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, July 15, 2013
7:00 p.m.

1. **Roll call** – Chair Stephens called the meeting to order at 7:09 p.m.
   Aimee Mueller called roll.
   Commissioners present: Blake (arrived 7:11), Dodsworth, Harr, Hunt, Shelton, Soto-Vigil (arrived 7:11), Townley, Webster (arrived 7:17), Stephens
   Commissioners absent: None
   Staff present: Brown, Kelekian, Mueller

   Chair Stephens announced that KPFA was experiencing technical difficulties which would delay live radio broadcasting of the meeting. The Chair proposed that the Board re-order the agenda to take up Item 7. (Closed Session) to allow KPFA staff time to resolve their issue. The Board then heard Item 2. (Approval of Agenda) and voted on this proposal and several other changes to the agenda.

2. **Approval of Agenda** M/S/C (Townley/Harr) APPROVE AGENDA WITH THE FOLLOWING CHANGES: MOVE ITEM 7. (CLOSED SESSION) TO THE NEXT ITEM ON THE AGENDA TO ALLOW KPFA MORE TIME TO RESOLVE THEIR TECHNICAL DIFFICULTIES; MOVE ITEM INFORMATION ITEM 6.a.(14) TO ACTION ITEMS; MOVE INFORMATION ITEM 6.a.(17) TO THE BEGINNING OF INFORMATION ITEMS; HEAR INFORMATION ITEMS 6.b.(1) THROUGH (8) PRIOR TO INFORMATION ITEMS; AND HOLD OVER ITEM 4. (MINUTES) TO THE NEXT BOARD MEETING.
   Voice vote. Carried: 8-0-0-1. ABSENT: Webster.

   Following Approval of the Agenda, Chair Stephens announced that, pursuant to Government Code Section 54956.8 – Real Property Negotiation – the Board would now convene in Closed Session (see Item 7. below). She stated that the Negotiators are Executive Director Jay Kelekian, Assistant Staff Attorney Chanée Franklin and Joel Maimon on behalf of the Rent Board, with Jim Williams who is representing 2125 Milvia Street in Berkeley, and David and Sasha Shamszad representing 2020 Milvia Street in Berkeley.

7. CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8.

Update on lease negotiations for possible rental space for January 1, 2014 going forward.

Upon return from Closed Session, Staff Attorney Matt Brown announced that the Board took the following action: THE BOARD AUTHORIZED EXECUTIVE DIRECTOR JAY KELEKIAN TO NEGOTIATE THE BEST DEAL POSSIBLE, BASED UPON THE GUIDANCE PROVIDED BY THE BOARD, AND SIGN A LETTER OF INTENT COMMITTING THE BOARD UP TO $50,000 WITH WHICHEVER OF THE TWO SPACES HE FINDS A CLEAR BENEFIT FOR. SEVERAL COMMISSIONERS MAY WORK WITH MR. KELEKIAN IF THEY HAVE THE TIME OR INTEREST TO DO SO**.**

Following this announcement, Chair Stephens asked that roll call be taken again:
Commissioners present: Blake, Dodsworth, Harr, Hunt, Shelton, Soto-Vigil, Townley, Webster, Stephens
Commissioners absent: None
Staff present: Brown, Kelekian, Mueller

3. Public Forum – There were no speakers.

4. Approval of June 17th Regular Meeting Minutes – Held over by a prior vote on Item 2.

The Board then heard Information Items 6.b.(1) through 6.b.(8) as moved by a prior vote on Approval of the Agenda.

6.b. Updates and Announcements regarding Committee/Board Meetings

(1) Budget and Personnel – Committee Chair Stephens said that the Board has already discussed most of the items that the Committee has been working on recently (i.e., the Budget and negotiations related to a potential office move) and that there is no update on Contract Negotiations.

a. June 14th agenda

b. June 17th agenda (continuation of June 14th meeting)

(2) Outreach – Committee Chair Webster said the Committee will be meeting this Friday, July 19th. She touched on several of the agenda items from the Committee's June 14th meeting.

a. April 19th minutes

b. June 14th agenda

(3) IRA/AGA and Habitability – Committee Chair Stephens said the Committee met last Friday, July 12th, and that the Board will be discussing one of their items (recommendation on mold) this evening. She also asked that the Outreach Committee put an item on their next agenda to discuss a possible mailing to Berkeley landlords and tenants on the subject of Carbon Monoxide (CO) detectors – which are now required in all residential housing units, effective July 1, 2013 – that will direct the public to the information they need in terms of what types of CO detectors are required and where the monitors should be installed.

a. July 12th agenda

(4) Eviction/Section 8/Foreclosure – Committee Chair Harr said the Committee has recently spent time meeting with legal service providers and reviewing their contract proposals for the next fiscal year; she also directed the Board's attention to the Distressed/Foreclosed Properties report in the Board agenda packet and clarified that this is the revised version. She said the Committee has spent a significant amount of time on the subject of possible changes to the Relocation Assistance and other provisions under the Owner Move-In and Ellis Act eviction protections for tenants. She said they hope to move forward by having a general training for the full Board, hopefully at the August Board Meeting, that covers current Owner Move-In and Ellis Act eviction protections for tenants.

a. May 3rd minutes

b. June 7th agenda

c. July 12th agenda

(5) Safe & Sustainable Housing – Committee Chair Townley gave an overview of the Committee's recent work, including their continued discussion of the Disaster Preparedness Plan for tenants in multi-family buildings. The Committee's meeting scheduled for July 18th has been postponed to next month. Commissioner Townley also directed the Board's attention to an article in the July 2013 issue of the East Bay Rental Housing Association (EBRHA) magazine about San Francisco's Soft Story Retrofit Ordinance – he said the article mentioned that the San Francisco Apartment Association played a critical role in assisting with expediting the process of writing and being constructive with its input into this successful Soft Story Retrofit Ordinance in San Francisco. He said he hopes that all Berkeley property owners – including Berkeley Property Owners Association members – will participate fully and constructively in this process in Berkeley. He also announced that the Planning Department will be conducting a public meeting at the North Berkeley Senior Center on Thursday, July 25th, about the proposed Ordinance to require retrofitting of soft story buildings (also known as Phase II of the Soft Story Ordinance). In addition, the EBRHA will hold a general meeting on Saturday, July 20th from 10:00am to noon, that will include talks on retrofitting and related information including how to fund seismic retrofits.

a. July 18th agenda

(6) Waivers Committee – Committee Chair Dodsworth said he had nothing new to report.

(7) Ad Hoc Committee on Smoke-Free Housing (Committee has not met.)

(8) 4 x 4 City Council/RSB Housing Committee – Chair Stephens said the Committee was supposed to meet in July, but did not. Their next meeting is scheduled for Thursday, September 12th but that date has not been confirmed yet. The Demolition Ordinance should be on that agenda.

a. March 25th minutes

b. May 16th agenda

(9) Future Special Meetings

c. Discussion of items for possible placement on future agenda

5. Action Items

a. From Board Members, Executive Director and Committees

(1) Proposed amendments to the adopted Fiscal Year 2013-2014 Line-item Budget and Staffing Model

M/S/C (Soto-Vigil/Townley) ADOPT THE PROPOSED AMENDMENTS TO THE FISCAL YEAR 2013-2014 LINE-ITEM BUDGET AND STAFFING MODEL AS WRITTEN. Roll call vote. YES: Blake, Dodsworth, Harr, Shelton, Soto-Vigil, Townley, Webster, Stephens; NO: Hunt; ABSTAIN/ABSENT: None. Carried: 8-1-0-0.

(2) Recommendation to adopt proposed Rent Board Regulation 807 [Exemption from Registration for units with tenants receiving monthly assistance through the Section 8 Program or the Shelter Plus Care Program or equivalent rent subsidy program] – Second Reading

M/S/C (Townley/Soto-Vigil) ADOPT PROPOSED RENT BOARD REGULATION 807 ON SECOND READING. Voice vote. Carried: 9-0-0-0.

(3) Discussion and possible action regarding possible recommendation to request that the City Council amend the Berkeley Municipal Code (BMC) to define and address mold growth in Berkeley residences

Chair Stephens read the highlights of the IRA/AGA/Habitability Committee's recommendation to the full Board on this issue. Commissioner Soto-Vigil thanked the Committee – and his intern, Jennifer Weldon – for their work on this issue. He also stated for the record that, "CNN Money stated that over 32% of brand new homes contained some form of mold."

M/S/C (Soto-Vigil/Dodsworth) ADOPT THE IRA/AGA/HABITABILITY COMMITTEE'S RECOMMENDATION TO THE CITY COUNCIL AS WRITTEN. Voice vote. Carried: 9-0-0-0.

The following Information Item was moved to Action by a prior vote on the Agenda.

6.a.(14) Update on Proposed Revision to the Demolition Ordinance – Chair Stephens gave an overview of this issue and the information in the Board packet for this item. She said the 4 x 4 City Council/RSB Housing Committee will take up this issue at its September meeting. Commissioner Harr noted that Chair Stephens is authorized to do a press release when this issue comes up again. NO ACTION TAKEN.

6. Information and Announcements

a. Reports from Board Members/Staff

NOTE: Items (1) through (9) were carried over from the June 17th Board Meeting.

Information Item 6.a.(17) was moved to the first Information Item as moved by a prior vote on Approval of the Agenda.

(17) Communication with tenants of Premium Properties regarding unilateral changes in terms of rental agreements Staff Attorney Matt Brown gave an overview of this issue and explained the reason for the Rent Board's communication to these tenants.

(1) Update on the Proposed Ordinance on Smoke-Free Housing – The Executive Director gave an overview of the recommended modifications to the proposed ordinance, answered questions from Commissioners and updated the Board on Council's recent action on this item. He said he expects this item to be back on Council's agenda sometime in October.

(2) April 26, 2013 letter from Badawi & Associates regarding final results of outside audit of the Rent Board for the year ended June 30, 2012 In packet and self-explanatory.

(3) REVISED May 3, 2013 Distressed Properties/Foreclosure Report to the Eviction/Section 8/Foreclosure Committee Discussed earlier under Item 6.b.(4).

(4) May 7, 2013 Council item on "Contract: Wells Fargo Bank for Banking Services" Briefly discussed.

(5) Update on the May 29, 2013 presentation to the Berkeley Association of Realtors Staff Attorney Matt Brown gave an overview of his presentation and reported that it was well-received by the audience. Commissioner Hunt asked if staff could develop a booklet containing information specifically tailored to realtors.

(6) Update on annual Registration for fees due July 1, 2013 The Executive Director gave an overview of this year's Registration process.

(7) May 23, 2013 SFGate.com article by Carolyn Said titled, "Security deposits stir up disputes between landlords, tenants" In packet and self-explanatory.

(8) May 2013 Rental Housing magazine article by John Caronna titled, "It's a Great Time to Buy & Sell" In packet and self-explanatory.

(9) June 10, 2013 San Francisco Chronicle editorial by Enrico Moretti titled, "How to make housing more affordable" Commissioner Soto-Vigil expressed disappointment in this article's assertions; Commissioner Hunt suggested that Mr. Moretti present his findings to the Board at a future meeting.

(10) Updated Commissioner Attendance records through Q2 of 2013 In packet and self-explanatory.

(11) Public Meeting Notice for Proposed City Ordinance to Require Retrofit of Soft Story Buildings In packet and self-explanatory.

(12) June 19, 2013 Los Angeles Times article by Lee Romney titled, "San Francisco 'Landlords from Hell' agree to prison terms" In packet and self-explanatory.

(13) Flyer for the Ecology Center's "Go Green Expo For Renters" on Tuesday, July 16, 2013 at 7:00 p.m. In packet and self-explanatory.

(14) Update on Proposed Revision to the Demolition Ordinance (Chair Stephens) – Moved up to the first Information Item as moved by a prior vote on Approval of the Agenda.

(15) Update on Acheson Commons Development Appeal – *Verbal* Chair Stephens said she'll be working with staff to draft a letter clarifying the vacant units are still subject to rent control. She said the Board's position on that has not changed.

(16) June 30, 2013 Daily Californian article by Andrew Dickey titled, "Survey finds some Berkeley buildings do not meet earthquake safety requirements" (Executive Director)

(17) Communication with tenants of Premium Properties regarding unilateral changes in terms of rental agreements Moved to Action Items by a prior vote on Approval of the Agenda.

Prior to Adjournment, Commissioner Shelton announced that she wanted the public to be aware that the Sequoia building permit will be on the next Zoning Adjustments Board agenda on July 25th – she feels this is very important due to the affordable housing units that were lost when this building was destroyed by fire.

8. Adjournment M/S/C (Townley/Harr) ADJOURN TONIGHT'S MEETING IN HONOR OF FORMER RENT BOARD COMMISSIONER BOB EVANS WHO SERVED ON THE BOARD FROM 2002 TO 2006, AND TRAYVON MARTIN. Voice vote. Carried: 9-0-0-0.

The meeting was adjourned at 10:23 p.m.