

Homeowner's Forum - 6pm

Hanh provided summaries of the Rental Policy, Occupancy and Use Rules and Enforcement Policy, and Schedule of Fines.

The main point of the policies is to maintain affordable housing for faculty members and staff by clearly enforcing and implementing the use and rental restrictions in the CC&Rs and sublease.

Q: Is it possible for a non-UC divorced partner to get the Unit as part of a marital settlement and stay in the Unit?

A: The CC&Rs limit occupancy of the Unit to two years after a marital settlement (CC&Rs 13.6e).

Q: When did Owners receive copies of the policies?

A: Copies of the policies were sent by mail to all Owners prior to the meeting.

Q: How do the policies define primary or principal residence?

A: The CC&Rs and Sublease use the language of "primary or principal residence" but do not define the term. The policies use language derived from City of Berkeley and IRS definitions of primary or principal residence. See footnotes 1 and 2 to the Rental Policy and footnote 3 of the Occupancy and Use Rules.

Q: Do the policies make any changes to the CC&Rs?

A: No. The Board is not authorized to create policies that change or contravene the CC&Rs. These policies only provide clearer detail about how the CC&Rs are to be interpreted and enforced.

Q: If the Owner of a Unit racks up fines and then sells, then are there mechanisms for the UTHOA to recover these fines at the time of sale?

A: Yes. The CC&Rs give the HOA the authority to issue fines and/or to be reimbursed for repair of damages. The UTHOA can recover funds through escrow when the Unit is sold.

Q: What is the difference between the Lease and the Sublease?

A: When an Owner buys a Unit, the Owner must sign a "Sublease." The Regents are the landowner, the UTHOA has a Lease agreement with the Regents. If an Owner breaches the sublease either the Association or the Regents can compel sale of the Unit.

Q: What would happen if a Unit Owner attempted to rent their place out for short-term rentals via AirBnB?

A: We would send a notice of hearing to levy fines against the Owner. Enforcement has a daily fine that deters violations. We can escalate to mediation if fines are insufficient.

Q: Can Owners have roommates for periods less than 30 days?

A: Civil Code 4739 and City of Berkeley ordinances require leases of at least 30 days for roommates.

Homeowner's Forum concluded at 6:30pm

Regular Meeting

Regular Meeting began at 6:30pm with Alix Schwartz (P), Lewis Ames (VP), Bea Motta (T), Andrew Leong (S), Eric Gillet, and Martin Perna in attendance.

DISCUSSION AND VOTE TO APPROVE THE RENTAL POLICY, OCCUPANCY AND USE RULES AND ENFORCEMENT POLICY, AND SCHEDULE OF FINES

***ACTION ITEM:** Alix and Andrew will set a follow-up meeting with the Vice Provost of Faculty Office to discuss delegation of enforcement authority to the UC VPF Office. If UC VPF does not agree, or additional enforcement/record-keeping is required UTHOA will pursue an agreement with CIMS to monitor/record rentals and occupancy.

MOTION - Approve the Rental Policy, Occupancy and Use Rules and Enforcement Policy, and Schedule of Fines. - MS, 5-1 (Schwartz, Ames, Motta, Leong, and Perna - AYE) (Gillet - NAY)

Gillet notes that the University should review the CC&Rs as their rental restriction provisions are poorly written and that it would be more appropriate to modify the CC&Rs.

ADMINISTRATIVE

Motion - Approve the minutes of the meeting held on October 16, 2024 - MSP

FINANCIAL

Operating: \$114,061.57

Reserve: \$720,304.51

The UTHOA is in good financial standing. No write-off requests.

1. COMMITTEE UPDATES

a. Committee Updates

Landscape Committee

- **Mowing of ivy for pest control**

ACTION ITEM: LISA - Confirm completion of mowing of ivy – area around the tot lot (South) and northeast by Jefferson and Addison. If not complete, find out when that will be done.

- **Tree trimming completed for both common areas and individual owners (billed separately).**

- **FOLLOW-UP ITEM:** In future years, solicit tree trimming bids earlier to avoid a rush near rainy season.

2. CONTINUING ITEMS

a. B9 Fire Alarm

b. B9 Lockbox

ACTION ITEM: Lisa will work with Lewis to a) change code for CIMS lockbox on B9, b) place mechanical room key in the lockbox; c) facilitate access to mechanical room for fire alarm replacement contractor.

ACTION ITEM: Alix will take pictures in the mechanical room of the alarm system, esp. “relays” (small white devices that look like miniature smoke detectors).

3. SCHEDULED MAINTENANCE

a. Management Report & Service Request Highlights (*Lisa*)

Monday walkthrough – noticed no violations. Janitorial has not yet picked up the big blocks. Fixed the sidewalk - looked into putting in a root barrier, took photos - reached out to Sherri/tree-trimming. Gutter cleaning - completed - re: B8. There are holes in a gutter; the gutter needs to be replaced.

**Motion - \$1100 to replace B8 gutter (1611 Allston) - to be paid out of Reserves.
MSP**

Action Item: Lisa will ask Belle to include details in work order completion reports about **what** was completed and how. Especially important for continuous or complex problems. Lisa will follow up with Crystal about completing the changes to formats of work order completion reports for board updates.

b. Quick Check of Upcoming Items on Maintenance Calendar (*Lisa*)

ACTION ITEM: Lisa will enter Board election/nomination information into the CIMS election timeline toolkit.

ACTION ITEM: Lisa will make sure people who are doing the reserve study have a copy of the maintenance matrix.

4. NEW ITEMS

a. Flood Insurance Renewal

Reviewed a bid for renewal of flood insurance for Building 8 (\$1202).

Motion - renew the flood insurance for Building 8 - MSP.

b. Proposal from Janitorial to Clean Bollard Lights in Common Areas

Janitorial noted that the bollard lights need to be cleaned. Some are concerned that cleaning in rainy season would be a waste. Bid is ~\$200.

Motion - approve cleaning the bollard lights - to be completed in March. MSP

c. Signage in Common Areas

Clarification that neither CIMS/landscaper nor UTHOA removed the "Please Clean After Your Pets" sign posted on a tree.

Action Item: Lisa to inform Homeowner that placing a "Please Clean After Your Pets" sign in the ground is okay.

Action Item: Lisa - a directional sign on Building 9 needs to be either repaired or replaced.

Move to adjourn regular session 19:08.

Executive Session

Next UTHOA meeting scheduled for Wednesday, February 19, 3-5pm.

Adjourn - 19:19.