



Planning & Development Department
Building and Safety Division

Notice to Prospective Tenants

RE: Potentially Hazardous Soft, Weak or Open Front Building

Tenant Name(s) _____

This is to notify you that the building at _____, Berkeley, California is on the City of Berkeley's Inventory of Potentially Hazardous Buildings containing a Soft, Weak, or Open Front Ground Floor and may constitute a severe threat to life safety in the event of an earthquake of moderate to high magnitude.

The property owner is required by Berkeley Municipal Code Chapter 19.39 to provide this notice. This Chapter also requires that the building be seismically retrofitted by December, 2018.

For purposes of the program, buildings with soft, weak or open fronts (Soft Story buildings) are those buildings constructed prior to January 1, 1978, containing five or more dwelling units and typically having tuck-under parking or a storefront on the first floor.

If you have questions, please see <http://www.cityofberkeley.info/softstory>. You can also contact the Soft Story Program Manager at:

Soft Story Program, Building and Safety Division
1947 Center Street, Berkeley, CA 94704
Tel: (510) 981-7451
E-mail: softstory@cityofberkeley.info

For questions about this particular building, please contact:

(Name of owner or property manager and how to contact)

(Signature of owner)

(Date)

(Print name)

Information from the Rent Stabilization Board

Summary of the requirements of Phase I and Phase II of the Soft Story Ordinance

In an effort to increase tenant safety, in 2005 the City of Berkeley adopted Phase 1 of the Soft Story Ordinance, which required properties with 5 or more units containing soft, weak, or open front ground floor stories to complete an engineering evaluation report including a description of the work needed to remedy any identified structural weakness. The City of Berkeley indentified over 300 properties that met these requirements and placed them on the Soft Story Inventory. In addition to evaluating their building, property owners were required to notify their tenants the building was a soft story and to install an earthquake warning sign indicating that it may not be safe during an earthquake. These signs may only be removed after the property has been retrofitted.

In December 2013 the City of Berkeley adopted Phase 2 of the Soft Story Ordinance, which requires owners of properties on the Soft Story Inventory to submit a building permit application to retrofit the building no later than December 31, 2016. The seismic retrofit must be completed no later than two years after submittal of the building permit application.

Residential tenants' right to return to the property if relocated

Since the City is only requiring owners to retrofit the ground floor where the soft story condition exists, it is in most cases unlikely tenants would need to be temporarily relocated. If a residential tenant were required to move out of their unit while construction work occurred to complete a mandatory seismic retrofit, the City of Berkeley Relocation Ordinance would apply. The Relocation Ordinance requires property owners make certain relocation payments to offset the additional costs incurred by tenants as a result of a temporary relocation and to allow tenants to move back once the required retrofit work is complete. If asked to move out, you should contact the Rent Stabilization Board for more information. The Rent Stabilization Board can be reached by phone at (510) 981-RENT or by email at rent@cityofberkeley.info.

Tenants' private right of action

If you are negatively impacted by a property owner's failure to comply with the tenant notification requirements of the Soft Story Ordinance (BMC Section 19.39.060.A), you may bring a civil action against this property owner for all appropriate relief. In any such action, the prevailing party(ies) shall be entitled to reasonable attorneys' fees in addition to other costs, and in addition to any liability for damages imposed by law.

Rules, rights and regulations if the seismic work results in the loss of services

Should a residential tenant experience a temporary or permanent loss of or reduction in service or space due to necessary soft story retrofit work, a tenant may be entitled to a rent reduction according to the rules enumerated in Rent Board Regulation 1269. This may include loss of parking, yard space, common area space and possible reduction in interior space. A tenant would be required to petition the Board for a rent reduction for loss or decrease in services experienced. If you think you may experience any loss or reduction in service you should contact a Rent Board Housing Counselor for more information. You can contact a Rent Board Housing Counselor by phone at 510-981-RENT (510-981-7368) or by email at rent@cityofberkeley.info.