



**Commission on Disability  
AGENDA  
Regular Meeting**

**Commission on Disability  
Wednesday April 6, 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 Regular Meeting  
Time: Apr 6, 2022 06:00 PM Pacific Time (US and Canada)***

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/89060922035?pwd=K3UzZnpVeHpQVWZxUWY4eXJ6SnRUZz09>**

**Meeting ID: 890 6092 2035**

**Passcode: 095059**

**One tap mobile**

**+16699009128,,89060922035# US (San Jose)**

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**Meeting ID: 890 6092 2035**

**Find your local number:**

**<https://us02web.zoom.us/j/kcE28nRLB>**

**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 April 6, 2022\***
- 5) **Staff Update**
  - **Chat**
  - **Item on Appointing More Commissioners**
  - **Editing Council templates**
  
- 6) **Approval and Order of Agenda**

## **B. ACTION ITEMS**

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

### **1. Election for Commission Chair**

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

## **C. DISCUSSION ITEMS**

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

### **1. Housing Element Update\*\*\* (Freeman)**

- 2. Elevator Ordinance Revisions Update \*\*\* (Walsh)**
- 3. Easy Does IT (Freeman)**
- 4. Inclusive Disaster Registry (Walsh)**
- 5. Commission Workplan for New Fiscal Year**
- 6. Accessibility of City of Berkeley Commission Training Program**
- 7. Accessibility of Voicemail System**
- 8. Increasing Public Participation in the COD**

## **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/Commission\\_on\\_Disability\\_Homepage.aspx](https://www.cityofberkeley.info/Clerk/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: Dominika Bednarska, Disability Services Specialist, 1947 Center St., 4th Floor, Berkeley, CA, 94704, Telephone (510) 981-6418, Fax: (510) 9817060 TDD: (510) 981-6347.***

**Email: [DBednarska@cityofberkeley.info](mailto:DBednarska@cityofberkeley.info)**



**Commission on Disability  
DRAFT MINUTES  
Regular Meeting**

**Commission on Disability  
Wednesday March 2, 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.**

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

**Topic: Commission on Disability  
Time: Mar 2, 2022 06:00 PM Pacific Time (US and Canada)**



## **Join Zoom Meeting**

**<https://us02web.zoom.us/j/82485970525?pwd=MW1sZDNoZ2J5SFFpbWpLcGJjeTZFU09>**

**Meeting ID: 824 8597 0525**

**Passcode: 297154**

**One tap mobile**

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**+1 301 715 8592 US (Washington DC)**

**+1 312 626 6799 US (Chicago)**

**Meeting ID: 824 8597 0525**

**Find your local number:**

**<https://us02web.zoom.us/j/kekdfCYQKc>**

**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  
drop down 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**

- **Call to Order by Chair Freeman 603 PM**
- **Roll Call by Secretary**  
**Freeman: Present, Walsh: Present, Singer: Present, Vossler: Present**
- **Public Comment on Items Not on the Agenda. (Up to 3 minutes per speaker)**
- **Approval of Draft Action Minutes of January 19, 2022\* (Freeman, Vossler, Freeman: aye, Vossler: aye, Walsh: aye, Singer: aye )**
- **Staff Update**
  - **Chat**
  - **New Commissioner**
- **Approval and Order of Agenda**

#### **B. ACTION ITEMS**

**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.**

## **C. DISCUSSION ITEMS**

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

- **City of Berkeley Paratransit Presentation  
(City Staff will present)  
Motion: Create a subcommittee to review CPUC data  
and Berkeley Paratransit Data Walsh/Vossler:  
Motion withdrawn**

**Motion: For Berkeley Paratransit to bring  
information on GGG and EDI van program to  
Commission on needs assessment and outreach  
efforts (Freeman)--Motion Failed.**

- **Housing Element Update\*\*\* (Freeman)  
Chair asks Sec to invite Grace Wu to present to  
the Commission on Housing Element**
- **Elevator Ordinance Revisions Update \*\*\* (Walsh)  
Tabled Until Next Meeting**
- **Easy Does IT (Freeman)**
- **Inclusive Disaster Registry (Walsh)  
Chair wants Sec to ask Emergency Preparedness  
can if they can come back re emergency registry  
and community groups**
- **Commission Workplan for New Fiscal Year**

**VC asks Sec to send out old workplan**

**(Adjourn, Freeman/Singer, Freeman: aye, Vossler: aye, Walsh: aye, Singer: aye 8:53 PM)**

## **Announcements**

- **INFORMATION ITEMS AND SUBCOMMITTEE REPORTS**
- **COMMUNICATIONS**

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

**TBD**

**E. ADJOURNMENT: (Adjourn, Freeman/Singer, Freeman: aye, Vossler: aye, Walsh: aye, Singer: aye , 8:53 PM)**

**Agenda Posted: TBD**

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***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: Dominika Bednarska, Disability Services Specialist, 1947 Center St., 4th Floor, Berkeley, CA, 94704, Telephone (510) 981-6418, Fax: (510) 9817060 TDD: (510) 981-6347. Email: DBednarska@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