



RENT STABILIZATION BOARD
ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Wednesday, November 1, 2023 – 6:00 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.

For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/85192505753?pwd=nqHqMTXGu6c3ImqK6fOCiFXWQaXBSv.1>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-408-638-0968 and enter Webinar ID: 851 9250 5753 and Passcode: 524791. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment for the Committee's consideration and inclusion in the public record, email ndahl@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR AD HOC COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum apply for both in-person attendees and those participating by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting at the posted location(s). Questions regarding this matter may be addressed to DéSeana Williams, Executive Director of the Rent Board, at 510-981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at (510) 981-6418 (voice) or (510) 981-6347 (TDD) at least three (3) business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



RENT STABILIZATION BOARD
ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Wednesday, November 1, 2023 – 6:00 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley

AGENDA

1. Roll call (1 min.)
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of the Agenda (2 min.)
4. Public Comment (5 min.)
5. Approval of September 6, 2023 Meeting Minutes (2 min.)
6. Review of RHSP Annual Checklist form and Rent Board VR Form (20 min.)
7. Review of Data Set of Housing Services Paid for by Landlords (Gas, Heat Electric) (20 min.)
8. Announcements (5 min.)
9. Adjournment (2 min.)

STAFF CONTACT: Nathan Dahl, Public Information Unit Manager (510) 981-4935
COMMITTEE: Ida Martinac (Chair), Stefan Elgstrand, Xavier Johnson, Andy Kelley



RENT STABILIZATION BOARD
ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Wednesday, September 6, 2023 – 5:30 p.m.

Rent Stabilization Board Law Library, 2001 Center Street, 2nd floor, Berkeley

Minutes (Unapproved)

1. Roll call: N. Dahl called Roll.
 Members present: Elgstrand, Kelley, and Martinac. Commissioner Johnson was absent.
 Staff Present: N. Dahl and C. Orozco
2. Land Acknowledgment Statement: The Land Acknowledgment Statement was played.
3. Approval of the Agenda: M/S/C (Elgstrand/Kelley) Motion to approve the Agenda. Voice vote. Carried: 3-0-0-1.
4. Public Comment: Two members of the public made comments.
5. Approval of June 28, 2023 Meeting Minutes: M/S/C (Kelley/Elgstrand) Motion to approve the June 28, 2023 Meeting Minutes. Voice vote. Carried: 3-0-0-1.
6. Presentation from City of Berkeley Office of Energy & Sustainable Development
7. Future Agenda Items: 1) Report of rental housing services (Gas, Electric, Heat) paid for by landlords for rent controlled units. N. Dahl to run report for next meeting. 2) Request for RHSP presentation on program and services. 3) Samples of RHSP annual inspection checklist and Rent Board Vacancy Registration form. 4) Pass through Legislative History 5) Report back on seismic retrofit criteria and exception from rent adjustments in capital improvement petitions. Next Meeting Oct. 4, 2023 at 6pm in the Rent Board Law Library.
8. Announcements: No announcements.
9. Adjournment: M/S/C (Kelley/Elgstrand). Motion to adjourn. Voice vote. Carried: 3-0-0-1. Meeting adjourned at 7:33 p.m.

STAFF CONTACT: Nathan Dahl, Public Information Unit Manager (510) 981-4935

COMMITTEE: Ida Martinac (Chair), Stefan Elgstrand, Xavier Johnson, Andy Kelley



RENTAL HOUSING SAFETY PROGRAM (RHSP)

SELF-CERTIFICATION CHECKLIST

(Formerly Schedule A)

Website: www.berkeleyca.gov (Search: RHSP)

Property Address: (Please print legibly and use one form per address/unit.)

Street Address:

Unit #:

DOOR LOCKS

Pass
N/A

All exterior doors open and close properly, latch and lock and unlock easily.

All individual apartment entry doors have working deadbolts and entry knobs with dead locking latches.

SMOKE DETECTORS

Smoke alarms are installed in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedroom(s), and on each occupiable story including basements and habitable attics.

All smoke detectors work properly, are less than 10 years old, and the alarm sounds when tested.

Hardwired smoke detectors have a functioning battery back-up.

CARBON MONOXIDE ALARMS & DETECTORS

If the building contains a fossil fuel burning heater, appliance, fireplace or attached garage, carbon monoxide (CO) devices are required to be installed in accordance with local building standards and the manufacturer's installation instructions. See the floor plan in the notes for guidance on location.

Operational CO alarms are installed outside of all sleeping areas in the immediate vicinity of each bedroom, in a bedroom where a gas burning appliance is located and on each occupiable level inside the unit including basements and habitable attics. Alarms are current and have not expired per manufacturers date stamp on the unit.

HEATING AND WATER HEATERS

All heating equipment is operational, in safe working condition and properly maintained.

The gas heater is operating normally and is provided with minimum combustion air.

For buildings with a thermostat not under the control of the tenants, the temperature setting on the thermostat is set at 68°F minimum.

All gas lines are free of leaks and any gaseous odors. (*Immediately report gas leaks or gaseous odors to PG&E and owner/manager*).

All gas lines in the unit have accessible shut-off valves.

Water heaters are installed correctly and meet the following requirements: (If the water heaters were installed prior to any of these code requirements, you may check N/A for those line items.)

- Earthquake straps are secured on the bottom 1/3 and the upper 1/3 portions;
- Water heater has a temperature and pressure relief valve. Rigid piping for the TPR valve is installed maintaining a downward slope terminating between 6 and 24 inches above grade;
- A drain pan is installed where damage from a leaking water heater may occur;
- The draft hood to the vent is secured with a minimum of 3 screws and the vent connector slopes upward maintaining a minimum slope of 1/4 inch per foot;
- A bond wire is connected between the metal hot and cold water supply lines and gas piping.

VENTILATION / WINDOWS

Windows open, close and lock easily and can remain open.

The windows required for egress in sleeping rooms open completely.

If there are security bars on the required emergency egress window, ensure there is an operable quick release mechanism on the inside.

All window glass is in good condition, free of damage and properly sealed at the edges.

If bathrooms have fixed windows or no windows, verify the mechanical ventilation system is in working order.

APPLIANCES

All **built-in** appliances are in good working condition.

Gas stoves are free of odors indicating a gas leak and all indicator lights are working on electric stoves.

RHSP Self-Certification Check List (Schedule A)

ELECTRICAL WIRING	Pass	N/A
Accessible electrical outlets, junction boxes and light switches are functional, secure and all have faceplates in good condition.		
There are no unprotected exposed electrical wires or electrical cables.		
All receptacles that have been replaced in the kitchen, bathroom, laundry, garage or in exterior weather-exposed locations, are Ground Fault Circuit Interrupter (GFCI) protected outlets.		
PLUMBING		
All faucets are in working condition and all handles, valves, diverters are free of leaks and visible damage.		
Hot and cold water have sufficient flow.		
All plumbing and sewer piping drain properly and are free of leaks.		
Toilets are secure in place, in good working condition and free of leaks.		
FIRE EXTINGUISHER (Building with 3 or more units only)		
Fire extinguishers are provided within a maximum travel distance of 75 feet.		
Each extinguisher has been tagged and serviced by a state licensed contractor within the last year.		
Each fire extinguisher is fully charged, operable and readily available for use.		
WEATHER PROTECTION		
Exterior walls, roofs and ceilings are free from leaks.		
HANDRAIL & GUARDRAIL CONDITION		
Handrails and guardrails are tightly fastened, sound and in good condition.		
INTERIOR STAIRWAY CONDITION		
Stairways, including treads, risers and landings, are in good condition, adequately fastened, with no damaged, missing or loose structural members.		
EXTERIOR ELEVATED DECKS, BALCONIES, STAIRWAYS OR WALKWAYS		
All elevated wood-framed and steel-framed decks, balconies, landings, stairway systems, walkways, terraces, guardrails, handrails, or any parts thereof in weather-exposed areas at the subject building did not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern and there was no evidence of active water intrusion in concealed spaces of the inspected elements.		
WALKWAYS AND PATHWAYS		
All exit pathways and stairways are clear of open storage, trash and debris.		
All electrical fixtures providing lighting and directional signage for the common areas are in working condition.		
FLOORS & TRIP HAZARDS		
All floors and floor coverings are free of significant trip hazards due to damage or structural defect.		
The bathroom floor is finished with a non-absorbent material and is sealed to prevent moisture intrusion.		
ELECTRICAL PANELS WITH SCREW IN FUSES		
Are the fuses in the panel box that serve each unit rated at 15 amps or less?		
For fuse panels with 20 amps or larger fuses, the wiring is sized properly and is capable of handling the load or has been inspected by a licensed electrical contractor.		

ACKNOWLEDGEMENTS

- ☐ I certify I have inspected the aforementioned unit and the information above is true and correct. I acknowledge I am required to provide a copy of this Self-Certification Checklist to the tenant(s).
- ☐ I certify I was unable to inspect the aforementioned unit because the tenant(s) refused to allow entry. I agree to send a copy of this checklist to RHSP@berkeleyca.gov or RHSP | 1947 Center Street, 3rd Floor | Berkeley, CA 94704.

Name of Certifier (Please print): _____ Relationship to Property: _____

Owner or Manager Name _____

Mailing Address and Phone #: _____

Signature and Date: _____

INSTRUCTIONS:

All owners of residential rental housing are required to certify annually, by July 1st of each year, that their units meet minimum housing safety standards by using the City's Rental Housing Safety Program (RHSP) Safety Certification Checklist (Schedule A form). Please complete both pages. Owners should recognize that the Self-Certification Checklist is not all inclusive and that in addition to the items listed, owners are responsible for ensuring their rental units and buildings are in compliance with the applicable provisions of the Berkeley Municipal Code, specifically Title 19: Buildings and Construction.

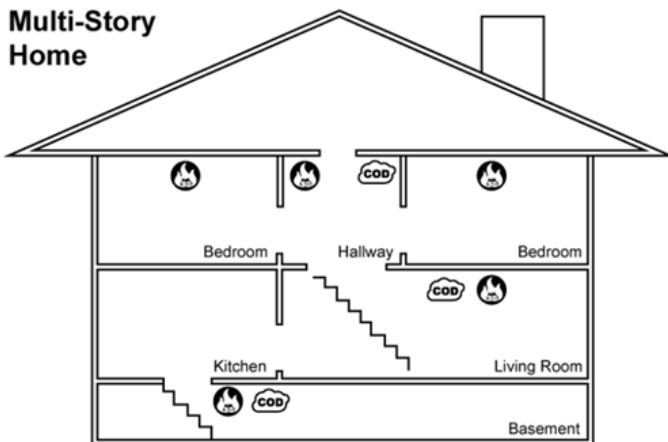
- Provide a copy of this completed checklist to your tenant and keep the checklist in your files.
- If subject to a housing inspection, you are required to provide a copy of the completed Schedule A form at the scheduled inspection. Failure to provide a copy of the form will result in a fine of \$200.
- Send copy of the form to the City only if the tenant has refused entry or upon request.
- Owners or tenants may request that the City to conduct an inspection in lieu of self-certification. However, if the City is unable to conduct this inspection, the owner is still required to self-certify.
- For additional information regarding the City's Rental Housing Safety Program:
 - Visit the website at www.berkeleyca.gov (search: RHSP)
 - Call (510) 981-5444; TDD (510) 981-7474
 - E-mail RHSP@berkeleyca.gov
 - Come into the Housing Code Enforcement office at 1947 Center Street, 3rd Floor in Berkeley.

RHSP NOTES:

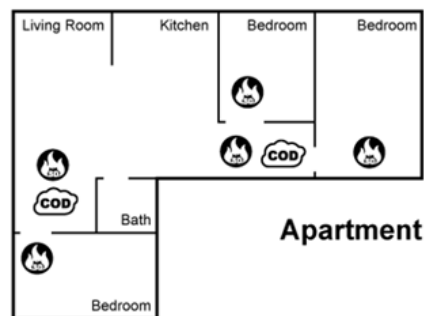
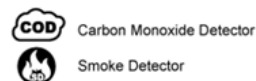
DOOR LOCKS: Double cylinder deadbolts that use a key on both sides are prohibited by ordinance on all doors.

SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS: Smoke detectors that are replaced must have 10-year batteries and smoke alarms older than 10 years should be replaced with a 10-year battery life smoke detector. It is recommended to replace a carbon monoxide alarm upon expiration or after 10 years of service with a 10-year battery life carbon monoxide alarm.

Multi-Story Home



LEGEND



Attics and Basements: If the attic is habitable, it should also have alarms in it.

Is my underfloor area a basement requiring an alarm?

The code requires a smoke and CO alarm in all basements. If there is an underfloor area in your building that has a finished floor surface, it qualifies as a basement. Areas that are strictly crawl spaces do not require an alarm. However, if the underfloor area is accessed through a door or stairway and could be used for storage, alarms should be installed.

HEATING: It is recommended that all heating equipment be inspected by a licensed HVAC contractor at least every 5 years.

PLUMBING:

- Stains on walls, ceilings, and floors often indicate water damage and/or an ongoing leak(s) that needs to be repaired.
- If the flow from the tap is less than the circumference of a #2 pencil (1/4 inch), it is not sufficient and may indicate a partially clogged pipe.

FIRE EXTINGUISHER: The date on the tag is the last inspection date and the unit is good for one year from this date.

ELECTRICAL PANELS WITH FUSES: If screw-based fuses greater than 15 amps are installed, an electrical danger may be present unless the wiring has been updated OR been evaluated by a licensed electrician and is capable of handling the current load. It is a potential fire hazard if the fuse size exceeds the limit of the associated wire size. The City strongly recommends you contact a licensed electrician if you are unsure about the proper fuses for the building or units.

BUILDINGS CONSTRUCTED IN 1960 OR EARLIER: If screw-based fuses greater than 15 amps are installed and the unit was built in 1960 or before, an electrical danger may be present unless the wiring has been updated OR been evaluated by a licensed electrician and is capable of handling the current load. The City strongly recommends you contact a licensed electrician if you are unsure about the proper fuses for the building or units.

City of Berkeley

Rent Stabilization Program

2125 Milvia Street, Berkeley, CA 94704

Phone: (510) 981-7368 [981-RENT] Fax: (510) 981-4910

E-mail: rentregistry@berkeleyca.gov • Web: rentboard.berkeleyca.gov

For Office Use Only

Date: _____

Initials: _____

VR# _____

VACANCY REGISTRATION FORM

(Instructions provided on back)

Please **do not** file this form for fully or partially-exempt tenancies such as those under Section 8.

Berkeley Rental Property Address: **PLEASE PRINT LEGIBLY or TYPE**

--	--	--	--	--

Street Number Street Name Unit # # of Bedrooms # of Units/Prop.

Owner/Agent Information (If new owner or agent, please also complete an Amended Registration Statement):

OWNER: Check if new owner/address ☐

AGENT/MANAGER: Check if new agent/address ☐

Name: _____

Name: _____

Address: _____

Address: _____

City, State, ZIP: _____

City, State, ZIP: _____

Phone: (____) _____

Phone: (____) _____

Email: _____

Email: _____

Send all future correspondence and bills to: **OWNER** ☐ **AGENT/MANAGER** ☐

Current Tenancy Information: Tenant names and other tenant information will be kept confidential in accordance with the Information Practices Act of 1977.

Beginning date of this tenancy: ____/____/____ Number of tenants: ____ Initial Rent: \$ _____

Name: _____

Name: _____

Day Phone: (____) _____

Day Phone: (____) _____

Email: _____

Email: _____

Name: _____

Name: _____

Day Phone: (____) _____

Day Phone: (____) _____

Email: _____

Email: _____

Housing Services: Check the Housing Services provided or paid by the Owner for the individual unit.

Storage ☐ Gas ☐ Electricity ☐ Water ☐ Garbage ☐ Parking ☐ Laundry Access ☐ Heat ☐
Appliances ☐ Other _____

Does Lease Prohibit Smoking? Yes ☐ No ☐ **Effective date of smoking prohibition:** ____/____/____

Prior Tenancy Information: Ending date of prior tenancy: ____/____/____ Voluntary vacancy? _____

Termination by Owner _____ Other (explain): _____

Check one: I am the owner or the owner's agent. ☐ I am the tenant (please attach lease agreement). ☐

Declaration: I hereby declare under penalty of perjury that all the information in this Vacancy Registration Form is true and correct to the best of my knowledge and belief.

PRINT Name

Signature

Date

VACANCY REGISTRATION

(This form should **not** be filed for a tenancy that is exempt from RSB registration requirements.)

A Vacancy Registration form must be filed for all non-exempt units within fifteen (15) days **after** 1) the start of a completely new tenancy OR 2) the last of the original members of the previous tenancy have departed. The property is deemed out of compliance with registration requirements until filing is completed. (Regulation 1013(K))

Information on this form is used to update the Rent Stabilization Program's records to reflect the current tenants' rent, the number of tenants, and services. Tenants' names must be provided. State law requires the Rent Stabilization Board to ensure the confidentiality of personal information supplied on this Vacancy Registration form.

A tenancy started after any of the following events is not eligible for a new initial rent level: 1) service of a 30 day or longer notice to vacate (e.g. termination for owner/family move-in; removal of the unit from the rental market via the Ellis Act); 2) termination by tenants after code citations remained unabated for sixty days; and 3) termination by tenant after the owner unilaterally changed the terms of the tenancy. The previous lawful rent ceiling will remain in effect for such new tenancies.

If this unit was previously exempt and is now coming back under rent stabilization, a registration fee is due. You may call our Registration Unit (510) 981-4920 for billing information.

If this unit was registered and is now exempt from the registration requirement, you must file an Amended Registration Statement.

If the owner fails to timely file Vacancy Registration information or if the tenant disagrees with the information on the Vacancy Registration form filed by the owner, the tenant may file this form setting forth the required information. The tenant should attach copies of the written rental agreement(s) or other documents showing the correct information.

INSTRUCTIONS FOR COMPLETING THIS FORM

Berkeley Property Address - Write the complete mailing address for this unit. Provide the number of bedrooms in this unit and the total number of units on this property in the appropriate places.

Owner and Agent Information - Provide the name, telephone number and email address of the owner and the owner's authorized representative, if applicable. If the owner's address is different than the address on record or this is a new owner, please check "New owner/address" and file an Amended Registration Statement. If this is a new agent, check "New agent/address." If you list both an owner and an agent, please let us know to whom to send all future notices, correspondence and bills by marking an "X" to select Owner or Agent.

Current Tenancy Information - List the name, telephone number and email address for each tenant over age 18. (See second paragraph re confidentiality of this information.) If you need additional space, please attach an extra sheet of paper. Indicate the NUMBER of tenants, the DATE the tenant(s) moved in and the total monthly rental payment for the unit. Also check the boxes for the HOUSING SERVICES paid by the owner. The terms you have actually established with the tenant will be the controlled base for the unit until there is a new qualifying tenancy. Finally, as of May 1, 2014, B.M.C. 12.70 prohibits smoking in 100% of multi-unit housing with two or more units. This ordinance requires that leases for all tenancies starting after May 1, 2014, include prohibitions on smoking. Please indicate whether or not the current lease prohibits smoking in the unit, and the date that the prohibition on smoking took effect.

Prior Tenancy Information - Indicate the DATE the unit became vacant or the DATE the last of the original members of the previous tenancy departed. Complete the section describing the reason for this vacancy. Check one reason or use your own words to describe why the last tenant vacated the unit.

Declaration - The person completing the form must certify under penalty of perjury that all information provided is true and correct.

NOTE: Tenant names and other tenant information will be kept confidential in accordance with the Information Practices Act of 1977.