



Jesse Arreguin
Mayor

Leah Simon-Weisberg
Chair, Berkeley Rent Board

Tenant Habitability Plan for City of Berkeley Proposal Discussion

What is the purpose of Tenant Habitability Plan:

1. Prevent permanent displacement when **substantial repairs** are needed;
2. Allow and facilitate substantial repairs while requiring mitigation of the possible negative impact on tenants of said repairs
3. Prevention of unsafe and harassing approaches to construction whether for the purposes of new construction or substantial repairs while tenants remain at property.
4. Create objective standards and processes to best prevent unsafe and harassing approaches to construction.
5. Respond to the recent phenomena of infill projects where tenants are in occupancy. (Harper Street)

When does a landlord need to fill out a tenant habitability plan?

Situations of work inside, outside or adjacent to occupied unit:

1. Planned Repair by landlord
2. Planned Construction by landlord
3. Requested Repairs by tenant
4. Emergency Repairs
5. Tenant complains about unsafe or nuisance construction

Timeframes for notification can be different for the different kinds of work

Option 1) An approved tenant habitability plan is required before **any work** is done to a property with a building that has one or more residential dwelling units. (Simple check-box if no buildings are tenant occupied).

Option 2) RHSP definition: An approved tenant habitability plan is required before **any work** to any dwelling which is rented, leased, let or hired out to be occupied for consideration.

What “work” should trigger the requirement that the landlord must fill out form and provide mitigation?

Menu of Options:

1. Any work requiring a permit.
2. Substantial repair and mediation: seismic retrofits, elevator repairs, and when hazardous materials such as lead paint or asbestos are being remediated.
3. Any work in the following section:

Berkeley Code Sections Referenced:

Berkeley Code sections that could be referenced: Title 19 – Buildings and Construction.

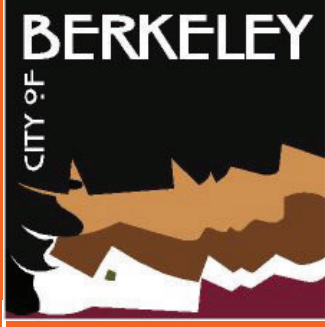
- Berkeley Building Code BMC Chapter 19.29
 - Berkeley Residential Code BMC Chapter 19.30
 - Berkeley Electrical Code BMC Chapter 19.32
 - Berkeley Mechanical Code BMC Chapter 19.34
 - Berkeley Plumbing Code BMC Chapter 19.36
 - BMC Chapter 19.38: Seismic Hazard Mitigation Program for Unreinforced Masonry Buildings
 - BMC Chapter 19.39: Potentially Hazardous Buildings Containing Soft, Weak, or Open Front Stories
 - BMC Chapter 19.50: Elevators-buildings with ten or more units and two or more stories
4. Requiring habitability plan submittal when a property with a tenant occupied structure receives a **notice of violation for code violations** including unpermitted work and other housing code violations. In Berkeley work without permit can be cited by either a building inspector or a housing inspector, both of which are in the Planning Department.
 5. Requiring mitigations when work is being done **adjacent to a tenant’s unit** for a sustained period of time.
 6. Requiring a habitability plan for work on properties that have a structure with a **dwelling unit will cover the ADU situations** we heard about where a tenant could not access their unit or tenant parking spaces were temporarily or

permanently removed due to ADU construction. Building permits are required for all ADUs so no specific requirement for ADUs needs to be included to cover this situation.

Who should Administer the program?

Berkeley Departments that could administer habitability plan requirements:

- Permit Service Center (within Planning Department)
- Housing Code Enforcement and Rental Housing Safety Staff (both are also within Planning Department)
- HHCS (as long as they are involved in Relocation Ordinance)
- Rent Board, Rent Board Hearings unit best to assist with hearing/complaint process



Distributed at the Meeting
Item 6.

UPDATE ON TENANT HABITABILITY AND PLAN IMPLEMENTATION

Jesse Arreguin
Mayor

Leah Simon-Weisberg
Chair
Berkeley Rent
Stabilization

Revise Berkeley B.M.C. Chapter 13.84 (“Relocation Ordinance”) to better protect tenants during construction due to necessary repairs, new construction of ADUs and other additional housing units.

4x4 Housing Task Force, July 12, 2022

REVIEW

1. We reviewed memo accessing the gaps in our relocation ordinance when tenants are facing repairs in their units and construction
 2. Reviewed Recommendations
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Goals for next meeting

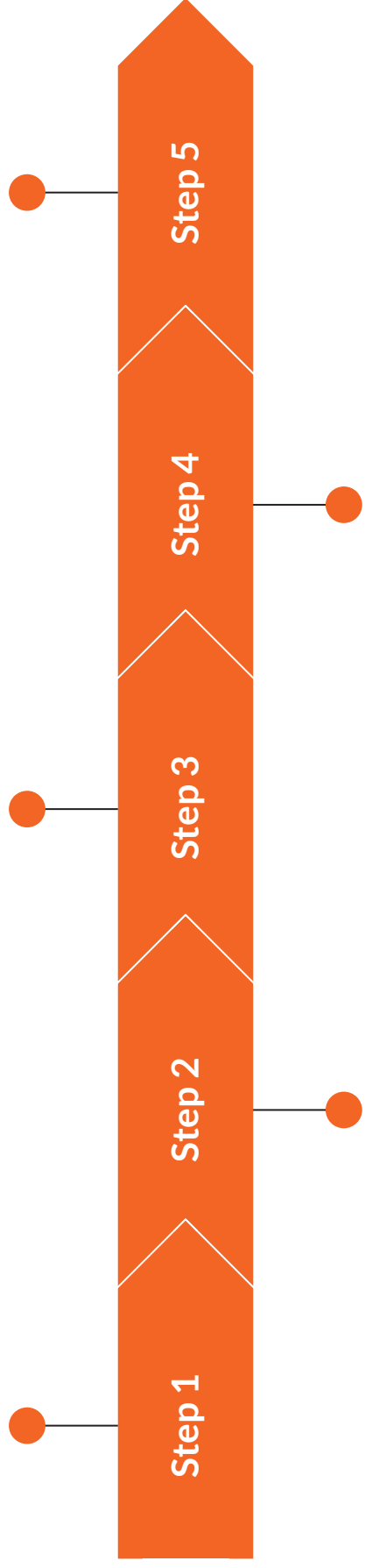


Reminder of what a Tenant Habitability Plan

Provide THP to
permitting agency

Landlord may apply for
permit

Construction begins!



5 days for agency to
approve or deny based
on objective standards

Approved THP served on tenant 60 days before
work can commence with Notice of Primary
Renovation Work;
THP plan, summary of plan and relocation option
if work will last more than 30 days.

Tenant Habitability Plan City of Berkeley Proposal

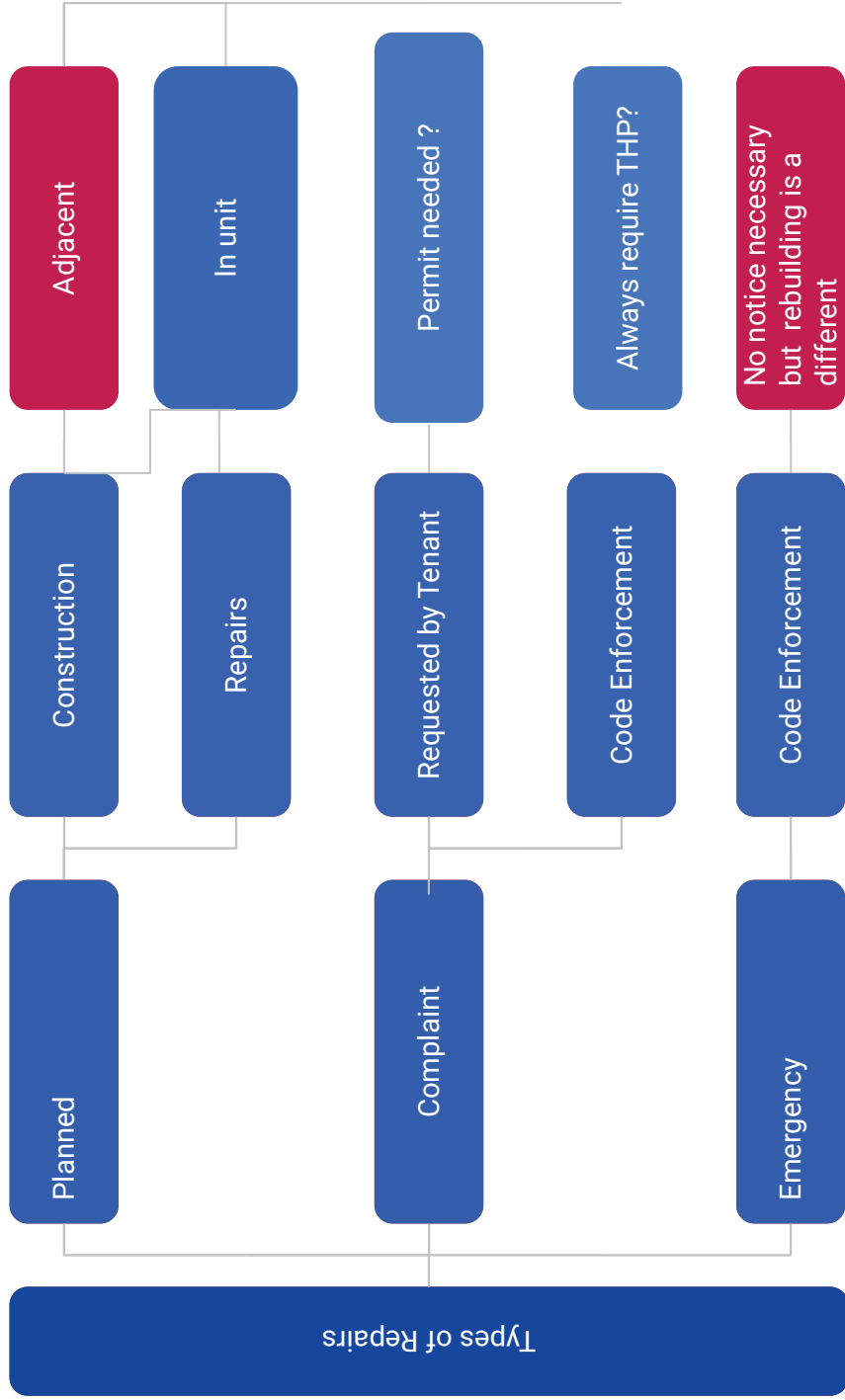
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Context and consideration:

Situations of work inside, outside or adjacent to occupied unit:

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 2. **Planned Construction by landlord**
 3. **Requested Repairs by tenant**
 4. **Emergency Repairs**
 5. **Tenant complains about unsafe or nuisance construction**
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Menu of Work

1. Any work requiring a permit
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3. Any work in the following section:

Menu of Work

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**Direction for next
steps?**