



## **CLIMATE RESILIENCE AND HABITABILITY COMMITTEE**

**Tuesday, June 30, 2026 – 6:45 p.m.**

**Berkeley Rent Board Conference Room A – 2000 Center Street, 4<sup>th</sup> Floor, Berkeley, CA 94704**  
**Teleconference Location - 2010 Fifth Street, Unit 260, Berkeley, CA 94710**

### **Public Participation**

This meeting will be conducted in a hybrid model with both in-person and remote participation, and 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.

### **To access this meeting by Zoom**

[Join from a PC, Mac, iPad, iPhone, or Android device](#). If you do not want your name to appear on the screen, 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 1-669-900-6833, enter Webinar ID: 835 0216 3388 and Passcode: 519762. To comment during the public comment part of the agenda, Press \*9 and wait to be recognized by the Committee Chair.

### **Email comments**

Email comments must be submitted to [aeberhart@berkeleyca.gov](mailto:aeberhart@berkeleyca.gov) by **4:30 p.m.** on the day of the meeting in order to be considered by the Committee and included in the public record. Format your subject line: "PUBLIC COMMENT ITEM FOR CLIMATE RESILIENCE & HABITABILITY COMMITTEE." Please observe a 150-word limit. Time limits on public comments will apply.

### **Decorum**

All rules of procedure and decorum apply for both in-person attendees and those participating remotely. Attendees at public meetings are reminded that other attendees may be sensitive to various scents. Please help the City respect these needs.

### **Communications 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.



**AGENDA: CLIMATE RESILIENCE AND HABITABILITY COMMITTEE**

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1. Roll call
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
4. Public Comment
5. Approval of the May 8, 2026, Meeting Minutes
6. Discussion and Possible Action on Draft Survey Questions
7. Discussion and Possible Action on Habitability and Access Issues Related to Elevator Outages (BMC Chapter 19.50) and the Rent Board's Educational and Support Role
8. Next Meeting
9. Future Agenda Items
  - Decarbonization Without Displacement presentation
  - Review of the Habitability Plan and related complaints
  - Coordination with the Planning Department and Office of Energy and Sustainability
  - Progress on pilot project development and utility cost tracking related to Measure BB
  - Legal feasibility of partnerships with nonprofits for sustainability efforts
10. Adjournment

**STAFF CONTACT: Amanda Eberhart, Registration Unit Manager (510) 981-4904**

**COMMITTEE:** Ida Martinac (Chair), Vanessa Marrero, Alfred Twu

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## RENT STABILIZATION BOARD

### CLIMATE RESILIENCE AND HABITABILITY COMMITTEE

Friday May 8, 2026 – 6:30 p.m.

Rent Stabilization Board Conference Room A, 2000 Center Street, Suite 400, Berkeley, CA 94704

Teleconference Location - 2010 Fifth Street, Unit 260, Berkeley, CA 94710

### Minutes (Unapproved)

1. Roll call: A. Eberhart called Roll.  
Members present: Martinac, Marrero and Twu,  
Members Absent: None.  
Staff Present: A. Eberhart.
2. Land Acknowledgment Statement: The Land Acknowledgment Statement was played.
3. Approval of the Agenda: M/S/C (Martinac/Twu) Motion to approve the agenda. YES: Martinac, Marrero, and Twu. NO: None; ABSTAIN: None; ABSENT: None. Carried: 3-0-0-0.
4. Public Comment: No public comment.
5. Approval of April 10, 2026, Meeting Minutes: M/S/C (Martinac/Twu) Motion to approve April 10, 2026, Meeting Minutes. YES: Martinac and Twu. NO: Marrero; ABSTAIN: None; ABSENT: None. Carried: 2-1-0-0.
6. Discussion and Possible Action on Draft Survey Question. M/S/C (Twu/Martinac) Motion to reduce and combine questions for smaller survey; staff to bring back updated survey for committee review. YES: Martinac, Marrero and Twu. NO: None; ABSTAIN: None; ABSENT: None. Carried: 3-0-0-0.
7. Discussion and Possible Action on Rent Board Support on Senate Bill 868. M/S/C (Twu/Martinac) Motion to approve with Commissioner Marrero's edits addressed. YES: Martinac, Marrero and Twu. NO: None; ABSTAIN: None; ABSENT: None. Carried: 3-0-0-0.
8. Discussion and Possible Action on Berkeley Municipal Code Chapter 19.5 "Elevators-Buildings with ten or more units and two or more stories". M/S/C ( ) Motion to . YES: Martinac, Marrero and Twu. NO: None; ABSTAIN: None; ABSENT: None. Carried: 3-0-0-0.
9. Next Meeting: TBD
10. Future Agenda Items:
  - Decarbonization Without Displacement presentation.

- Review of the Habitability Plan and related complaints.
- Coordination with the Planning Department and Office of Energy and Sustainability.
- Progress on pilot project development and utility cost tracking related to Measure BB.
- Legal feasibility of partnerships with nonprofits for sustainability efforts.

11. Adjournment: M/S/C (Eberhart/Twu) Motion to adjourn. YES: Martinac and Marrero. NO: None; ABSTAIN: None; ABSENT: None. Carried: 3-0-0-0.  
Meeting adjourned at 7:36 pm.

**STAFF CONTACT: Amanda Eberhart, Registration Unit Manager (510) 981-4904**

COMMITTEE: Ida Martinac (Chair), Vanessa Marrero, Alfred Twu,

# Draft Property Owner Survey Questions

**Recommended format:** Mix of multiple-choice, Likert scale (1–5), and short free-text.

## 1. Property Profile

How many rental units do you own/manage in Berkeley, and what types of buildings do they include?

**Unit Count:**  1–4  5–19  20–49  50+

**Building Types** (check all):  Rooming/Residential Hotel  1 unit/ADU  2–4 units  5–15 units  16–49 units  50+

## 2. Utilities Paid by Owner

Which utilities do you pay for on behalf of tenants?

Electricity  Gas  Water  Garbage  Internet  Other: \_\_\_\_\_

## 3. Electricity Coverage

If you pay for electricity, roughly what share of your units does it cover?

All  Most  Some  None

## 4. Awareness of Incentive Programs

How familiar are you with state/local incentive programs (e.g., EBD, Low-Income Weatherization, TECH Clean CA)?

Not familiar  Heard of them  Somewhat familiar  Very familiar

## 5. Adoption Timeline

If incentives are available, when would you consider upgrades?

Within 12 months  12–24 months  Over 24 months  Not planning

## 6. Barriers & Pilot Participation

What are your top barriers to completing upgrades? (Select up to 3)

Upfront cost  Permitting  HOA rules  Roof condition  Historic/design review  Electrical capacity  Tenant disruption  Contractor availability  Insurance  Skepticism/uncertainty  Other: \_\_\_\_\_

**Would you consider participating as an early-adopter pilot property with technical assistance?**

Yes  Maybe  No

## 7. Balcony Solar Use (Likert + Conditions)

I would allow tenants to use certified balcony solar devices under clear guidelines.

1 = Strongly disagree ... 5 = Strongly agree

Conditions you'd require: \_\_\_\_\_

## 8. Policy Support

Would you support state policy that sets safety standards and clarifies tenant use of portable balcony solar?

Support  Neutral  Oppose  Need more info

## 9. Planned Upgrades & Solar-Ready Features

Are you planning roof, insulation, or electrical panel work within 24 months?

Roof  Insulation  Panel  None  Unsure

Would you consider adding solar-ready features during planned work?

Yes  No  Maybe

**10. Communications & Scheduling**

Preferred contact method:  Email  Phone  In-person  Webinar

Preferred language(s):  English  Spanish  Chinese  Other: \_\_\_\_\_

Scheduling/access constraints for upgrade work (check any):

Limited weekday access  No weekend work  Quiet hours  Advance notice needed

Other: \_\_\_\_\_

Best times to reach you: \_\_\_\_\_

## Draft Tenant Survey

**Recommended format:** Mix of multiple-choice, Likert scale (1–5), and short free-text.

### 1. Utilities & Power Outages

Who pays your unit's electricity bill?

I do  Landlord  Shared/master meter  Unsure

In the past 24 months, have you had a power outage lasting 12+ hours?

Yes (how many?): \_\_\_  No

What impacts did you face?

Food spoilage  Medical device risk  Work interruption  Safety concerns  Other:

\_\_\_\_\_

### 2. Indoor Conditions & Ventilation

In the past year, have you experienced:

Excess heat  Humidity  Mold  None

Did you report it?  Landlord  Code  No

Does your unit have working kitchen and bathroom ventilation?

Both  Kitchen only  Bath only  Neither  Unsure

### 3. Top Needs & Concerns (select up to 3)

Lower monthly bills

Better indoor air quality

Reduced humidity/mold

Cooling/ventilation upgrades

Reliable heat

Backup power for essentials

Other: \_\_\_\_\_

### 4. Cooking & Indoor Air Preferences

If offered at no added rent, which do you prefer?

Induction/electric  Keep gas  No preference

Concerns with your current stove (optional): \_\_\_\_\_

### 5. Balcony Solar (Interest + Ability)

If allowed and certified safe, I'd be interested in a small balcony solar device.

1 = Not at all ... 5 = Very interested

Do you have suitable space/sun?  Yes  No  Unsure

### 6. Health & Humidity Tools

Have you had health symptoms you associate with indoor air quality?

Yes  No  Prefer not to say

Would you use a provided humidity monitor?

Yes  Maybe  No

### 7. Landlord Support & Upgrade Concerns

How supportive is your landlord of energy/air quality improvements?

Very  Somewhat  Not supportive  Unsure

Your biggest concerns about upgrades (select up to 3):

Rent increases  Noise/disruption  Safety

Loss of space  Privacy  Building rules

Other: \_\_\_\_\_

8. **Participation & Communication**

Would you participate in a no-cost pilot?

Yes  Maybe  No

How do you prefer to receive information about upgrades and incentives?

Email  Text  Flyers  Workshops  Social media  Community orgs

Language(s):  English  Spanish  Chinese  Other: \_\_\_\_\_

Best times to reach you: \_\_\_\_\_



## Memorandum

**DATE:** June 30, 2026

**TO:** Honorable Members of the Climate Resilience and Habitability Committee

**FROM:** Amanda Eberhart, Senior Management Analyst

**SUBJECT:** Rent Board Authority, Habitability, and the Intersection with Elevator Outages Under BMC Chapter 19.50

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### Executive Summary

This memo provides an overview of (1) what BMC Chapter 19.50 requires of building operators, (2) how elevator outages intersect with habitability, and (3) the scope of the Rent Board's authority in responding to tenant concerns involving elevator access.

### Summary of BMC 19.50

BMC Chapter 19.50 establishes requirements for the maintenance, repair, and operation of elevators in multi-story buildings with ten or more rental units. Major requirements include:

- Duty to maintain elevators in accessible and operable condition at all times.
- Repairs must be completed "within the shortest practicable time," not to exceed 24 hours, except under limited circumstances beyond the operator's control.
- If repairs cannot be completed within 24 hours and delays are outside the operator's control, the operator must provide alternative accessible housing for tenants whose mobility impairments require elevator access.
- Written notice requirements for regular maintenance and unanticipated outages.
- Tenants may seek injunctive relief, actual damages, and statutory damages of \$200 per day, up to \$10,000.
- Anti-retaliation protections for tenants who assert their rights.

These provisions emphasize the ordinance's clear intent to protect tenants' access, safety, and mobility, particularly for disabled or medically vulnerable residents.

## **Habitability Implications of Elevator Outages**

Elevator outages can significantly impair access to and use of rental housing, especially for tenants with mobility impairments. The City's research memorandum highlights this by noting that the ordinance implements state accessibility standards, protects tenants relying on elevators for disability-related needs, and identifies substantial access restrictions as grounds for civil action.

For Rent Board purposes, elevator outages may constitute:

- Reductions in housing services when tenants lose reasonable access to their unit.
- Habitability impacts under state law when tenants cannot safely enter or exit their dwelling.
- Grounds for rent reduction petitions where the loss of elevator service meaningfully decreases the value or usability of the rental unit.

The Rent Board does not have the authority to enforce BMC 19.50, but it does have clear jurisdiction over the rent adjustment consequences of habitability-related service reductions.

## **What the Rent Board Can and Cannot Do**

### **The Rent Board CAN:**

- Educate tenants and property owners about their rights and obligations under state law and local ordinances.
- Provide guidance on evidence and documentation for service-reduction cases. Refer tenants to Code Enforcement, Building & Safety, or the City Attorney as appropriate.
- Track elevator-related habitability concerns for future policy development.
- Explore adding elevator outages as a recognized habitability or decreased-housing-services item within the Rent Board's petition framework.
- Write a recommendation from the Climate Resilience & Habitability Subcommittee (and in collaboration with LIRA) to consider updating the petition process so that loss of elevator access, particularly when it affects tenant mobility or safe entry/exit can be formally included as a basis for a rent-reduction petition.

### **The Rent Board CANNOT:**

- Enforce elevator maintenance or repair requirements.
- Order building operators to complete repairs or provide alternative housing.

- Interpret or enforce the civil-penalty provisions of BMC 19.50.
- Replace the authority of Building & Safety, Code Enforcement, or the City Attorney.

### **Recommendations for Committee Discussion**

- Consider developing Rent Board educational materials for tenants and owners.
- Explore feasibility of tracking elevator-related complaints to identify trends.
- Strengthen referral pathways to enforcement agencies.
- Consider whether Board guidance is needed for rent-reduction petitions involving elevator outages.

### **Financial Impact**

None at this time.

### **Contact Person**

Amanda Eberhart, Senior Management Analyst

### **Attachments**

Draft Educational Material Ideas

## **A. Tenant Education: “What to Do if Your Elevator Is Out”**

### **1. Report the outage immediately**

Notify your building operator or property manager in writing (email or text preferred).

### **2. Look for posted notices**

Operators must post notices for regular maintenance and unanticipated outages on every floor near the elevator.

### **3. If you are disabled or have a mobility-related medical need**

You are entitled to direct written notice for outages expected to last more than four hours.

### **4. If the outage lasts more than 24 hours due to circumstances beyond the operator’s control**

The operator must provide **alternative accessible housing**, at their expense, subject to cost limits.

### **5. Document the impact**

- Photos of posted notices
- Emails you sent or received
- How access to your unit is restricted
- Any medical or mobility-related harm

This will help if you file a Rent Board petition for **decreased housing services** or consult an attorney.

### **6. Understand your legal remedies**

Under BMC 19.50, tenants may seek:

- Injunctive relief
- Actual damages (including emotional distress)
- Up to \$200/day statutory damages, capped at \$10,000 per malfunction

### **7. Contact the Rent Board if**

- You believe a service reduction has occurred
- You need help understanding next steps
- You need referral information for Code Enforcement or the City Attorney

## **B. Owner/Operator Education: “Your Responsibilities Under BMC 19.50”**

### **1. Maintain operable elevators at all times**

A proactive maintenance program is required.

### **2. Complete repairs within 24 hours whenever practicable**

Delays beyond your control must be clearly documented.

# DRAFT OF EDUCATIONAL MATERIALS

## **3. Provide immediate notice**

- Post notices on every floor
- Provide written notice to disabled tenants or those who request it for outages >4 hours

## **4. Provide alternative housing when required**

If the outage cannot be resolved in 24 hours due to reasons outside your control, you must provide accessible alternative accommodations up to CPI-indexed cost limits.

## **5. Avoid retaliation**

It is illegal to retaliate against tenants who assert rights under this chapter.

## **6. Keep communication clear and documented**

Timely, clear notices reduce tenant confusion and mitigate misunderstandings that lead to complaints.

## **7. The Rent Board does not enforce Chapter 19.50**

However, elevator outages may create a **rent-adjustment issue** if tenants lose access or services.