



**Commission on Disability
AGENDA
Special Meeting**

**Commission on Disability
Wednesday August 3, 2022 6:00 PM**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the Commission on Disability will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

Public Works Engineering is inviting you to a scheduled Zoom meeting.

***Topic: Commission on Disability Special Meeting
Time: August 3, 2022 06:00 PM Pacific Time (US and Canada)***

Join Zoom Meeting

<https://us02web.zoom.us/j/82493942158?pwd=ODZzVG82YmtrdGxVS2JyZXoxcGwyUT09>

Meeting ID: 824 9394 2158

Passcode: 470023

One tap mobile

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Dial by your location

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Meeting ID: 824 9394 2158

Find your local number:

<https://us02web.zoom.us/j/kd8DVEm8wq>

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device using the link listed on the agenda. If you do not wish for your name to appear on the screen, then use the dropdown menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial 1-669-900-9128 and enter the Meeting ID on the agenda. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

A. PRELIMINARY BUSINESS

- 1) Call to Order by Chair Freeman**
- 2) Roll Call by Secretary**
- 3) Public Comment on Items Not on the Agenda.
(Up to 3 minutes per speaker)**
- 4) Approval of Draft Action Minutes of July 6, 2022***
- 5) Staff Update**
 - Chat – Only to be use as a disability accommodation tool**
 - Reminder – Last Commission meeting is in November. If the Commission needs additional meetings, the Commission has to draft an action item to City Council.**

6) Approval and Order of Agenda

A. ACTION ITEMS

- 1.) Elevator Ordinance Revisions Update ***
(Walsh)**

Proposed Action: Send Elevator Ordinance Item to Rent Board after Commissioner Walsh provides edited version.

- 2.) Commission Workplan for New Fiscal Year
Proposed Action: Resubmit last year's workplan with new dates**

**The public may speak at the beginning of any item.
(Comments may be limited to 3 minutes per speaker)**

Commission will take a 5-minute break around 8pm.

B. DISCUSSION ITEMS

**The public may speak at the beginning of any item.
(Comments may be limited to 3 minutes per speaker)**

- 1. Inclusive Disaster Registry (Walsh)**
- 2. Accessibility of Voicemail System**

3. Increasing Public Participation in the COD

4. Berkeley Bike Plan

5. ADA Pacific Center Presentation to Commissioners

6. Data, Outreach, & Access to Persons with Disabilities in City of Berkeley Programs and Services

Announcements

C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS

D. COMMUNICATIONS

1. FUTURE AGENDA ITEMS (from adopted work plan, referrals, etc.)

TBD

E. ADJOURNMENT: no later than 9:00pm

Agenda Posted: TBD

- * Indicates written material included in packet.**
- ** Indicates material to be delivered at meeting.**
- *** Indicates material previously mailed.**

A complete agenda packet is available for public review on the web at:

https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Commission_on_Disability_Homepage.aspx

Available also at the main library, and Public Works, Engineering Division, 1947 Center Street, 4th Floor.

ADA Disclaimer



***“This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, or alternative formats, please contact the Disability Services specialist at 981-6400 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.*”**

Communications Disclaimer

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible

through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication.

Please contact the secretary to the relevant board, commission or committee for further information.

Commission Secretary: Andrew Brozyna, Deputy Director of Public Works, 1947 Center St., 4th Floor, Berkeley, CA, 94704, Telephone (510) 981-6396, Fax: (510) 981-7060 TDD: (510) 981-6347.

Email: abrozyna@cityofberkeley.info

Email: ada@cityofberkeley.info



[Commission Name]

CALENDAR

To: Honorable Mayor and Members of the City Council

From: Helen Walsh

Submitted by: Commission on Disability

Subject: The Elevator Ordinance Referral aims to provide alternative housing to people with disabilities in the event of an emergency or out-of-service elevator in apartment complexes of 10 or more units and 2 or more stories. However, the municipal code should provide more adequate financial means in order to provide adequate and accessible accommodations, especially to tenants who use medical equipment and or mobility devices.

RECOMMENDATION

Clarifying standards and reducing the change of a court misunderstanding the intent of the code. The Elevator Ordinance Referral aims to provide alternative housing to people with disabilities

1. Require that alternative housing be accessible and that “ accessible “ is defined by the California Building Code.
2. Clarifying what standard for “reasonable arrangements”, and “ reasonable steps” in section 19.50.040(C). Using the elevator industry standard is more protective of tenants, because it is a higher standard.
3. Clarify that both immediate repair and alternative housing are required, not one or the other, section 19.50.060(A). revision adding “ and/or”.
4. Removing the 10-Day limit on providing alternative housing, where the elevator cannot be repaired immediately.
5. Raise the maximum cost of alternative housing to meet modern economic realities.
6. Include a food voucher to meet the modern economic realities.
7. Post and provide tenants rights elevator repair, outage and out of service information in accessible formats and where tenants with and without disabilities have the best opportunity to review and receive the information.

SUMMARY *[This section is included only if report exceeds three pages.]*

FISCAL IMPACTS OF RECOMMENDATION

Landlords and owners in the city of Berkeley are obligated to have liability insurance in the event of a person being injured from having an accident on the property. If the Landlord does not possess liability insurance, the city of Berkeley would have to intervene, costing the city money and resources of the amount that depends on the severity of the situation.

CURRENT SITUATION AND ITS EFFECTS

The intent of Clarifying standards is to protect persons with disabilities and seniors who are unable to use the stairs from being displaced or having to face an undue financial burden following an unexpected elevator repair, outage and or the service is out of order. These problems are especially serious in the city of Berkeley and the greater Bay Area where conventional, affordable housing is scarce while accessible, affordable housing is exceptionally rare. Moreover, there is no written, explicit protocol for landlords and owners of apartment complexes of 10 or more units or more than 2 stories or more to follow if an elevator was to go out of commission.

BACKGROUND

People with disabilities and the elderly are faced with undue hardships if and when an elevator malfunction occurs. Elevators can malfunction from age, not being maintained, power outages, damage and or some sort of natural disaster. Seniors and Persons with Disabilities are on fixed incomes. It is difficult to locate an affordable alternative accessible housing and or an accessible hotel room. Costs are often outside the monthly income that this population can afford.

Currently the Chapter 19.50 places an undue burden on the diverse community of persons with disabilities and seniors. Clarifying these standards would ensure that tenants with disabilities and seniors would have full and equal use of their rental or hotel accommodation in the event of an elevator repair, outage and or the service is out of order. It would also reduce misunderstandings in the intent of the code that can lead to undue burdens for the largest minority.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

If there is a fire, earthquake, water damage, or some type of natural disaster, it is not recommended to use the elevator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

RATIONALE FOR RECOMMENDATION

ALTERNATIVE ACTIONS CONSIDERED

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process

Note: If the City Manager does not (a) concur, (b) takes any other position, or (c) refer to the budget process, a council action report must be prepared. Indicate under the CITY MANAGER heading, "See companion report."

CONTACT PERSON

, , ,

Attachments: [Delete if there are NO Attachments]

1: Ordinance

Exhibit A:

Exhibit B:

2:

3:

ORDINANCE NO. -N.S.

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code is amended to read as follows:

Section 2. That Berkeley Municipal Code is amended to read as follows:

Section . Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Exhibits [Delete if there are NO exhibits]

A: Title of the Exhibit

B: Title of the Exhibit



Zero Waste Commission

INFORMATION CALENDAR

To: Honorable Mayor and Members of the City Council
From: Commission on Disability
Submitted by: Shira Leeder Chairperson, Zero Waste Commission
Subject: Commission on Disability Fiscal Year 2021 Work Plan

INTRODUCTION

Below is the workplan for fiscal year 2021 for the Commission on Disability.

CURRENT SITUATION AND ITS EFFECTS

Commission on Disability ▪ Fiscal Year 2021 Annual Workplan

1. COVID Management and Recovery

Track developments and impacts from the Covid-19 pandemic, including but not limited to: disproportionate health impacts for people disabilities; consequences for health care providers; disruptions in disability supports (e.g. reduction in small businesses providing necessary products and services); increase in Berkeley residents with long-term disabilities due to post-Covid complications; and reduction in city budgets for services and infrastructure improvements (e.g. sidewalk repair efforts). Engage relevant city departments, request presentations and gather community feedback. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

2. Improved Transportation and Mobility

Continue efforts related to the “navigable cities” framework for safe, accessible pedestrian pathways and other transportation infrastructure, including appropriate street layouts in redesigned transportation corridors. Also ensure universal accessibility of relevant applications, kiosks, ride-sharing services, Transportation Network Companies (TNCs), bikes and scooters (including shared mobility), and “emerging technology” such as automated vehicles (ATVs). Address public transportation concerns and safety, including budgets and onboard safety related to the Covid-19 pandemic. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

3. Public Input and Public Outreach for COD

Implement communication channels with other city Commissions; pursue “cross-membership” with other commissions, where COD members request to be appointed to

other commissions with vacancies; prioritize commissions whose coverage affects people with disabilities (e.g. peace & justice, zero waste, planning, homelessness, etc.). Raise awareness of COD within the disability community and relevant stakeholders (e.g. neighborhood and business associations) and invite community members and stakeholders to attend COD meetings. Outreach should include opportunities for community members to request accessibility modifications, including for remote meetings (e.g. captioning on Zoom). Develop a consistent process and timeframe for community engagement. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

4. Engagement and Advisory Role for City Processes

Increase outreach and requests for timely presentations and information from City of Berkeley staff and other relevant officials (e.g. at the county or regional levels). Utilize the Commission on Disability as a public forum and oversight body, especially in the face of unprecedented challenges during the continuing Covid-19 pandemic and recovery therefrom. Utilize COD as an advisory & monitoring body to increase accessibility & accountability in city efforts and other areas of influence. Partner with other commissions; advocate for new sub-committees and cross-membership for relevant goals. Commissioners commit to actively and regularly engage with appointing Council members. Ensure that COD review city policies to avoid direct decisions by Council, City Manager, and other city entities without disability input. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

5. Accessible and Affordable Housing

Explore the expansion and improved availability of accessible housing for people with disabilities, including going beyond baseline ADA access requirements in new construction (e.g. adding automatic door openers, units with roll-in showers and other universal access features, etc.). Recognize a likely slowdown in new construction and increase efforts at encouraging accessibility retrofits of existing buildings, whether single-family homes or multi-unit apartments/condominiums. Address affordability as a key factor for housing, especially given the disconnect between affordability and accessibility (given newer buildings are more accessible but also tend to have higher rents). Partner with senior community and advocates for mutual areas of interest. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

6. Homeless people with Disabilities

Support Berkeley's population of homeless residents with disabilities. Collaborate with local service providers to address disability-related needs, such as access to healthcare or repairs of medical equipment (wheelchairs, scooters, walkers, etc.). Address timely issues, such as pandemic safety, extreme heat events and air quality (including wildfire smoke). Access to electricity and energy resources. Advocate for permanent accessible housing, including creative solutions (e.g. tiny homes). Ensure equitable and accessible

opportunities to participate in city efforts, programs, meetings and initiatives.

7. Emergency/Disaster Preparedness

Receive information and ongoing updates, participate and make recommendations as appropriate about Berkeley's BEACON and CERT programs. Address increasing frequency of Red Flag Warning events, wildfire danger, Public Safety Power Shutoffs, poor air quality days, and extreme heat vents. Maintain oversight and efforts around earthquake safety. Increase training opportunities for disability awareness & management, including FAST trainings. Advertise disaster resources for PWDs (e.g. information, backup supplies, organizations and designated accessible shelters), including lists of trained staff and volunteers. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

8. Student Life and Disability Awareness

Improve communication and collaboration with Berkeley's many students with disabilities, providing community engagement and leadership opportunities and supports for independent living. Address all populations including students with disabilities in elementary through high school, Berkeley City College, UC Berkeley, and private entities. Advocate for city-supported services and resources for youth, young adults and other students w/ disabilities. Increase affordability of and access to education, training, recreation and life resources (e.g. housing and transportation) for students. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

9. Accessibility in City Events, Meetings, Communications & Information Technology

Work with city staff, commissions, and other relevant partners to guarantee inclusion and accessibility of events, meetings and communications. Guarantee access to multiple media, taking into account a diversity of disabilities and the overall digital divide (i.e. disproportionate access to Information Technology and related services); this can include printed (paper) communications and information items, as well as those items in accessible (e.g. Braille or large-print) format. Ensure that all meetings and events are accessible through the Internet for those who cannot attend; this is especially important considering health and wellness in light of the Covid-19 pandemic and its ongoing effects. Emphasize plain language and multiple media in city resources and initiatives to reach the widest audience possible. Utilize free media (i.e. city websites, newspapers, PSAs, Berkeley TV, social media, etc.) and partnerships (e.g. with nonprofits, community organizations, and faith-based organizations) to engage as many people as possible. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

CONTACT PERSON Dominika Bednarska, Disability Services Specialist, 510 981 6418