



**HOUSING ADVISORY COMMISSION**  
**Regular Meeting**  
**Thursday, October 3, 2019**

Housing Advisory Commission

**Time: 7:03 pm**

**South Berkeley Senior Center**  
**2939 Ellis Street – Berkeley**  
**Acting Secretary – Mike Uberti, (510) 981-5114**

## **APPROVED MINUTES**

### **1. Roll Call**

Present: Tor Berg (substitute for Darrell Owens), Xavier Johnson, Thomas Lord, Mari Mendonca, Maryann Sargent, Alex Sharenko, Leah Simon-Weisberg, Marian Wolfe and Amir Wright.

Absent: Darrell Owens (excused).

Commissioners in attendance: 9 of 9

Staff Present: Amanda Montez, Mike Uberti and Jenny Wyant.

Members of the public in attendance: 19

Public Speakers: 13

### **2. Agenda Approval**

Action: M/S/C (Wright/Lord) to approve the agenda.

Vote: Ayes: Berg, Johnson, Lord, Mendonca, Sargent, Sharenko, Simon-Weisberg, Wolfe and Wright. Noes: None. Abstain: None. Absent: Owens (excused).

### **3. Public Comment**

There were three speakers during public comment.

### **4. Discussion on Commission Recommendations to the City Council**

### **5. Approval of the July 11, 2019 Regular Meeting Minutes**

### **6. Discussion and Possible Action to Adopt Recommendations to Improve and Enforce the Smoke-Free Multi-Unit Housing Ordinance**

Action: M/S/C (Sharenko/Lord) to recommend that City Council:

1. Make a short term referral directing the City Manager to correct current City Policies for enforcing BMC 12.70.035 so that these policies do not contradict the ordinance. Additionally, modify BMC 12.70.035 to require that second and third complaints must refer to a violation or violations that occur after the 12.70.035(C) notice has been made.
2. Modify BMC 12.70.035 so that the requirement that signs be posted is enforced as part of the Residential Safety ordinance. Failure to post signage may result in fines, accordingly.

3. Modify BMC 12.70.035 so that repeated failure to provide new tenants with the City's brochure shall be guilty of an infraction. It shall also be an infraction for landlords to tell new tenants, in contradiction to the law, that tobacco smoking by some tenants is permitted.
4. Provide analysis of the financial impacts of the recommended modifications to the BMC.

Vote: Ayes: Berg, Johnson, Lord, Mendonca, Sargent, Sharenko, Simon-Weisberg, Wolfe and Wright. Noes: None. Abstain: None. Absent: Owens (excused).

Action: M/S/F (Sharenko/Lord) to recommend that City Council:

1. Make a short term referral directing the City Manager to correct current City Policies for Modify BMC 12.70.035 so that the City will receive non-anonymous but confidential complaints and record these for one year. Upon the first such complaint in a 6 month period, the City shall send appropriate notice as in section 12.70.035(C) to all units in the building, informing tenants about the prohibition and penalties. (Confidentially shall be preserved for the personal safety of the filer of such a complaint.) For purposes of (non-confidential) second and third complaints, notice on the basis of a confidential complaint is treated as 12.70.035(C) notice.
2. Modify BMC Modify BMC 12.70.035 so that the requirement that signs be posted is enforced Establish a City policy that City inspection officers and other enforcement officers who enter a multi-unit residence and observe clear evidence of tobacco smoking may and in some cases should report that fact to the City's Code Enforcement Officer who shall treat that the same way as a non-anonymous tenant complaint. (Thus, it may serve as the first, second, or third complaint for enforcement purposes.)

Vote: Ayes: Lord, Sharenko, and Wolfe. Noes: Berg, Johnson, Mendonca, Sargent, Simon-Weisberg, and Wright. Abstain: None. Absent: Owens (excused).

## **7. Discussion and Possible Action to Appoint Subcommittees**

### **a. 1654 5th Street RFP**

Action: M/S/C (Johnson/Wright) to create a 1654<sup>th</sup> Street RFP Subcommittee to advise the Housing Advisory Commission on the Request for Proposals for the City-owned property at 1654 5<sup>th</sup> Street and appoint Commissioners Johnson, Lord, Mendonca, Simon-Weisberg through December 31, 2019.

Vote: Ayes: Berg, Johnson, Lord, Mendonca, Sargent, Sharenko, Simon-Weisberg, Wolfe and Wright. Noes: None. Abstain: None. Absent: Owens (excused).

## **8. Discussion and Possible Action to Make Recommendations to the City Council's Draft Affordable Housing Framework**

Public Speakers: 10

Action: M/S/C (Simon-Weisberg/Sharenko) to extend the meeting 30 minutes to 9:30pm.

Vote: Ayes: Berg, Johnson, Mendonca, Sargent, Sharenko, Simon-Weisberg, Wolfe and Wright. Noes: Lord. Abstain: None. Absent: Owens (excused).

Action: M/S/C (Sharenko/Simon-Weisberg) to extend the meeting 15 minutes to 9:45pm.

Vote: Ayes: Johnson, Mendonca, Sargent, Sharenko, Simon-Weisberg, Wolfe and Wright. Noes: Berg and Lord. Abstain: None. Absent: Owens (excused).

Action: M/S/C (Simon-Weisberg/Johnson) to recommend to City Council to adopt the Affordable Housing Framework with further discussion to occur for recommendations on Section V of the report.

Vote: Ayes: Johnson, Mendonca, Sargent, Simon-Weisberg, and Wright. Noes: Berg, Lord, Sharenko, and Wolfe. Abstain: None. Absent: Owens (excused).

## **9. Update on Council Items**

## **10. Announcements/Information Items**

## **11. Future Items**

## **12. Adjourn**

Action: M/S/C (Johnson/Simon-Weisberg) to adjourn the meeting at 9:45 pm.

Vote: Ayes: Berg, Johnson, Lord, Mendonca, Sargent, Sharenko, Simon-Weisberg, Wolfe and Wright. Noes: None. Abstain: None. Absent: Owens (approved).

Approved on November 7, 2019

\_\_\_\_\_, Mike Uberti, Secretary