/C (Soto-Vigil/Townley) ADOPT "Recommended Option 3." AS WRITTEN. Voice vote. Carried: 8-1-0-0. NO: Stephens.

M/S/C (Harr/Hunt) ELIMINATE EXISTING "Recommended Option 4.", AND AMEND "Recommended Option 5." (that shall replace Recommended Option 4.) TO READ AS FOLLOWS:

"The communications to the full Board would go to staff to review and forward. When communications are of a policy nature, they will be included in the full Board packet. The communications for individual Board members would simultaneously go to the Board member's mailbox and to a staff mailbox. Staff will review the mail and act as a 'fail safe' and notify the Board member that a communication was received and is being forwarded. If there is an additional advisory message (Brown Act alert, an appeal is pending or anticipated and it is recommended that the communication not be read, or relevant background on the issue about which the e-mailer is communicating), that will be included at the time the e-mail is forwarded to the Board member."

Voice vote. Carried: 7-2-0-0. NO: Blake, Townley.

(2) Update on Council's action regarding the referral to the City Manager of an Exemption of Fire-Damaged Buildings from Affordable Housing Mitigation Fee (Executive Director) Council Member Arreguin was present to speak about this item and answer questions from the Board.

(3) February 7, 2014 Ellis Act and Owner Move-in (Measure Y) statistics report to Eviction/Section 8/Foreclosure Committee (Executive Director) Commissioner Harr stated that the next Measure Y report should be in the April Board meeting packet.

(4) March 4, 2014 Summary of Ellis Act Evictions (1986-2013) report to Eviction/Section 8/Foreclosure Committee (Executive Director)

(5) Copies of the Notice of Apparent Lawful Rent Ceiling mailing to Berkeley property owners and tenants (Executive Director)

(6) January 28, 2014 SFGate.com article by Will Kane titled, "Renters complain of squalid conditions, file claim in West Oakland" (Executive Director)

(7) February 3, 2014 San Francisco Chronicle article by Marisa Lagos titled, "Pushing to slow Ellis Act evictions" (Executive Director)

(8) February 12, 2014 East Bay Express article by Darwin BondGraham titled, "The Rise of the New Land Lords" (Commissioner Harr) Commissioner Harr said that what this article largely focuses on is foreclosures. Chair Stephens said this article was truly terrifying.

(9) February 24, 2014 SFChronicle.com and SFGate.com article by John Coté titled, "Ellis Act spat goes to state Capitol" (Commissioner Hunt)

(10) March 3, 2014 SFChronicle.com and SFGate.com article by Heather Knight and John Coté titled, "Public housing to get boost from federal program" (Commissioner Hunt)

(11) March 4, 2014 Huffington Post article by Ben Hallman and Jillian Berman titled, "Wall Street Has Found Its Latest Dangerous Financial Product, Activists Warn" (Commissioner Harr)

(12) March 10, 2014 SFGate article by Kathleen Pender titled, "One-third rule not always feasible in Bay Area rental market" (Executive Director)

b. Updates and Announcements regarding Committee/Board Meetings

(1) Budget and Personnel – Committee Chair Stephens said the Committee will meet twice this month.

a. January 29th agenda

b. February 26th meeting cancellation notice

c. Update on the subject of paperless agendas – *Verbal*

(2) Outreach – Committee Chair Webster gave on overview of the Committee's recent work.

a. December 20. 2013 minutes

b. January 17th minutes

c. February 21st agenda

(3) IRA/AGA and Habitability – next meeting is scheduled for Friday, March 21st.

(4) Eviction/Section 8/Foreclosure – Committee Chair Harr said the most important item to mention is that the Committee will not be having a presentation by the City of Richmond any time soon. However, they will be reviewing the FY2014-15 proposals submitted by the Eviction Defense Center and the East Bay Community Law Center, as well as the issues of Ellis/Owner Move-in benefits and reviewing the Measure Y status report next month.

a. November 7, 2013 minutes

b. January 3rd minutes

c. February 7th agenda

d. February 7th minutes

e. March 4th agenda

(5) Safe & Sustainable Housing – Committee Chair Townley said the Committee met last week and that a memo on Multi-Unit Housing Emergency Preparedness should be in the next Board packet. In addition, the Committee is working on a Post-Disaster Recovery plan for the Rent Board, the issue of anonymous complaints related to Fire and Building Safety, and monitoring the progress of Phase II of the Soft Story Ordinance implementation.

a. March 13th agenda

(6) Waivers Committee – Committee Chair Dodsworth said that the Committee will be reviewing the backlog of waivers before the next Board meeting.

(7) 4 x 4 City Council/RSB Housing Committee – This Committee has not met and there is currently no meeting scheduled.

(8) Future Special Meetings

c. Discussion of items for possible placement on future agenda

8. Adjournment – in honor of Jackie Foster-Wilson, long-time public servant and the first Executive Director of the elected Berkeley Rent Stabilization Board. M/S/C (Webster/Hunt) The meeting was adjourned at 10:30 p.m. Voice vote. Carried: 8-0-0-1. ABSENT: Blake.