To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Igor Tregub, Chairperson, Housing Advisory Commission

Subject: Referral to Develop Comprehensive Plan for Disaster Preparedness and Post-Disaster Rebuilding with Respect to Multi-Family Housing

RECOMMENDATION
Refer to applicable City departments and commissions the development of a comprehensive plan for both disaster preparedness and post-disaster rebuilding with respect to multi-family housing. As part of the plan, applicable departments and commissions should explore how applicable ordinances (e.g., Demolition Ordinance, Relocation Ordinance, Rent Stabilization Ordinance) may interface with rebuilding efforts in the event of a major disaster and make recommendations to amend or clarify them as appropriate. The referral can be added to existing referrals concerning disaster preparedness item and prioritized as appropriate.

FISCAL IMPACTS OF RECOMMENDATION
In the short and medium term, staff time is anticipated. In the longer term, the fiscal impacts are as yet unknown. Savings could result from having a comprehensive plan in place, which could lead to the prevention of casualties in a disaster and mitigate the economic impacts of both the disaster and the process of post-disaster recovery.

CURRENT SITUATION AND ITS EFFECTS
At its February 7, 2018 meeting, the Housing Advisory Commission (HAC) adopted the subject recommendation with the following vote:


The recent fires in California which have led to mass displacement of tenants have prompted renewed interest in this item. News articles and clips like the one contained in Footnote 1 point to the displacement pressures that tenants could face years after a major disaster should one occur in the City of Berkeley.

For this reason, the Housing Advisory Commission (HAC) recommends that the Berkeley City Council submits a referral to applicable city departments and commissions to develop a comprehensive plan for both disaster preparedness and post-disaster rebuilding with respect to multi-family housing.

One aspect of this plan should include policies that either incentivize or mandate certain steps to achieve the preparedness for a major disaster of both property owners of and tenants in multi-family housing. The City Council has already referred some of these ideas to the Disaster and Fire Commission, which is in the process of evaluating them.

A second aspect of the plan should consist of policies and approaches that deal with post-disaster rebuilding with respect to multi-family housing. The HAC recommends that as part of this analysis, applicable departments and commissions should explore how applicable ordinances (e.g., Demolition Ordinance, Relocation Ordinance, Rent Stabilization Ordinance) may interface with rebuilding efforts in the event of a major disaster and make recommendations to amend or clarify them as appropriate.

For example, a question has previously been raised, but not definitively answered, as to whether units in damaged buildings, if rebuilt following a disaster, will retain their rent-controlled status. As there are legal, economic, and policy implications for this inquiry, it is the position that this question should be analyzed by applicable departments and commissions. Another item that should be discussed concerns areas of the Demolition and Relocation Ordinances that were not resolved upon their respective revisions in 2011 and 2009. These issues have made the process of understanding what the relocation payment amount is in the event of a temporary relocation, such as due to a fire that does not fully damage the building but requires rehabilitation. In the case of a different fire, which largely consumed the building, its former occupants were not entitled to receive any dislocation payments at all, as the Demolition Ordinance prevailed.

The City of Berkeley ought to study all of the aforementioned issues in greater length and come up with a comprehensive assessment and set of recommendations, through the course of an inter-departmental, multi-commission analysis.

The referral can be added to existing referrals concerning disaster preparedness item and prioritized as appropriate. These include, but may not be limited to the following items: Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services, referred on November 17, 2017, and Immediate Measures to Address Homelessness, referred on January 30, 2018.

http://www.berkeleyside.com/2015/12/10/tenants-scramble-to-relocate-after-dwight-way-fire/
BACKGROUND
The Berkeley City Council previously referred the following items: Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services, referred on November 17, 2017, and Immediate Measures to Address Fire Safety and Prevention, referred on January 30, 2018. This referral concerns a unique set of issues that has not been fully discussed, but may related to the subject matter contained in the aforementioned prior referrals.

The HAC has occasionally collaborated on areas of mutual concern at the Berkeley Disaster and Fire Commission’s request (most recently, on a pilot for emergency caches stored in multifamily buildings). In addition, the HAC has weighed in on previous drafts of the Relocation and Demolition Ordinances.

ENVIRONMENTAL SUSTAINABILITY
To the extent that a ready supply of multi-family housing can be rebuilt along as urban infill and remain affordable to renters following a fire or other natural disaster, adopting these actions may have impacts in line with the City of Berkeley’s Climate Action Plan, particularly around reductions in vehicle miles traveled and greenhouse gas emissions.

RATIONALE FOR RECOMMENDATION
The City of Berkeley ought to develop a comprehensive plan for disaster preparedness and post-disaster rebuilding to minimize as much as possible the loss of life, injury, and post-disaster displacement in the wake of a major disaster. The United States Geological Survey estimate that a major (magnitude 6.7 or higher) earthquake is likely to occur in the East Bay within the next 30 years.

ALTERNATIVE ACTIONS CONSIDERED
This recommendation is broad enough to accommodate a range of future proposals around disaster preparedness as it relates to housing. An alternative approach is to take no action on this proposal, but to augment the existing referrals around disaster preparedness with the recommendation discussed in this item. This approach was deemed by an 8-1-0 vote of the HAC to be insufficient in studying the items specific to this recommendation in sufficient depth.

CITY MANAGER
The City Manager takes no position on the content and recommendations of the Commission’s Report.

Disaster preparedness is typically the purview of the Fire Department and the Disaster and Fire Safety Commission (DFSC) and their existing scope of work already covers the preparedness related to multifamily housing. As referenced above, the DFSC is currently working on Council’s referral on disaster preparedness. The Office of Emergency Services (OES) is also preparing to launch a new program, the Apartment Resilience Center (ARC), to focus specifically on this target population in the event of an emergency/disaster.
Referrals regarding planning for post-disaster rebuilding would fall within the purview of the Planning & Development Department. The Council prioritized an extensive work plan for the Planning & Development Department in 2017. New referrals will be prioritized among existing referrals the next time the Council ranks referrals.

CONTACT PERSON
Amy Davidson, Senior Community Development Project Coordinator, Health, Housing & Community Services, (510) 981-5406