



**Rent Stabilization Board
Office of the Executive Director**

DATE: December 21, 2023
TO: Honorable Members of the Berkeley Rent Stabilization Board
FROM: DéSeana Williams, Executive Director
SUBJECT: ADOPTING A RESOLUTION APPROVING A REVISED RECORDS
RETENTION SCHEDULE FOR THE RENT STABILIZATION BOARD

Recommendation

That the Board adopt a resolution approving a revised Records Retention Schedule to include both the electronic and offsite storage of Property Files.

Background and Need for Rent Stabilization Board Action

The City Council revised the Records Retention Schedule for all city departments on July 8, 2003. The Rent Board's Records Retention Schedules are approved by the Board due to its unique status as a separate, elected body. The Board adopted its original Records Retention schedule through Resolution 03-21.

The Board periodically reviews this policy and adopts new records retention procedures. The Rent Stabilization Board Records Retention Schedule was adopted on March 15, 2010, and revised on August 17, 2012 (see attached Resolution 12-17).

Approximately 9,400 original Property files stored in an extensive, intricate, concrete-bound filing system must be relocated. We are in the process of relocating our offices after thirty years, and converting these files to a digital format is far more efficient. Transporting the old filing system to our new workspace would be difficult and expensive, and the files take up a great deal of space that we had planned to use as office/cubicle space for staff.

The City Clerk maintains a secure space for various city departments' records, including petition files, administrative determination documents, registration documents, property information, legal documents, and policy papers. We currently use this secure storage space for a number of Rent Board documents. I propose storing all the original Property files offsite in the same secure location where other Rent Board and City archived records are kept.

All the original Property files will be scanned into and maintained in our database, and copies

will still be easily accessible by staff. Additionally, redacted copies (as required by California law) are kept in our property files.

While this item requires Board action, I hope it will be non-controversial.

The proposed Resolution and revised Records Retention Schedule clarify that original Property Files will be stored in the same offsite location as other records. This will ensure a systematic approach to managing the life cycle of Rent Stabilization Board records, sustaining compliance with state laws, and maintaining record-keeping guidelines.

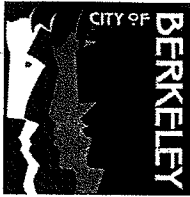
Financial Implications

We see no foreseeable fiscal impact with the adoption of this Resolution.

Name and Telephone Number of Contact Person:

DeSeana Williams, Executive Director (510) 981-4949

Attachment: Current Records Retention Schedule



City of Berkeley
 Records Management Program
 2180 Milvia Street
 Berkeley, CA 94704

COPY

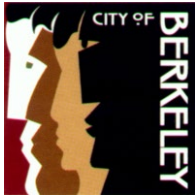
RECORDS RETENTION SCHEDULE – RENT STABILIZATION BOARD

DEPARTMENT DIRECTOR	RENT BOARD ATTORNEY	CITY CLERK
<i>James Kelekian</i>	<i>Matt Brown</i>	<i>Mark Numainville</i>
James Kelekian	Matt Brown	Mark Numainville

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
RENT100	ADMINISTRATIVE SUPPORT				
RENT101	Project Files Files created for current projects are moved to "History" files (see RENT103) for permanent retention after completion of project, if considered historic records.	2	None	2	Dept. Policy
RENT102	Rent Stabilization Board - Agenda Packets	5	PERM	PERM	Dept. Policy
RENT103	Rent Stabilization Board - History Files History of Rent Control	PERM	None	PERM	Dept. Policy
RENT104	Rent Stabilization Board - Minutes	PERM	None	PERM	GC34090
RENT105	Rent Stabilization Board - Resolutions	PERM	None	PERM	GC34090
RENT106	Rent Stabilization Board - Audio & Video Tapes	5	None	5	Dept. Policy
RENT200	LEGAL UNIT				
RENT201	Writs and Lawsuits - Litigation Files	AS+3	None	AS+3	Dept. Policy
RENT300	COMPLIANCE / REGISTRATION AND BILLINGS (C.R.A.B.S.)				
RENT301	Change and Credits (C/C's) Receipts of payments for registration fees/penalties.	3	None	3	Dept. Policy
RENT302	Compliance Review Investigation of non-compliance with ordinance and administrative regulations.	5	None	5	Dept. Policy
RENT303	Ellis Bill Evictions Document on file pursuant to City Ordinance.	PERM	None	PERM	BMC 13.77
RENT304	Escrow Payments Payments made into Escrow Account for Hearing Examiner's report.	5	None	5	Dept. Policy
RENT305	Penalty Waiver Request Log Requests to have penalties forgiven.	3	None	3	Dept. Policy

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
RENT306	Program Printouts Annual master printout of debts to program and registration information (includes audit reports).	2	None	2	Dept. Policy
RENT307	Registration Certificates Backup file of all certificates of registration.	3	None	3	Dept. Policy
RENT308	Superior Court, Municipal Court and Small Claims Lawsuits Lawsuits filed to collect money owed program.	3	None	3	Dept. Policy
RENT400	HEARINGS UNIT				
RENT401	Agreement and Hearing Tapes Reproduction of petition hearing and agreements. Retention Note: Destroy 3 years after decision on petition.	3	None	3	Dept. Policy
RENT402	Petition Files Contains petition, documents, evidence, decisions and appeals. Retention Note: Return evidence after 4 years.	-	PERM	PERM	RSB Ordinance; BMC 13.76
RENT500	PUBLIC INFORMATION				
RENT501	Property Files	PERM	None	PERM	Dept. Policy
RENT502	Vacancy Registration Form	3	PERM	PERM	Dept. Policy
RENT503	Certificate of Lawful Rent Copies of all requests for certificates of lawful rent ceilings.	5	None	5	Dept. Policy

Retention Codes	
AA	After Audit
ACT	Active
AE	After Expiration
APO	After Payoff
AS	After Settlement
AT	After Termination
AV	Administrative Value
CL	Close/Completion
CYE	Current Year End
EL	Election
FYE	Fiscal Year End
MAX	Maximum
PERM	Permanent
US	Until Superseded



City of Berkeley
 Records Management Program
 2180 Milvia Street
 Berkeley, CA 94704

RECORDS RETENTION SCHEDULE – RENT STABILIZATION BOARD

DEPARTMENT DIRECTOR	RENT BOARD ATTORNEY	CITY CLERK
DéSeana Williams	Matt Brown	Mark Numainville

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
RENT100	BOARD AND COMMITTEES				
RENT101	BOARD AGENDA PACKETS				
RENT101a	July 17, 1980 to February 19, 1998 (HARD COPY)	N/A	PERM	PERM	Dept. Policy
RENT101b	March 2, 1998 to Present (ELECTRONIC)	PERM	None	PERM	Dept. Policy
RENT102	COMMITTEE AGENDA PACKETS Retention Note: with Brown Act posting declaration				
RENT102a	Prior to Jan. 2000 (HARD COPY)	N/A	PERM	PERM	Dept. Policy
RENT102b	Jan. 2000 to Present (ELECTRONIC)	PERM	None	PERM	Dept. Policy
RENT103	BOARD-APPROVED MEETING MINUTES Retention Note: Approved Committee Minutes are included in subsequent Board Agenda packets	PERM	None	PERM	GC34090, 34090.5
RENT103a	July 17, 1980 to November 20, 2000 (HARD COPY)	N/A	PERM	PERM	Dept. Policy
RENT103b	December 7, 2000 to Present (ELECTRONIC)	PERM	None	PERM	Dept. Policy
RENT104	BOARD MEETING RECORDINGS (ELECTRONIC) January 16, 2006 to Present	PERM	None	PERM	Dept. Policy
RENT105	RESOLUTIONS (ELECTRONIC)	PERM	None	PERM	GC34090, 34090.5
RENT106	ADMINISTRATIVE DOCUMENTS (ELECTRONIC) Membership rosters, historical data relating to Board and committee appointments and termination information.	CYE	PERM	PERM	Dept. Policy
RENT107	PUBLIC NOTICES (ELECTRONIC) Required notices published regarding certain Board actions.	PERM	None	PERM	Dept. Policy

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
RENT200	ADMINISTRATION				
RENT201	GOALS AND OBJECTIVES (ELECTRONIC) Department strategic planning, unit workplans, performance measures, agency goals and objectives.	CYE+2	None	CYE+2	GC 34090
RENT202	POLICIES AND PROCEDURES (ELECTRONIC) Documents pertaining to or arising from routine administration or operation of agency policies, programs, services, and projects.	US+3	None	US+3	Dept. Policy
RENT203	CORRESPONDENCE AND INTERNAL MEMORANDUM – ADMINISTRATIVE (ELECTRONIC) Documents pertaining to or arising from routine administration or operation of agency policies, programs, services, and projects.	CYE+2	None	CYE+2	Dept. Policy
RENT204	PROJECT FILES – ARCHIVE (HARD COPY OR ELECTRONIC) Summary files and documents from inactive projects that have been deemed useful for future agency work.	US+3	None	US+3	Dept. Policy
RENT205	MINUTES – STAFF MEETINGS (ELECTRONIC) Minutes of internal staff meetings.	AV	None	Max=2	Dept. Policy
RENT206	ORGANIZATIONAL CHARTS (ELECTRONIC)	US+5	None	US+5	Dept. Policy
RENT207	DEEDS OF GIFT (ELECTRONIC) Certificates of gifts to outside agencies of City of Berkeley records	PERM	None	PERM	Dept. Policy
RENT208	RECORDS RETENTION SCHEDULE (ELECTRONIC) The retention schedule is adopted by resolution; the record copy of the retention schedule and all amendments are maintained in the City Clerk resolution files; departments and divisions maintain current edition only	PERM	None	PERM	Dept. Policy
RENT209	RECORDS DESTRUCTION DOCUMENTATION (ELECTRONIC) Destruction certificates and logs of all records destroyed by the records center	PERM	None	PERM	Dept. Policy
RENT300	PERSONNEL				
RENT301	EMPLOYMENT APPLICATIONS AND NOTES (HARD COPY) Files related to candidates that are interviewed for positions.	CL+4	None	CL+4	GC 12946, 29 CFR 1602.31
RENT302	PERSONNEL NOTES AND RECOLLECTIONS (ELECTRONIC OR HARD COPY)	AT+4	None	AT+4	

R/S ITEM NO.	RECORD SERIES TITLE/SUBTITLE AND DESCRIPTION (IF APPLICABLE)	RETAIN IN OFFICE	STORAGE	DESTROY	STATUTORY REFERENCE
RENT303	<p>PERSONNEL FILES (HARD COPY) Personnel records of individual employees regarding hiring, termination, transfer, performance evaluations, pay grade, position/job title, leaves of absence, name changes, and similar actions except those noted elsewhere in this schedule. Access is restricted to the individual employee, Executive Director, and Staff Attorneys. Retention Note: Records will be stored for AT+5 by Human Resources.</p>	AT+10	None	AT+10	GC 06250
RENT304	<p>DISCIPLINARY AND ADVERSE ACTION RECORDS (HARD COPY) Records created by the Personnel Board or by HR or supervisory officers in considering or reconsidering an appeal, an adverse action against an employee. Due process prior to disciplinary action. Agency access is restricted to Executive Director and Staff Attorneys. Retention Note: Records will be stored permanently by Human Resources.</p>	CL+2	None	CL+2	29 CFR 1602.31 Dept. Policy
RENT305	<p>GRIEVANCE RECORDS (HARD COPY) Records relating to the review of employee grievances against personnel policies, working conditions, etc. Agency access is restricted to Executive Director and Staff Attorneys. Retention Note: Records will be stored permanently by Human Resources.</p>	AS+2	None	AS+2	Dept. Policy
RENT400	FISCAL				
RENT401	<p>BUDGET DOCUMENTATION – WORKING DOCUMENTS (ELECTRONIC) Records used exclusively for the preparation of budgets, including budget requests, justification statements, and similar documents</p>	PERM	-	PERM	GC 34090
RENT402	<p>BUDGET DOCUMENTATION – ADOPTED (ELECTRONIC) Fund encumbrance and expenditure reports. Status report showing expenditures and encumbrances against a budget, i.e., Budget Performance Report</p>	PERM	-	PERM	GC 34090
RENT403	<p>PURCHASING RECORDS (HARD COPY) Departmental requisitions, purchase orders, requests for encumbrance, warehouse requisitions</p>	FYE+2	PERM	PERM	Dept. Policy
RENT404	<p>TREASURY AND DEPOSIT RECEIPTS (HARD COPY) Receipts of payments for registration fees and penalties.</p>	FYE+2	PERM	PERM	Dept. Policy
RENT405	PAYROLL REPORTS AND RELATED RECORDS	FYE+2	FYE+5	FYE+5	GC 34090

RENT406	EMPLOYEE TIME SHEETS/CARDS (HARD COPY) Includes applications for leave of absence requests. Retain for audit and FEMA reports.	AA+2	AA+4	AA+6	GC 34090, 29 CFR 516.2, 26 CFR 31.6001(e)(2)
RENT407	TRAVEL RECORDS (HARD COPY)	CYE+2	None	CYE+2	GC 34090
RENT408	DEPARTMENT COPY OF CONTRACTS, LEASES, MOUS, AGREEMENTS (HARD COPY) Includes contracts for services, equipment, supplies, etc.	AE+2	PERM	PERM	Dept. Policy
RENT409	ESCROW PAYMENTS Records related to payments made into Escrow Account	3	PERM	PERM	Dept. Policy
RENT500	POLICY/LEGAL				
RENT501	REPORTS AND STUDIES (NON-FISCAL) Reports or studies submitted to the Board related to goals of the Rent Stabilization and Eviction for Good Cause Ordinance. Retention Note: Significant reports/studies, which have importance, should be kept permanently for historical reference. Electronic storage acceptable.	20	None	20	Dept. Policy
RENT502	ORDINANCES AND REGULATIONS (ELECTRONIC) Any changes to the Rent Stabilization and Eviction for Good Cause Ordinance and related regulations.	PERM	None	PERM	Dept. Policy
RENT503	EVICTIONS RELATED TO ELLIS ACT AND OWNER MOVE-IN (ELECTRONIC) Documents on file pursuant to City Ordinance.	PERM	None	PERM	BMC 13.77, BMC 13.76.130 A.9.
RENT504	COMPLIANCE REVIEW/INVESTIGATIONS (ELECTRONIC) Investigation of non-compliance with ordinance and administrative regulations	10	PERM	PERM	Dept. Policy
RENT505	LITIGATION CASES				
RENT505a	CASE FILES (HARD COPY) Retention note: Significant cases, which have importance or set legal precedence, should be kept permanently for historical reference. Electronic storage acceptable.	AE+3	PERM	PERM	42 USC 1983; GC 6254
RENT505b	Memorandums of points & Authorities (Electronic)	PERM	None	PERM	Dept. Policy
RENT506	SUPERIOR COURT, MUNICIPAL COURT, SMALL CLAIMS LAWSUITS (HARD COPY) Lawsuits filed to collect money owed program				
RENT506a	Satisfied judgment	AS+3	PERM	PERM	Dept. Policy
RENT506b	Unsatisfied judgment, liens, lien renewals, related correspondence	PERM	None	PERM	Dept. Policy
RENT507	PUBLIC RECORDS REQUESTS (ELECTRONIC)	CL+2	None	CL+2	GC 34090

	Department and public requests for records. Includes original request, correspondence and other documentation relating to the request, complex research compilations prepared for administrative requests, audits and litigation support, and Public Record Act (PRA) requests Retention Note: As of December 2020, RSB uses the City's NextRequest system to track PRA requests electronically.				
RENT600	Hearings/Mediations				
RENT601	Hearing recordings	3	None	3	Dept. Policy
RENT602	PETITION FILES (ELECTRONIC) Contains petition, documents, investigation reports, electronic images of physical evidence presented at hearing, decisions, and appeals. Retention Note: If decision is appealed, litigation case retention policy supersedes.	1	None	PERM	RSB Ordinance; BMC 13.76
RENT603	MEDIATION FILES (ELECTRONIC) Contains mediation request form, case notes, correspondence, signed settlement agreement.				
	Hard Copy	2	None	PERM	Dept. Policy
		PERM	None	PERM	Dept. Policy
RENT700	REGISTRATION				
RENT701	PASS-THROUGH FILES				
RENT701a	Notice of pass-through, request for reimbursement (HARD COPY OR ELECTRONIC)	FYE+2	None	CYE+2	Dept. Policy
RENT701b	Pass-through summary spreadsheet (ELECTRONIC)	PERM	None	PERM	Dept. Policy
RENT702	REGISTRATION STATEMENTS AND RELATED DOCUMENTS (ELECTRONIC) Vacancy registration form, initial and amended registration statements, unit status forms, and penalty waiver requests and decisions	PERM	None	PERM	Dept. Policy
RENT800	PUBLIC INFORMATION				
RENT801a	PROPERTY FILES PRIOR TO 1/1/2024 (HARD COPY) Including registration statements, certificates of lawful rent, eviction notices and related documentation, penalty waiver requests and decisions, RSB correspondence, Housing Code Enforcement reports Retention note: As of 12/31/2023, hard copy property files will be digitally converted. After (1/1/2024), items historically kept in hard copy property files will follow their own retention schedule.	1	PERM	PERM	Dept. Policy
RENT801b	PROPERTY FILES (ELECTRONIC) Including registration statements, certificates of lawful rent, eviction notices and related	PERM	None	PERM	Dept. Policy

	documentation, penalty waiver requests and decisions, RSB correspondence Retention Note: As of (1/1/2024), digital property file contents noted above are stored and accessed via our internal database. Prior to 1/1/2024, items historically kept in hard copy property files had their own retention parameters.				
RENT802	WORKSHOPS, SEMINARS/WEBINARS (ELECTRONIC)	US	None	US	Dept. Policy
RENT803	INFORMATIONAL MATERIALS/MAILINGS Mailings (hard copy and electronic) Retention Note: Retain one hard copy permanently for historical reference.	CYE+2	None	CYE+2	Dept. Policy
RENT804	FORMS AND INFORMATIONAL MATERIALS (ELECTRONIC) Retention note: Forms, handouts, checklists, informational packets.	US	None	US	Dept. Policy
RENT805	APPARENT LAWFUL RENT CEILING (ELECTRONIC) Summary of unit status most recently reported to RSB and mailed to tenants and property owners	PERM	None	PERM	Dept. Policy
RENT806	CERTIFICATE OF LAWFUL PERMISSIBLE RENT LEVEL (ELECTRONIC) Copies of all requests for and determinations of certificates of lawful permissible rent levels	PERM	None	PERM	Dept. Policy

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AS	After Settlement
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EL	Election
FYE	Fiscal Year End
MAX	Maximum
PERM	Permanent
US	Until Superseded

RESOLUTION 23-32

ADOPTING A REVISED RENT STABILIZATION BOARD RECORDS RETENTION SCHEDULE TO STORE ORIGINAL PROPERTY FILES IN ELECTRONIC FORMAT AND IN A SECURE OFFSITE SPACE WHERE OTHER RENT BOARD RECORDS ARE CURRENTLY STORED

BE IT RESOLVED BY the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, a system for managing the Rent Stabilization Board's information assets, including records retention schedules for the final disposition and scheduled destruction of records and working papers that are no longer needed for administrative, legal, fiscal, historical, or research purposes was adopted on September 4, 2003 by Board Resolution Number 03-21 and modified by Board Resolution Number 10-03 and Board Resolution Number 12-17; and

WHEREAS, the Rent Stabilization Board stores a number of older records in a secure offsite space maintained by the City Clerk for the Rent Board and other city departments; and

WHEREAS, the Board is converting all existing paper property files to a digital format and will require the relocation of the historical hard copy property files to off-site storage prior to the Rent Board office relocation; and

WHEREAS, having original property files available and stored digitally will provide staff easy access to all the files in a central electronic database, that can recall all files quickly and efficiently making them more accessible for the public to view when requested; and

WHEREAS, the Board must approve any changes to the current Records Retention Policy that does not include storing property files electronically or offsite.

NOW THEREFORE, BE IT RESOLVED that the Board authorizes the Executive Director to permanently relocate all documents as prescribed in the modified records retention schedule to a secure offsite space maintained by the City Clerk where other Rent Board records are currently stored.

Dated: December 21, 2023

Adopted by the Rent Stabilization Board by the following vote:

Yes:

No:

Abstain:

Absent:

Leah Simon-Weisberg
Chair, Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director