



**AGENDA**  
**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE**  
**SPECIAL MEETING**

**MONDAY, APRIL 6, 2026**

**2:30 P.M.**

2180 Milvia Street, Berkeley, CA 94704

Teleconference Location: 1027 Bancroft Way, Berkeley, CA 94710

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 378 3311**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov). All Committee meetings are recorded.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

**California Government Code Section 84308 (Levine Act)** Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

# **AGENDA**

**Roll Call**

**Public Comment**

## **Review of Agendas**

- 1. Approval of Minutes: March 31, 2026**
- 2. Review and Approve Draft Agenda:**
  - a. 4/21/2026 – Regular City Council Meeting
- 3. Adjournments In Memory**

## **Scheduling**

- 4. Council Worksessions Schedule**
- 5. Council Referrals to Agenda Committee for Scheduling**
- 6. Land Use Calendar**

## **Action Calendar**

- None

## **Unscheduled Items**

- None

## **Items for Future Agendas**

- Requests by Committee Members to add items to the next agenda

**Adjournment – Next Meeting Monday, April 13, 2026**

~~~~~

## **Additional items may be added to the draft agenda per Council Rules of Procedure.**

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee in advance of the meeting and retained as part of the official record.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900.*

### **COMMUNICATION ACCESS INFORMATION:**

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, please contact the Disability Services specialist at [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

---

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, April 2, 2026.



Mark Numainville, City Clerk

## **Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).*



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING MINUTES**

**TUESDAY, MARCH 31, 2026**

**2:30 P.M.**

2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 119 2433**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov). All Committee meetings are recorded.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

**California Government Code Section 84308 (Levine Act)** Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

**Roll Call:** 2:30 p.m.

**Present:** Humbert, Ishii

**Absent:** Taplin

**Public Comment** – 8 speakers

## **Review of Agendas**

**1. Approval of Minutes: March 9, 2026**

**Action:** M/S/C (Humbert/Ishii) to approve the minutes of 3/9/2026.

**Vote:** Ayes – Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin

**2. Review and Approve Draft Agenda:**

a. 4/14/2026 – Regular City Council Meeting

**Action:** M/S/C (Ishii/Humbert) to approve the agenda of 4/14/2026 including the changes noted below.

- *Item Added: Measure FF Contracts (City Manager) – added to Consent Calendar*
- *Item 18 Renaming Referral (Ishii) – scheduled for Consent Calendar*
- *Item 19 Naming Public Plaza (Bartlett) – scheduled for Consent Calendar*
- *Item 20 BPD Protocols (Blackaby) – withdrawn by the author*

Order of Action Calendar

Item 15 Mills Act Contract

Item 16 Use of City Property

Item 17 Code Amendments

**Vote:** Ayes – Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin

**3. Adjournments In Memory**

1. Winston Burton, Berkeley Commissioner and Community Activist
2. Cynthia Brantly Pierce, Community Activist

## **Scheduling**

**4. Council Worksessions Schedule** – received and filed

**5. Council Referrals to Agenda Committee for Scheduling** – received and filed

**6. Land Use Calendar** – received and filed

## **Action Calendar**

- **None**

## Unscheduled Items

- None

## Items for Future Agendas

- None

## Adjournment

**Action:** M/S/C (Humbert/Ishii) to adjourn the meeting.

**Vote:** Ayes – Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin.

Adjourned at 3:00 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on March 31, 2026.

---

Mark Numainville, City Clerk

## Communications

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).*





**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 21, 2026**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

COUNCILMEMBERS:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O’KEEFE  
DISTRICT 6 – BRENT BLACKABY  
DISTRICT 7 – CECILIA LUNAPARRA  
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. <<HYPERLINK WITH ZOOM URL>> To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: <<INSERT MEETING ID HERE>>**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via [internet video stream](#). All Council meetings are recorded.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.*

*Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.*

**Government Code Section 84308 (Levine Act)** - *Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

## Preliminary Matters

### Roll Call:

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

*In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.*

*The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

**Public Comment by Employee Unions (first regular meeting of the month):** *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## Consent Calendar

- 1. Calling for a Consolidated General Municipal Election for November 3, 2026**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: a) Calling for a General Municipal Election to be consolidated with the Statewide General Election to be held in Berkeley on November 3, 2026; b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Statewide General Election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 2. Police Accountability Board - Appointment of New Member**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution appointing a new member to the Police Accountability Board (PAB) nominated by Councilmember Bartlett.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900

## Consent Calendar

- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 21, 2026**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** Capital Improvements Fund - \$240,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 4. California Affordable Housing and Sustainable Communities Grant Application and Agreement with East Bay Asian Local Development Corporation for the Proposed Affordable Housing Project at North Berkeley BART**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with East Bay Asian Local Development Corporation (EBALDC) and/or their affiliate relating to a funding application to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) EBALDC Affordable Housing Project at the North Berkeley BART Station Area, for a total AHSC award amount of up to \$50 million.  
2. Authorizing the City Manager to accept up to \$9 million in state Affordable Housing and Sustainable Communities (AHSC) funds and complete selected transportation improvements if awarded.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
- 5. 2026 Health Plan Changes**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions: 1. Approving rates for the Kaiser Health Maintenance Organization (HMO) health plans as follows: (a) +0.28 increase for Kaiser S1 Group #60 (Active Group);(b) +5.31% increase for the HSA-Qualified Deductible HMO Plan (Active Group) (c) +16.53% increase for Pre-Medicare Eligible Retirees (Retiree Group); and (d) +5.56% increase for Post-65 Senior Advantage (Retiree Group) 2. Approving rates for the Sutter Health Plus health plans as follows: (a) +12.42% increase for the Active HMO ML 26 group; and (b) +12.37% increase for the Pre-Medicare retiree group. The health plan premium rates will be effective for the period of January 1, 2026 through December 31, 2026.  
**Financial Implications:** See report  
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

## Consent Calendar

- 6. Contract No. 32400205 Amendment: Chemical Procurement Services for Pool Treatment Supplies**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32400205 with Chemical Procurement Services for pool treatment supplies by increasing the contract amount by \$30,000, for a total not to exceed amount of \$150,000.  
**Financial Implications:** General Fund - \$150,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 7. FY 2026-2027 Transportation Development Act Article 3 Fund Allocation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2026-2027 TDA Article 3 Pedestrian/Bicycle Project Funding for up to \$350,000 for the purpose of updating the 2020 Berkeley Pedestrian Plan; accept the funds; and execute any resultant agreements and amendments.  
**Financial Implications:** See report  
Contact: Wahid Amiri, Public Works, (510) 981-6300
- 8. Fiscal Year 2027 Street Lighting Assessments – Initiating Proceedings**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018 and ordering the preparation of Engineer’s Reports.  
**Financial Implications:** See report  
Contact: Wahid Amiri, Public Works, (510) 981-6300
- 9. Contract: CD & Power for On-Call Generator Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with CD & Power for On-Call Generator Maintenance in an amount not to exceed \$150,000 for the term of April 1, 2026 to March 31, 2029, with an option to extend for two additional one-year terms.  
**Financial Implications:** See report  
Contact: Wahid Amiri, Public Works, (510) 981-6300

## Consent Calendar

- 10. Contract No. 32500090 Amendment: Bay Construction Co. for the Second Street STAIR Center Site Improvements and Shelter Units Project Specification No.23-11603-C**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32500090 with Bay Construction Co. to reconcile costs associated with completed construction work and finalize project closeout, increasing the current contract amount of \$1,069,200 by \$18,550 for a total not to exceed amount of \$1,087,749.58.  
**Financial Implications:** See report  
Contact: Wahid Amiri, Public Works, (510) 981-6300
- 11. Social Justice Implications of contracts with the Immigration Data Broker, Flock Safety**  
**From: Peace and Justice Commission**  
**Recommendation:** Approve a Policy approving the following actions with regard to safeguards for Berkeley's surveillance-derived images and footage: Cancel Berkeley's Flock Safety contracts for public surveillance images and video footage, due to Flock's repeated sharing of such data with immigration authorities, and the inherent exposure of "cloud-based" storage to Trump administration access.  
**Financial Implications:** None  
Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000
- 12. Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools: 1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters. 2. Retain the 1997 requirement for public reporting of each use of pepper spray. 3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.  
**Financial Implications:** None  
Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000
- 13. Reaffirm City of Berkeley Commitment to International Peace, Opposing War on Iran & Standing in Solidarity with the People of Iran**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a Resolution reaffirming the commitment of City of Berkeley to international peace, opposing the war on Iran, an unconstitutional war initiated unilaterally by the us president without congressional authorization and expressing solidarity with the people of Iran and their right to self-determination.  
**Financial Implications:** None  
Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000

## Council Consent Items

- 14. Support SB 1301 (Allen), Reforming the Insurance Nonrenewal Process**  
**From: Councilmember Tregub (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)**  
**Recommendation:** Issue a "Support" position for Senate Bill (SB) 1301 (Allen), Reforming the Insurance Nonrenewal Process, and submit a letter of support on this bill to California Governor Gavin Newsom, Senators Ben Allen and Jesse Arreguin, Assemblymember Buffy Wicks, and applicable chairs of Senate and Assembly committees.  
**Financial Implications:** Staff time  
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
- 15. Support SB 1257 (Arreguin), Federal Immigration Enforcement: Report**  
**From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)**  
**Recommendation:** Issue a "Support" position for Senate Bill (SB) 1257 (Arreguin), "Federal Immigration Enforcement: Report", and submit a letter of support on the Bill to California Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks, and chairs of applicable Senate and Assembly committees.  
**Financial Implications:** Staff time  
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
- 16. Support SB 222 (Wiener), the Heat Pump Access Act; SB 868 (Wiener), the Plug and Play Solar Act; and AB 2389 (Irwin), the Keeping Solar Affordable Act**  
**From: Councilmember Tregub (Author), Councilmember Lunaparra (Co-Sponsor)**  
**Recommendation:** Issue a "Support" position for Senate Bill (SB) 222 (Wiener), the Heat Pump Access Act; Senate Bill (SB) 868 (Wiener), the Plug and Play Solar Act; and Assembly Bill (AB) 2389 (Irwin), the Keeping Solar Affordable Act, and submit letters of support on this Bills to California Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks, authors of the Bills, and chairs of applicable Senate and Assembly committees.  
**Financial Implications:** Staff time  
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

## Council Consent Items

17. **Setting Measurable Goals and Metrics for Key City Priorities** *(Reviewed by the Health, Life, Enrichment, Equity & Community Committee)*  
**From: Councilmember Blackaby (Author), Councilmember O'Keefe (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager the development of 10-20 measurable goals and metrics that reflect key priorities for the City. These goals should focus on outcomes that matter most to residents, demonstrating both the impact of City government and the quality of life in our community. After setting annual goals, the City should provide quarterly updates with progress towards those goals via an easily accessible dashboard on the city website or other mechanism. Also, the City should provide updates as a quarterly City Council agenda item, or other appropriate frequency. Types of goals should be identified by analyzing similar work being done by other jurisdictions, and then quantifiable metrics for each goal should be set by staff and reviewed by City Council. How do peer cities and comparable jurisdictions define, structure, and establish outcome-based goals and metrics? What processes do they use to select them and align them with priorities? How do jurisdictions report on these goals and metrics, including the formatting, frequency, and accessibility of reporting to decision-making bodies and the public? Goals should span a full range of City priorities, including housing production, public safety, transportation, public works, parks & recreation, homelessness, and economic development.  
*Policy Committee Recommendation: To send item to Council with a qualified positive recommendation to: explore a variety of frameworks and methodologies, interface with the public, and explore opportunities to quantify social costs and benefits.*  
**Financial Implications:** Staff time  
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

## Action Calendar

*The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item*

*The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

*The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.*

*If ten or fewer persons are interested in speaking during a public hearing, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

### **18. Conduct Public Hearing in Compliance with Assembly Bill 2561 / Government Code § 3502.3 Regarding Vacancies, Recruitment, and Retention Efforts**

**From: City Manager**

**Recommendation:** Conduct a public hearing in compliance with Assembly Bill 2561 (AB 2561) / Government Code § 3502.3 (GC § 3502.3) regarding vacancies, recruitment, and retention efforts.

**Financial Implications:** None

Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

### **19. Repeal and Reenact Berkeley Municipal Code (BMC) Chapter 14.52 to Adjust the goBerkeley Parking Management Program; Change Parking Permit Fees; Establish a New Schedule for Parking Violations, Fines, and Late Payment Penalties; and Rescind Resolution No. 71,627-N.S.**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion: 1. Adopt first reading of an Ordinance repealing and reenacting Berkeley Municipal Code chapter 14.52, "Parking Meters," to enable the following changes: a. Extend parking meter operating hours to 8 p.m. citywide; b. Operate parking meters, pay stations, and parking enforcement on Sundays. c. Expand meter zones to new high-demand areas (refer to Attachment 1, Exhibit A); d. Authorize a transition to cashless parking meters and/or pay stations in the future; and 2. Adopt a Resolution to transition from "hidden" parking meter transaction fees (currently paid by the City) to a transparent transaction fee paid by the customer; and 3. Adopt a Resolution implementing a new FY 2028 fee schedule for Residential Parking Permit fees; and 4. Adopt a Resolution updating the Schedule of Parking Violations and Fines; and 5. Rescind Resolution No. 71,627-N.S. (Parking Violations and Fines).

**Financial Implications:** See report

Contact: Wahid Amiri, Public Works, (510) 981-6300

## Public Comment – Items Not Listed on the Agenda

## Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at: [berkeleyca.gov/council-agendas](http://berkeleyca.gov/council-agendas).  
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council 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 the City Council, 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 to the City Clerk Department at 2180 Milvia Street. 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 City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: <https://records.cityofberkeley.info/>.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at: [berkeleyca.gov/council-agendas](http://berkeleyca.gov/council-agendas) and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor  
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901  
Email: [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov)

Libraries: Main – 2090 Kittredge Street,  
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,  
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

### COMMUNICATION ACCESS INFORMATION:

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, please contact the Disability Services specialist at [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov), or in-person during the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov).

~~~~~





Peace and Justice  
Commission

CONSENT CALENDAR  
April 21, 2026

To: Honorable Mayor and Members of the City Council  
From: Peace and Justice Commission  
Submitted by: Pastor Dwayne Phillips, Chairperson, Peace and Justice Commission  
Subject: Social Justice Implications of contracts with the Immigration Data Broker,  
Flock Safety

RECOMMENDATION

Approve a Policy approving the following actions with regard to safeguards for Berkeley's surveillance-derived images and footage:

Cancel Berkeley's Flock Safety contracts for public surveillance images and video footage, due to Flock's repeated sharing of such data with immigration authorities, and the inherent exposure of "cloud-based" storage to Trump administration access.

SUMMARY

The Peace and Justice Commission recommends applying a social justice lens to policing decisions that could have a significant impact on the lives of Berkeley's residents and visitors, including disparate impact on marginalized, low-income, disabled, elder, and community members of color.

It is the Commission's perspective that human rights must be prioritized above administrative convenience. The Commission further finds that in an era of great polarization, it is essential to build bridges among disparate constituencies, listen to people with differing perspectives, and create solutions that serve all the people in Berkeley.

Cancel Flock Safety contracts for public surveillance images and video footage, and do not sign any new contracts with Flock for stationary cameras or for drones such as First Responder by Drone, due to Flock's repeated sharing of such data with immigration authorities, and the inherent risk of exposure of "cloud-based" storage to Trump administration access.

FISCAL IMPACTS OF RECOMMENDATION

No significant fiscal impacts on the City.

### CURRENT SITUATION AND ITS EFFECTS

An outcry is growing around the Bay, as well as nationally, against municipalities contracting with Flock Safety.

Currently, Berkeley contracts with Flock for 52 Automated License Plate Reader cameras. In late 2025, the BPD asked the City to approve adding fixed cameras and drones. A steady drip of revelations prompted opposition from Sanctuary City advocates and civil libertarians, and the proposal was temporarily pulled, but the BPD has repeated calls for its approval.

On March 9, 2026, the Peace and Justice Commission passed the following motion:

M/S/C: Lippman/Morizawa: Approve a Policy approving the following actions with regard to safeguards for Berkeley's surveillance-derived images and footage:

Cancel Berkeley's Flock Safety contracts for public surveillance images and video footage, due to Flock's repeated sharing of such data with immigration authorities, and the inherent exposure of "cloud-based" storage to Trump administration access.

**Ayes: Commissioners Weisberg, Marasovic, Fink, Mencher, Taylor, Lee, Sani, Morizawa, Lippman, McNeil and Press**

**Noes: Commissioner Elias**

**Abstain: Commissioners Phillips and Yasavul**

**Absent: Commissioner Cassidy**

**Excused: None**

### BACKGROUND

The following jurisdictions or companies have recently canceled contracts with Flock:

- Ring (owned by Amazon) as of February 12 2026.<sup>1</sup>
- In 2025: Austin, Denver, Evanston and Oak Park, Illinois, and Scarsdale, New York
- In 2026: Flagstaff (Arizona), Oak Park (Illinois), Cambridge (Massachusetts), and Olympia (Washington), City of Santa Cruz in January 2026.

---

<sup>1</sup> Tuohy, "Ring cancels its partnership with Flock Safety after surveillance backlash," *The Verge*, Feb. 12 2026, <https://www.cnn.com/2026/02/13/tech/amazon-ring-flock-partnership-ice> and <https://www.theverge.com/news/878447/ring-flock-partnership-canceled#comments>

- Mountain View, as of February 2026. The city suspended its ALPR cameras “after discovering that federal and out-of-state agencies accessed city data without authorization.”<sup>2</sup>
- The Alameda County Board of Supervisors has delayed consideration of adding Flock cameras due to its concerns over data sharing with federal agencies, particularly ICE.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

### RATIONALE FOR RECOMMENDATION

Here are some of the disclosures that caused Berkeley’s pullback:

- *Indirect ICE access via cooperating departments:* In May 2025, *404 Media* broke the news that “Local police around the country are performing lookups in Flock’s AI-powered ALPR system for ‘immigration’ related searches and as part of other ICE investigations, giving federal law enforcement side-door access to a tool that it currently does not have a formal contract for.”<sup>3</sup>
- *Flock misrepresentations to Berkeley about ICE pilot program:* While Flock told Berkeley it was not sharing data with federal agencies, it had an undisclosed pilot program with Homeland Security that “allowed CBP and Homeland Security Investigations (HSI) to regularly search more than 80,000 Flock ALPR cameras.”<sup>4</sup>
- *FISA subpoenas are secret, making appeal virtually impossible:* Foreign Intelligence Surveillance Act (FISA) warrants or subpoenas are a special kind of judicial order. All the judges are appointed by the Chief Justice. The proceedings are secret, as are the subpoenas themselves, to the extent that it is a felony to disclose them. There is virtually no way around compliance with the FISA warrant because we will never know about it.<sup>5</sup>

---

<sup>2</sup> Macasero, “Mountain View scraps ALPR cameras,” *East Bay Times*, [https://edition.pagesuite.com/popovers/dynamic\\_article\\_popover.aspx?guid=9cf98443-ecf6-4fce-998a-35b5366da2cc&appcode=EAS596&eguid=d51113c7-7521-47a5-96dd-1a1a1dd26689&pnum=4#](https://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?guid=9cf98443-ecf6-4fce-998a-35b5366da2cc&appcode=EAS596&eguid=d51113c7-7521-47a5-96dd-1a1a1dd26689&pnum=4#)

<sup>3</sup> Koebler, “ICE Taps into Nationwide AI-Enabled Camera Network Data Shows,” *404 Media*, May 27 2025, <https://www.404media.co/ice-taps-into-nationwide-ai-enabled-camera-network-data-shows/>

<sup>4</sup> Koebler, “CBP Had Access to More than 80,000 Flock AI Cameras Nationwide,” *404 Media*, Aug. 25, 2025, <https://www.404media.co/cbp-had-access-to-more-than-80-000-flock-ai-cameras-nationwide/>

<sup>5</sup> Kitt Saginor, “Surveillance in Berkeley -- and more coming?” Feb. 2026. “If Flock receives a FISA warrant, it may not inform the City of Berkeley. If the Berkeley police chief receives the warrant, it may not inform the mayor or the city council. The penalty is up to five years in prison and a \$10,000 fine.” <https://tinyurl.com/4ynbyrs9>

- *Judicial subpoenas will trump Berkeley's protective policies:* Chief Louis has stated that "We, not Flock, own the data. And Flock commits to not turning over the data. We will not give immigration records—unless they are subpoenaed. Then we will check with the city attorney." Unfortunately, this argument is not reassuring. It is predictable that compliance with a judicial order would be found to be mandatory by the city attorney.

The Chief's position does not recognize the abrogation of normal constitutional order that has taken place. The only way Berkeley can prevent sharing data with ICE is to not hold the data in the first place, and certainly not to store it outside of the BPD's direct control, especially not with a company already tainted with collaboration with ICE.

Flock Safety is one of a number of companies, including also Palantir, Google, Meta, and Reddit, that work with ICE to "conglomerate" technology to "monitor people's online activity and potentially hack into phones...combining government and commercial data to identify real-time locations for individuals they are pursuing."<sup>6</sup>

Berkeley now has the opportunity to opt out of this authoritarian venture. The Sanctuary City Contracting Ordinance (SCCO) states that the City shall not "enter into a...contract with any Person or Entity that provides an Immigration Authority with 'Data Broker' services." Flock Safety acts as a Data Broker to DHS.

Berkeley's contract with Flock Safety states specifically that a failure on Flock's part "to comply with the SCCO shall constitute a material breach of the Contract and the City Manager may terminate [the] Contract and bar the Contractor from bidding on future contracts for five years." There is also a fine of up to \$1,000 for a misdemeanor violation of the SCCO for withholding information about supplying data to ICE.<sup>7</sup>

### ALTERNATIVE ACTIONS CONSIDERED

The commission considered suggesting alternative surveillance vendors, but opted to focus on the issue of Flock's incompatibility with Berkeley's values.

### CITY MANAGER

The City Manager refers the City Council to the City Manager Report entitled Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority from the Meeting on March 24, 2026.

---

<sup>6</sup> Frenkel and Krolik, "How ICE Already Knows Who Minneapolis Protesters Are," *New York Times*, Jan. 30, 2026, <https://www.nytimes.com/2026/01/30/technology/tech-ice-facial-recognition-palantir.html>

<sup>7</sup> City of Berkeley Sanctuary City Compliance Statement, [berkeleyca.gov/sites/default/files/2022-02/SanctuaryCityComplianceCertification.pdf](https://berkeleyca.gov/sites/default/files/2022-02/SanctuaryCityComplianceCertification.pdf)

CONTACT PERSON

Tasha Tervalon, Assistant to the City Manager and Commission Secretary, City  
Manager's Office, 510-981-5347





Peace and Justice  
Commission

CONSENT CALENDAR  
April 21, 2026

To: Honorable Mayor Ishii and Members of the Berkeley City Council  
From: Peace and Justice Commission  
Submitted by: Pastor Dwayne Phillips, Chairperson, Peace and Justice Commission  
Subject: Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools

RECOMMENDATION

Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools:

1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters.
2. Retain the 1997 requirement for public reporting of each use of pepper spray.
3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.

SUMMARY

The Peace and Justice Commission recommends applying a social justice lens to policing decisions that could have a significant impact on the lives of Berkeley's residents and visitors, including disparate impact on marginalized, low-income, disabled, elder, and community members of color.

It is the Commission's perspective that human rights must be prioritized above administrative convenience. The Commission further finds that in an era of great polarization, it is essential to build bridges among disparate constituencies, listen to people with diverse points of view, and create solutions that serve all the people in Berkeley. For that reason, we propose that the City Manager request academic support for an independent study of health effects of the proposed weapons and tools.

Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools

CONSENT CALENDAR  
April 21, 2026

## FISCAL IMPACTS OF RECOMMENDATION

No significant fiscal impact on the City.

## CURRENT SITUATION AND ITS EFFECTS

As of the date of this writing, Council members have introduced several resolutions for consideration bearing on BPD chemical weapons and other tools. Three items are currently pending in city council process:

1. “Proposed Resolution Rescinding Berkeley Police Department’s Pepper Spray Reporting Requirement.” This proposal has passed through the Public Safety Committee with a qualified positive recommendation, and has been placed on the March 10 city council agenda.<sup>1</sup> [NOTE: Council passed an amended version of this proposal on March 10.]

On February 11, the Police Accountability Board (PAB) recommended to Council to continue the requirement for the submission of use of pepper spray reports. The PAB demonstrates that while the proposed resolution is predicated on the existence of redundant reporting, other reports lack narrative information and/or are inaccessible.<sup>2</sup>

2. “Resolution to Amend Berkeley City Council’s 2020 Direction to Reinstate Berkeley Police Department’s Use of Tear Gas in Limited Situations and Lift the COVID-19 Moratorium on the Use of Smoke and Oleoresin Capsicum (OC) Spray.” This proposal has passed through the Public Safety Committee with a qualified positive recommendation.<sup>3</sup> The Police Accountability Board sent a memorandum to the Public Safety Committee questioning the necessity of resuming use of these chemical agents given how infrequently Berkeley has used them over several decades.<sup>4</sup>

---

<sup>1</sup> March 10 2026 City Council agenda, item 17, <https://berkeleyca.gov/sites/default/files/2026-02/2026-03-10%20Item%2017%20Resolution%20Rescinding%20Berkeley%20Police%20Department%E2%80%99s.pdf>

<sup>2</sup> “Re: Resolution Rescinding Berkeley Police Department’s Pepper Spray Reporting Requirement,” Police Accountability Board, Feb. 23 2026, [berkeleyca.gov/sites/default/files/2026-02/2026-02-23%20PAB%20Letter%20to%20Council\\_%20Use%20of%20Pepper%20Spray%20Reporting%20%281%29.pdf](https://berkeleyca.gov/sites/default/files/2026-02/2026-02-23%20PAB%20Letter%20to%20Council_%20Use%20of%20Pepper%20Spray%20Reporting%20%281%29.pdf)

<sup>3</sup> Public Safety Policy Committee Jan. 29 2026 agenda, item 4, 29, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-02-19%20Agenda%20Packet%20-%20Public%20Safety.pdf>

<sup>4</sup> “Proposed Resolution to Reinstate Berkeley Police Department’s Use of Tear Gas and Related Chemical Agents,” Police Accountability Board, Jan. 26 2026,

3. “Resolution Rescinding Res. No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies”: Scheduled for hearing at the Public Safety Committee at its next meeting.<sup>5</sup> As of March 9, the resolution is yet to be evaluated by the PAB.

The PAB’s February 11 regular meeting included a table prepared by the Office of the Director of Police Accountability (ODPA). This table describes the key differences between the existing and proposed policies with regard to police dogs and helicopters. The table can be found at <https://bit.ly/CopterDogProvisions>. The ODPA gave this interpretation of the table:

“The table ... shows that the primary changes concern the approval process for requesting helicopter and canine use and the circumstances under which helicopter assistance may be requested through mutual aid agreements.

“The previously permissible uses of helicopter assistance were limited to clearly defined humanitarian and emergency purposes, including disaster response, rescue efforts excluding hostage situations, and locating missing persons....

“The proposal introduces new, explicitly enforcement-oriented justifications, including felony suspect pursuits, vehicle chases, and deployments intended to reduce risk to officers, that go beyond the scope of the earlier permissions. Taken together, the proposed resolution reflects a shift in emphasis from primarily emergency assistance toward authorizing helicopter use as a tactical law enforcement tool, should it be adopted.”<sup>6</sup>

At the March 9 2026 meeting, the commission took the following action:

---

[https://berkeleyca.gov/sites/default/files/2026-02/2026-02-23%20PAB%20Letter%20to%20Council\\_%20Use%20of%20Pepper%20Spray%20Reporting%20%281%29.pdf](https://berkeleyca.gov/sites/default/files/2026-02/2026-02-23%20PAB%20Letter%20to%20Council_%20Use%20of%20Pepper%20Spray%20Reporting%20%281%29.pdf)

<sup>5</sup> Public Safety Policy Committee Jan. 29 2026 agenda, item 3, 21, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-02-19%20Agenda%20Packet%20-%20Public%20Safety.pdf>

<sup>6</sup> “Police Accountability Board Meeting Agenda Packet,” Feb. 11, 2026, 82-83, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2026-02-11%20PAB%20AGENDA%20PACKET.pdf>

Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools

CONSENT CALENDAR  
April 21, 2026

Action: M/S/C (Lippman/Taylor) to adopt the following recommendation: Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools:

1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters.
2. Retain the 1997 requirement for public reporting of each use of pepper spray.
3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.

**Ayes: Commissioners Phillips, Marasovic, Taylor, Sani, Morizawa, Lippman, McNeil and Press**

**Noes: Commissioner Fink**

**Abstain: Commissioners Yasavul, Weisberg, Elias, Mencher and Lee**

**Absent: Commissioner Cassidy**

**Excused: None**

#### BACKGROUND

The resolutions currently under consideration by the city council amend or replace ordinances and policies approved by the council in previous years. The existing ordinances and policies include:

On July 15 1982, the City Council passed Resolution 51,408-N.S., establishing a policy for police use of dogs and helicopters from other law enforcement agencies, requiring prior approval by the City Manager, and only for specified purposes, excluding crowd control. See the 1982 policy referenced in Footnote 5.

On September 16 1997, the City Council established a policy that "every time pepper spray is used by the Police Department a Use of Pepper Spray Report similar to the Use of Force Report currently in effect will be completed and sent" to the Council and the Police Review Commission. See the 1997 policy referenced in Footnote 1.

On June 6 2020, in the wake of the murder of George Floyd by Minneapolis police, the City Council established a permanent ban on the use of CS (tear gas) and a moratorium on the use of OC (pepper spray) and smoke. The moratorium was in part due to the effect of the COVID-19 pandemic which caused respiratory distress to large numbers of people. It was also a step toward addressing over-policing and the use of military-style weaponry on civilians.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Physicians for Human Rights states that chemical irritants including both CS (“tear gas” and OC (pepper spray) can spread to affect people other than the intended target.<sup>7</sup> CS often has a wide spray pattern. OC is considered more targeted than CS, but wind can affect the direction of the fumes to affect bystanders and even the user.<sup>8</sup>

### RATIONALE FOR RECOMMENDATION

#### 1. Pepper Spray (OC) reporting.

The Peace and Justice Commission supports the PAB letter calling for the continuation of pepper spray use reporting. We would add that if the BPD intends to continue or even expand use of pepper spray, it is to their benefit that the community understand the context of its usage.

#### 2. “Tear gas” (CS), Pepper Spray (OC), and Smoke

This is a complex proposal covering multiple chemical weapons.

The Peace and Justice Commission recommends Council retain the ban on CS (“tear gas”) and the moratorium on OC and Smoke for these four reasons:

- A. CS and OC are dangerous weapons that are properly considered “less-lethal,” not “non-lethal.”
- B. CS and OC are particularly dangerous to the health of people with disabilities, especially respiratory or environmental sensitivities, and also those suffering from mental or behavioral disorders.

<sup>7</sup> “Health Impacts of Crowd-Control Weapons: Chemical Irritants (Tear Gas and Pepper Spray),” Physicians for Human Rights, Jan. 1 2017, <https://phr.org/our-work/resources/health-impacts-of-crowd-control-weapons-chemical-irritants-tear-gas-and-pepper-spray/>

<sup>8</sup> “Pepper Spray Safety Precautions,” Sept. 12, 2024, <https://www.divasfordefense.com/blogs/self-defense-articles-educational-material/pepper-spray-handling-safety-precautions?srsId=AfmBOops00prGllerpYmjsPYnV5EIGesRj1WXJWr9Xrs5B8cuD6Hwos6>

- C. Approval of chemical weapons such as CS for any use opens the door to the possibility of use for other purposes and in other manners.
- D. Berkeley's Precautionary Principle ordinance requires showing that actions do no harm to human health or the environment.

Dangers of CS ("tear gas"), particularly to people with disabilities

Over decades of research, scientists have shown a strong potential harm from CS use in policing. An Oakland Police Department policy warns,

"Chemical agents can produce serious injuries, or even death," and officers are to "use the minimum amount of chemical agent needed to obtain compliance." Further, "the use of hand-thrown chemical agents or pyrotechnic gas dispersal devices may present a risk of permanent loss of hearing or serious bodily injury from shrapnel."

The common and incorrect term "tear gas" makes CS seem trivial. It is actually not even a gas but an aerosol, made up of ultra-fine particles, or UFPs. Aerosols are dangerous to lung health because, according to the U.S. National Library of Medicine,

"The small size of UFPs allows them to penetrate deep into the respiratory tract, causing effects from mild respiratory issues to cardiovascular and respiratory mortality, lung cancer, neurological diseases, and mutagenic or carcinogenic impacts.... Substantial evidence links [ultrafine particulate matter] exposure to increased hospital admissions and premature deaths among vulnerable populations, particularly the elderly and those with pre-existing conditions."<sup>9</sup>

Potential for non-compliant or unauthorized uses of CS

The Commission appreciates the exception to ban use of CS in crowd control.

However, good policy is necessary but not sufficient for good practice. Once a weapon is acquired and approved for limited use, it is almost inevitable that it will be

---

<sup>9</sup> Damiani, "Aerosol Pollutants and Health: Role of Size and Chemical Composition," Sept. 26 2025, <https://pmc.ncbi.nlm.nih.gov/articles/PMC12466196/#:~:text=In%20densely%20populated%20areas%2C%20aerosols,COPD%20%5B31%2C%2032%5D>.

For more on the effect of CS on the lung, particularly on "people with preexisting respiratory conditions, see:

American Lung Association, Jan. 20 2026, <https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/toxic-air-pollutants/tear-gas>

used for out-of-policy use. As an example, we refer to the last large-scale use of CS, the police response to Black Lives Matter protests in December 2014.

On December 6, BPD drove a largely peaceful march almost a mile down Telegraph from the UC campus past the Oakland city line. The direction from BPD command to the officers was to “Get’Um Running!” To implement this direction, officers shot less-lethal projectiles into the crowd, hit marchers with batons, and launched some 50 cans of CS gas, such a large amount that they nearly exhausted their supply. The Police Review Commission’s (PRC) after-incident report stated:

“The crowd complied with officer demands to move south, but the police continued to pursue them, deploying CS gas at six intersections on Telegraph and using raised batons and baton jabs. No evidence of dangerous crowd activity has been provided to the commission to justify these repeated uses of force.

“The combination of repeated CS gas exposure along with the lengthy walk was extremely impactful, and there were reports of protestors suffering physical and emotional injuries as a result. The marchers were driven over the city line into Oakland around 1:30 AM.”<sup>10</sup>

For context, in 1991, after an earlier scandal regarding police action against protestors in People’s Park, the City enacted a policy that “no crowd could be forced to move faster than they were reasonably capable of moving.” But in 2014, the use of mass quantities of CS along with baton strikes were ordered explicitly to drive protestors on a forced run all the way to Oakland.

As Physicians for Human Rights has observed, “The physical symptoms of chemical irritants often result in disorientation and agitation, which can lead to a state of fear, anxiety, and panic.”<sup>11</sup> The 2014 use of CS was an escalation, not a move toward de-escalation, and made compliance with police orders extremely difficult.

Therefore, while CS use in crowd control was still legal in 2014, the manner of its use was contrary to City policy of that day. This recent history shows that stated policy is not enough to ensure that this department, when in possession of dangerous military armaments, will use them appropriately.

---

<sup>10</sup> “Report of Investigation Into the Response to Protest on December 6, 2014,” Berkeley Police Review Commission, Dec. 1 2015, <https://berkeleyca.gov/sites/default/files/2026-01/2015-12-01-Item-32a-Report-of-Investigation.pdf>

<sup>11</sup> “Health Impacts of Crowd-Control Weapons: Chemical Irritants (Tear Gas and Pepper Spray),” Physicians for Human Rights, Jan. 1 2017, <https://phr.org/our-work/resources/health-impacts-of-crowd-control-weapons-chemical-irritants-tear-gas-and-pepper-spray/>

Issues with OC (pepper spray) and smoke; the deadly and racially biased history of OC

The risk of OC should not be cavalierly dismissed by claiming, as the council proposal does, that “the specific health concerns that necessitated the temporary moratorium on smoke and OC spray are no longer present.” The ACLU reported in 1998 that in the first five years since the approval of its use by police, at least 33 people had died in California after being sprayed and restrained. Nearby Antioch paid the family of 29-year-old Derek Wallace \$362,000 after their officers subdued him with the spray.<sup>12</sup>

A Berkeley freelance journalist mapped the use of pepper spray in the mid 1990s and found that they largely affected Black men, in low-income, minority neighborhoods, and primarily an area in South Berkeley, centered on Alcatraz and Sacramento, dubbed the “Pepper Spray Triangle.”<sup>13</sup>

Berkeleyans have long memories. The author of the resolution speaks of a “large-scale riot” in 2014 in which BPD was compelled to use tear gas on residents. Demonstrators for Black Lives Matter remember a largely peaceful march which was provoked by a police gauntlet in which many were beaten with batons. For many in the community, time has not abated the blow. Today, with the federal government at war with the people, may be the worst time to suggest restarting use of CS/tear gas.

Smoke also cannot be called a safe police tool. Health impacts are dependent on the chemicals in the smoke, pre-existing health conditions, location of the smoke, and other police tactics applied. According to medical experts, hexachloroethane smoke is “demonstrably more dangerous” than tear gas. This chemical agent should be studied and proven safe before approved for police use.<sup>14</sup>

There appear to be no constraints on the use of either OC or smoke in the proposal before council.

---

<sup>12</sup> Heredia, “Antioch Settles Pepper Spray Case For \$362,000 / 29-year-old man died after police subdued him,” *SF Chronicle*, Feb 11 1998, <https://www.sfgate.com/news/article/antioch-settles-pepper-spray-case-for-362-000-3013916.php>

<sup>13</sup> *East Bay Express*, Dec. 12, 1997

<sup>14</sup> Foster, “The US Government Keeps Using Dangerous Chemicals on Protesters,” *Mother Jones*, Feb. 19, 2026, <https://www.motherjones.com/politics/2026/02/ice-facility-portland-what-chemicals-used-tear-gas-hc-smoke-protests/#:~:text=The%20smoke%20releases%20zinc%20chloride,and%20cancer%20with%20repeated%20exposure>

The Commission reminds the Council of the Precautionary Principle that it adopted in 2006. The Principle is an approach to decision-making that prioritizes preventing harm to human health and the environment. The Principle shifts the burden of proof, requiring actions to be proven safe, rather than waiting for proof of damage to restrict them. We recommend that lacking proof of safety, the proposal to authorize CS, pepper spray, and smoke should not be approved.<sup>15</sup>

Given the prevalence of Long COVID, Berkeley's rapidly aging population, the large number of environmentally sensitive residents, and the city's legacy as the birthplace of disability rights, it is neither sensitive nor appropriate for the proposal to state that the emergency is over and the health conditions that necessitated the moratorium are no longer present.

### 3. "Air Support" (police helicopters) and "Canine Support" (police dogs)

The Peace and Justice Commission shares the ODP's concerns about the shift in emphasis in use of helicopters from emergency assistance to tactical law enforcement.

Police helicopters provoke concern in a number of communities for "unhealthy noise pollution, inefficient spending and instances of bias by over-policing certain neighborhoods. Officers in the LAPD often disgracefully go so far as to call the helicopters 'ghetto birds,' sociologist Sarah Brayne wrote in her book *Predict and Surveil*."<sup>16</sup>

Berkeley restricted use of police dogs in the aftermath of their brutal use particularly in the South, but across the country as well.<sup>17</sup> In the last two decades, at least two lawsuits were settled by Hayward, one for \$1.5 million. One dog is said to have bitten about 30 people, two or three of them uninvolved bystanders, one an 89-year-old who died of his wounds.<sup>18</sup>

The issues raised above with regard to chemical agents, about the Precautionary Principle, building trust between the people and the city government, and the possibility of out-of-policy use, apply also to helicopters and dogs.

---

<sup>15</sup> BMC Chapter 12.29, Precautionary Principle, March 21, 2006, [berkeleyca.gov/sites/default/files/documents/Precautionary%20Principle%20Ordinance%20-%206911.pdf](https://berkeleyca.gov/sites/default/files/documents/Precautionary%20Principle%20Ordinance%20-%206911.pdf)

<sup>16</sup> McQuarrie, "'Ghetto birds': California has yet to reckon with longstanding bias from police helicopters," *CalMatters*, July 3 2024, <https://calmatters.org/commentary/2024/07/california-longstanding-bias-police-helicopters/>

<sup>17</sup> Dowd, "The Violent, Racist History of K-9 Units," *Vice*, Sept. 7 2022, <https://www.vice.com/en/article/k9-unit-history/>

<sup>18</sup> Parr, "Hayward to pay \$1.5 million to settle police dog attack suit," *East Bay Times*, Jul. 17 2013, <https://www.eastbaytimes.com/2013/07/17/hayward-to-pay-1-5-million-to-settle-police-dog-attack-suit/>

Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools

CONSENT CALENDAR  
April 21, 2026

The Commission is also concerned about the removal of required pre-approval by the City Manager for both dog and helicopter deployment. When taken as a pattern, the removal of this check combined with the refusal of the police chief to fully cooperate with the PAB/ODPA's City Charter-mandated requests for department records, the chronic under-appointing of the PAB, and the vacant position of Director of Police Accountability, the City risks a public perception that it no longer values civilian oversight.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

Given that these are policy matters before the City Council, the City Manager will address them as they are heard by the City Council. The City Council adopted a resolution pertaining to pepper spray reporting requirements on March 10, 2026. Regarding the use of tear gas, smoke, and Oleoresin Capsicum (OC) Spray, the City Council Public Safety Policy Committee recently took action on this item at its meeting on February 19, 2026, and took action to send the item to the City Council with a qualified positive recommendation along with suggested changes to the proposed resolution. Finally, the City Council Public Safety Committee recently discussed the use of helicopters and canines in limited situations at its meeting on March 23, 2025. The Police Chief and City Manager will continue to provide input at the Public Safety Policy Committee and at upcoming City Council meetings.

CONTACT PERSON

Tasha Tervalon, Assistant to the City Manager, Commission Secretary, City Manager's Office, 510-981-7000



[Commission Name]

CONSENT CALENDAR

April 21, 2026

To: Honorable Mayor Ishii and Members of the Berkeley City Council

From: Peace and Justice Commission

Submitted by: Rev. Dwayne Phillips, Chairperson, Peace and Justice Commission

Subject: Reaffirm City of Berkeley Commitment to International Peace, Opposing War on Iran & Standing in Solidarity with the People of Iran

RECOMMENDATION

Adopt a Resolution reaffirming the commitment of City of Berkeley to international peace, opposing the war on Iran, an unconstitutional war initiated unilaterally by the us president without congressional authorization and expressing solidarity with the people of Iran and their right to self-determination.

FISCAL IMPACTS OF RECOMMENDATION

No significant fiscal impact on the City.

CURRENT SITUATION AND ITS EFFECTS

On Saturday February 28, 2026, with negotiations underway between the United States and the Islamic Republic, the United States and Israel launched a major military campaign against Iran, prompting Iranian retaliatory strikes on U.S. bases in the region and on Israel. Within the first 48 hours scores of civilians were reported killed in Iran<sup>1</sup> as well as multiple American personnel<sup>2</sup> and Israeli civilians<sup>3</sup>. There is undoubtedly a high risk of expanding military mobilization, destabilization of global energy markets and elevated cybersecurity vulnerabilities, the effects of which will have domestic reverberations in the U.S.

At the March 9, 2026 meeting, the commission took the following action:

Action: M/S/C (Sani/Taylor) to adopt the following recommendation as amended: Adopt a Resolution reaffirming the commitment of City of Berkeley to international peace, opposing the war on Iran, an unconstitutional war initiated unilaterally by the U.S. president without congressional authorization and expressing solidarity with the people of Iran and their right to self-determination.

<sup>1</sup> Washington Post: [Reported airstrike hits Iranian girls' school](#)

<sup>2</sup> New York Times: [U.S. Military Death Toll Rises to 6](#)

<sup>3</sup> BBC: [Nine dead in missile attack on Israel as Iran strikes region](#)

Ayes: Commissioners Phillips, Weisberg, Marasovic, Taylor, Sani, Morizawa, Lippman, McNeil and Press

Noes: Commissioner Lee

Abstain: Commissioners Yasavul, Fink, Elias and Mencher

Absent: Commissioner Cassidy

Excused: None

### BACKGROUND

Beginning in late December 2025, massive nationwide anti-regime protests erupted in Iran, driven largely by a deepening economic crisis and rising prices. The protests, which included calls for regime change, became the largest in scale since the 1979 revolution. The response of the Iranian authorities was brutal and unprecedented. According to independent human rights monitors, the crackdown resulted, within a matter of two to three days (January 8 to 10) under total internet blackout, in thousands, and possibly tens of thousands of deaths and even more arrests, followed by arbitrary mass detention, torture, and intimidation of victims' families.<sup>4</sup> As the protests swelled to a scale never before witnessed, Iran once again stood at a defining crossroads in its history. During this period, the Trump administration commenced preparations for a massive assault against Iran and launched joint U.S.-Israeli strikes on February 28<sup>th</sup> that is ongoing. The stated justification, "imminent Iranian threat," is refuted by senior U.S. defense officials and intelligence sources.<sup>5</sup>

The U.S.–Israel war on Iran has already unleashed severe humanitarian, social, and infrastructural devastation, with early reporting painting a picture of widespread civilian suffering and destabilization across the country and the region.<sup>6</sup> Initial field data documented at least 333 civilian casualties in the first day alone, alongside extensive damage to homes, schools, and essential public infrastructure such as hospitals, educational centers and communications networks.<sup>7</sup> Strikes on civilian sites have been especially catastrophic: one of the deadliest incidents within hours of the start of the war was the bombing of a girls' primary school in Minab, where more than 100 children were reportedly killed.<sup>8</sup> The devastation and number of casualties are expected to rise on all sides in the coming days.

---

<sup>4</sup> Amnesty International: [What happened at the protests in Iran?](#)

<sup>5</sup> CNN: [Trump has claimed Iran is building missiles that could soon hit the US. Sources say that's not backed up by US intelligence](#); International Business Times: [Defense Officials Undercut 'Imminent Threat' Narrative, Say Iran Had No Pre-Strike Plans Against US](#).

<sup>6</sup> United Nations: [Iran crisis: Nuclear watchdog urges restraint amid ongoing strikes](#)

<sup>7</sup>[The First Day of the U.S.–Israel and Iran War: Initial Report on the Scope of Attacks and Their Human Consequences](#).

<sup>8</sup> [UNESCO: Deadly bombing of Iran primary school 'a grave violation of humanitarian law'](#)

The people of Iran have spent decades challenging authoritarian rule risking imprisonment, torture, and death for the chance to shape a freer and more dignified future. U.S. government intervention throughout these decades has made that struggle harder to sustain. From derailing Iran's democratic trajectory in the 1950's,<sup>9</sup> to imposition of broad and indiscriminate sanctions that punish ordinary Iranians while fueling rampant corruption by state actors,<sup>10</sup> to the bombings in June of 2025 and now full-scale military assault, the U.S. government policy toward Iran has exacerbated social and economic distress among ordinary citizens. And under a war of aggression waged against the country, the Iranian government weaponizes the crisis to brand dissent as treason, drives society into survival mode, and extinguishes demands for political and social reform. The Iranian people's struggle for freedom has never been passive or abstract; it has been lived through decades of protest, bloodshed, and extraordinary courage. But war shifts the terrain in favor of those who fear that freedom most.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

#### RATIONALE FOR RECOMMENDATION

Berkeley has long been a national symbol of principled resistance to unjust wars, and the Peace and Justice Commission was created precisely to ensure that this legacy guides the city's actions. Today, as an illegal war of aggression threatens the lives and liberties of not just millions in Iran and across the region but the lives of Americans serving in the military, the City Council is called to uphold that mandate.

Berkeley is home to a strong and vibrant Iranian American community numbering well over a thousand,<sup>11</sup> many of whom are experiencing deep distress as the war makes it difficult or impossible to reach loved ones back home, leaving many in a state of fear and uncertainty.

By taking a stand against this illegal and already deeply unpopular<sup>12</sup> war the City of Berkeley would not only honor Berkeley's history but also affirm solidarity with the Iranian people, whose decades-long struggle for freedom is being suffocated by conflict. A resolution from Berkeley would show that the City's commitments to peace and justice remain living values, not historical artifacts.

#### ALTERNATIVE ACTIONS CONSIDERED

None

<sup>9</sup> The National Security Archive: [Mohammad Mosaddeq and the 1953 Coup in Iran](#)

<sup>10</sup> Human Rights Watch: ["Maximum Pressure," US Economic Sanctions Harm Iranians' Right to Health](#)

<sup>11</sup> [Iranian Population in Alameda County, CA by City: 2025 Ranking & Insights](#)

<sup>12</sup> The Hill: [Just a quarter of Americans back Iran strikes: Poll](#)

CITY MANAGER

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

CONTACT PERSON

Tasha Tervalon, Assistant to the City Manager, Commission Secretary, City Manager's Office, 510-981-5347

RESOLUTION NO. ##,###-N.S.

**Opposing the War on Iran and Standing in Solidarity with the People of Iran**

WHEREAS, the City of Berkeley has, for generations, stood firmly against wars of aggression and has consistently affirmed that peace, diplomacy, and respect for international law are essential to human dignity and global security; and

WHEREAS, on Saturday, February 28<sup>th</sup>, the United States launched strikes on Iran without prior Congressional approval; and

WHEREAS, this illegal declaration of war on Iran by President Trump is a direct violation of Article 2, Section 8 of the U.S. Constitution; and

WHEREAS, this illegal war constitutes a unilateral act of aggression that has caused widespread civilian casualties, mass displacement, destruction of homes, schools, hospitals, cultural sites, and essential infrastructure, and has deepened an already severe humanitarian crisis affecting millions; and

WHEREAS, the people of Iran—who have endured decades of political repression, economic sanctions, and regional instability—are now suffering the devastating consequences of war, including shortages of food, medicine, clean water, and essential services, conditions that amount to collective punishment; and

WHEREAS, Article 2(4) of the United Nations Charter prohibits the threat or use of force against the territorial integrity or political independence of any state, and the Nuremberg Principles, affirmed by the United States, define aggressive war as “the supreme international crime”; and

WHEREAS, the continuation of this war undermines the democratic rights and aspirations of the Iranian people, strengthens authoritarian repression, and obstructs the possibility of peaceful, just, and democratic change within Iran; and

WHEREAS, Iranian Americans in Berkeley and throughout the Bay Area are experiencing fear, grief, and trauma as their families and communities are directly affected by the war, and many face increased discrimination, surveillance, and xenophobia at home; and

WHEREAS, the City of Berkeley affirms that true security is achieved not through militarism, but through diplomacy, justice, human rights, and the protection of civilian life;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley

Deems this unauthorized war waged by President Trump on Iran to be a violation of the United States Constitution, and calls for an immediate cessation of hostilities, withdrawal of U.S. forces, and an end to all military actions that endanger civilian populations.

BE IT FURTHER RESOLVED that the City Council urges the President, Congress, and all relevant federal agencies to pursue diplomacy, de-escalation, and multilateral conflict resolution, and to support humanitarian relief efforts for the people of Iran.

BE IT FURTHER RESOLVED that the City of Berkeley stands in unwavering solidarity with the people of Iran in their pursuit of peace, justice, human rights, and self-determination, and affirms the rights and dignity of Iranian Americans in our community.

BE IT FURTHER RESOLVED that the City Clerk shall transmit copies of this resolution to the President of the United States, the Vice President, the Secretary of State, the Majority and Minority Leaders of the U.S. Senate, the Speaker and Minority Leader of the U.S. House of Representatives, and Berkeley's representatives in Congress.



Igor Tregub, Councilmember, District 4

CONSENT CALENDAR

APRIL 21, 2026

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Igor Tregub (Author), Councilmember Brent Blackaby (Co-Sponsor), Councilmember Mark Humbert (Co-Sponsor), Councilmember Shoshana O'Keefe (Co-Sponsor)

**Subject:** Support SB 1301 (Allen), Reforming the Insurance Nonrenewal Process

**RECOMMENDATION**

Issue a "Support" position for Senate Bill (SB) 1301 (Allen), Reforming the Insurance Nonrenewal Process, and submit a letter of support on this bill to California Governor Gavin Newsom, Senators Ben Allen and Jesse Arreguin, Assemblymember Buffy Wicks, and applicable chairs of Senate and Assembly committees.

**RATIONALE FOR RECOMMENDATION**

This bill addresses an issue related to various instances of homeowners, including those in Berkeley, receiving insurance nonrenewal letters for opaque and/or allegedly spurious reasons.

**FINANCIAL IMPLICATIONS**

Limited staff time associated with transmitting one or more letters related to the subject position.

**CURRENT SITUATION AND ITS EFFECTS**

SB 1301 – introduced by Senator Allen and co-authored by Senators Perez and Wiener and Assemblymembers Harabedian and Connolly – was proposed with the intent of reforming the process insurers use to inform a residential policyholder that the insurer will not be renewing their coverage for ambiguous reasons. It would mandate that

policyholders receive non-renewal notices that communicate the specific reasons why the insurer is not extending their coverage and would provide an opportunity for policyholders to remedy issues the insurer identifies with the property to qualify for renewed coverage. Finally, the bill would prohibit insurers from using certain reasons to refuse to extend a policyholder's coverage. This is a salient issue in Berkeley, where a number of Berkeley residents have informed the offices of the authoring and co-sponsoring councilmembers that they received letters of nonrenewal from their homeowner insurers, with opaque and/or allegedly spurious as to the methodology used by the insurers to reach their decision.

## **BACKGROUND**

When an insurer elects not to extend a policyholder's coverage for another year, they send a nonrenewal notice to the policyholder. According to a Congressional Investigation in December of 2024, California ranks fourth highest in the nation for non-renewals, only behind Florida, Louisiana, and North Carolina.<sup>1</sup> Between 2018 to 2023, the number of non-renewals increased every year from 46,000 policies in 2018 to more than 87,000 policies in 2023.<sup>2</sup> Meanwhile, the FAIR Plan, which serves as the insurer of last resort, increased its total exposure by 230% since 2022.<sup>3</sup>

Under current law, insurers must provide policyholders with a 75-day nonrenewal notice, their wildfire risk score, and an explanation of that score. There is a one-year moratorium on non-renewals in a disaster area, while properties that are a total loss receive two years. While insurance companies' underwriting guidelines are filed with the Department of Insurance and are made public, they are not provided directly to consumers. Today, policyholders often receive nonrenewal notices from their insurer containing opaque and hard to understand phrases, such as the "property does not meet underwriting standards," "increased hazard," or in the case of several Berkeley homeowners who forwarded their letters to our council offices, "increased density." The notices seldom document specific issues, proof, criteria, or a path to remedying. This makes compliance difficult for policyholders, and it allows insurers to drop policies for previously deemed safe homes without transparency or accountability.

SB 1301 seeks to reform the nonrenewal process for residential property insurance policies in the following ways:

---

<sup>1</sup> <https://abc7news.com/post/california-home-insurance-renewals-here-are-top-bay-area-neighborhoods-affected/15846687/>

<sup>2</sup> *Ibid.*

<sup>3</sup> <https://www.cfpnet.com/key-statistics-data/>

1. Ensure that policyholders receive 6 months' notice before nonrenewal, disclosure of specific factors of their property that are leading to the nonrenewal, and specific reference to those factors in the insurer's underwriting guidelines.
2. Require details of the property and community-level factors leading to the nonrenewal if the nonrenewal is based wholly or in-part on wildfire risk.
3. Allow policyholders an opportunity to perform mitigation so that their property is consistent with underwriting guidelines to maintain coverage.
4. Prohibit an insurer from basing a nonrenewal decision on unpaid claims or claims for which the risk of loss has been removed.

Together, these reforms will create a more transparent process for policyholders, including those in Berkeley; give them a clear pathway towards maintaining coverage; and protect them from unfair, unreasonable, arbitrary, and/or capricious nonrenewal decisions.

### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

No direct identifiable impacts. However, the bill, as proposed, could encourage insurers to count climate-resilient home improvements toward a basis for renewing a policy.

### **CONTACT PERSON**

Councilmember Igor Tregub, Council District 4  
510-981-7140, [Itregub@berkeleyca.gov](mailto:Itregub@berkeleyca.gov)

Olga Bolotina, Chief of Staff, Council District 4  
[obolotina@berkeleyca.gov](mailto:obolotina@berkeleyca.gov)

### **ATTACHMENTS**

1. Fact Sheet
2. Bill Text as of 3.31.2026 and subject to change

Page 4 of 11

# SB 1301 – Reforming the Insurance Nonrenewal Process

## SENATOR BEN ALLEN

### Fact Sheet

#### SUMMARY

SB 1301 reforms the process insurers use to inform a residential policyholder that the insurer will not be renewing their coverage. This bill ensures policyholders receive non-renewal notices that communicate the specific reasons why the insurer is not extending their coverage and provides an opportunity for policyholders to remediate issues the insurer identifies with the property to qualify for renewed coverage. Finally, the bill prohibits insurers from using certain reasons to refuse to extend a policyholder's coverage.

#### BACKGROUND

When an insurer elects not to extend a policyholder's coverage for another year, they send a nonrenewal notice to the policyholder. According to a [Congressional Investigation](#) in December of 2024, California ranks fourth highest in the nation for nonrenewals behind Florida, Louisiana, and North Carolina. Tuolumne, Nevada, Calaveras, and Amador counties all had a greater share of non-renewals than any other county in the US. Between 2018 to 2023, the number of non-renewals increased every year from 46,000 policies in 2018 to more than 87,000 policies in 2023. Meanwhile, the FAIR Plan, which serves as the insurer of last resort, increased its total exposure by 230% since 2022. This issue is quickly becoming a crisis as policyholders struggle to find or keep adequate coverage.

Under current law, insurers must provide policyholders with a 75-day nonrenewal notice, their wildfire risk score, and an explanation of that score. There is a one-year moratorium on non-renewals in a disaster area, while properties that are a total loss receive two years. Insurance companies' underwriting guidelines are filed with the Department of Insurance and are made public, but they are not provided directly to consumers.

Today, policyholders often receive nonrenewal notices from their insurer containing opaque and hard to understand phrases, such as the "property does not meet underwriting standards" or "increased hazard." The notice often does not document specific issues, proof, criteria, nor a path to remedying. This makes compliance difficult for policyholders, and it allows insurers to drop policies for safe homes without transparency or accountability. For example, a [homeowner](#) invested

\$44,000 to add a new roof, gutter guards, and stone to harden their home against fire. However, their insurer nonrenewed the policyholder for "clutter or unsanitary conditions" with no ability to mitigate issues with the property first. The problems with the property cited by the insurer were either non-existent or pulled from an outdated Google Earth photo. In [other instances](#), policyholders are being non-renewed after paying for inspections proving that the problem cited by their insurer is gone.

Nonrenewals have significant impacts. [A Pacific Palisades resident's](#) policy was nonrenewed, forcing them onto the FAIR Plan prior to the 2025 fires. Offering an opportunity for policyholders to renew their current coverage is critical to reducing our state's reliance on the FAIR Plan.

#### SOLUTION

SB 1301 reforms the nonrenewal process for residential property insurance policies in the following ways:

1. Ensures that policyholders receive 6 months' notice before nonrenewal, disclosure of specific factors of their property that are leading to the nonrenewal, and specific reference to those factors in the insurer's underwriting guidelines.
2. Requires details of the property and community-level factors leading to the nonrenewal if the nonrenewal is based wholly or in-part on wildfire risk.
3. Allows policyholders an opportunity to perform mitigation so that their property is consistent with underwriting guidelines to maintain coverage.
4. Prohibits an insurer from basing a nonrenewal decision on unpaid claims or claims for which the risk of loss has been removed.

Together, these reforms will create a more transparent process for policyholders, give them a chance to maintain coverage, and protect them from unfair or unreasonable nonrenewal decisions.

#### CONTACT

Shoshana Levy | Office of Senator Ben Allen  
(916) 651-4024 | [Shoshana.Levy@sen.ca.gov](mailto:Shoshana.Levy@sen.ca.gov)

#### SUPPORT

Consumer Watchdog  
Eaton Fire Survivors Network (EFSN)




[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

## SB-1301 Residential property insurance: nonrenewals. (2025-2026)

SHARE THIS:



Date Published: 02/20/2026 02:00 PM

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

### SENATE BILL

### NO. 1301

Introduced by Senator Allen  
 (Principal coauthor: Senator Pérez)  
 (Principal coauthor: Assembly Member Harabedian)  
 (Coauthor: Senator Wiener)  
 (Coauthor: Assembly Member Connolly)

February 20, 2026

An act to amend, repeal, and add Section 678 of, and to add Sections 676.11, 676.12, 676.13, and 676.14 to, the Insurance Code, relating to insurance.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1301, as introduced, Allen. Residential property insurance: nonrenewals.

Existing law creates the Department of Insurance, headed by the Insurance Commissioner, and generally regulates classes of insurance, including residential property insurance. Existing law requires an insurer to deliver to the named insured an offer of renewal, as specified, at least 45 days before the policy expiration and to deliver a notice of nonrenewal at least 75 days before the policy expiration. If the insurer fails to do so, existing law requires the existing policy, with no change in its terms and conditions, to remain in effect for 75 days from the date that the notice of nonrenewal is delivered or mailed to the named insured. Existing law requires nonrenewal notices to contain specified information.

This bill would, beginning July 1, 2027, require an insurer to either deliver to the named policyholder an offer of renewal at least 90 days before the policy expiration or a notice of nonrenewal or a notice of renewal with a reduction of limits or an elimination of coverage under the policy at least 180 days before the policy expiration. The bill would require the notice to contain specified information, including all information related to the basis for the nonrenewal or the reduction of limits or elimination of coverage, as specified. If the insurer fails to deliver an offer or notice to the named policyholder, the bill would require the existing policy to remain in effect for either 90 days from the date the offer of renewal is delivered or for 180 days from the date the notice of nonrenewal or notice of renewal with a reduction of limits or an elimination of coverage is delivered.

This bill would, beginning July 1, 2027, require an insurer that refuses to renew a policy or imposes a reduction of limits or an elimination of coverage to provide the policyholder with specified information, including a clear explanation of the grounds for the nonrenewal or reduction of limits or elimination of coverage. If an insurer issues a notice of nonrenewal or a notice of reduction of limits or elimination of coverage, the bill would require the insurer to provide the policyholder with a period of not less than 90 days to perform the necessary remediation or other change to the property or to provide additional information. The bill would require the insurer to provide an extension of up to 180 days, as specified, upon request of the policyholder. The bill would prohibit an insurer from refusing to issue or renew, or determine eligibility for, a residential property insurance policy on the basis of certain claims, on the basis of the policyholder's previous inquiry, or on the basis of the age of the roof under certain circumstances.

On or before April 1, 2028, and annually thereafter by that date, this bill would require an insurer to submit to the commissioner a report for the previous calendar year containing specified information, including the number of policies for which the insurer elected not to renew or imposed a reduction of limits or an elimination of coverage. On or before July 1, 2028, and annually thereafter by that date, the bill would require the commissioner to prepare and publish on the department's internet website an aggregated report for the previous calendar year of the information reported by insurers.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 676.11 is added to the Insurance Code, to read:

**676.11.** (a) This section applies only to residential property insurance policies specified in Section 675.

(b) (1) An insurer that refuses to renew a policy or imposes a reduction of limits or an elimination of coverage shall provide the policyholder with all of the following:

(A) A clear explanation of the grounds for the nonrenewal or the reduction of limits or elimination of coverage, including a reference to the specific provision or provisions in the insurer's underwriting guidelines upon which the nonrenewal or the reduction of limits or elimination of coverage is based.

(B) All information relating to the decision of nonrenewal or reduction of limits or elimination of coverage, including, but not limited to, all imagery or other documentation relating to the decision and all sources of such information, imagery, and documentation.

(2) If the nonrenewal is due in whole or in part to an assessment of the wildfire risk associated with the property, the insurer shall provide the policyholder with their wildfire risk score or other wildfire risk classification, including the following, as applicable:

(A) A plain language description of each property-specific characteristic that led to the determination.

(B) A plain language description of each surrounding area characteristic that led to the determination, including a map of those characteristics in any parcel larger than the property size used to assess the property's wildfire risk and the property's placement within it.

(c) (1) If an insurer issues a notice of nonrenewal or a notice of reduction of limits or elimination of coverage, the insurer shall provide the policyholder with both of the following:

(A) A clear explanation of any remediation, additional information, or other change to the property that is consistent with the insurer's underwriting guidelines and that would qualify the policyholder to obtain renewal of the policy or to maintain the existing limits or coverage of the policy.

(B) A period of not less than 90 days to perform the necessary remediation or other change to the property or to provide additional information. Upon request of the policyholder, the insurer shall provide the policyholder an extension of time of up to 180 days beyond the date of the notice of nonrenewal or the notice of reduction of limits or elimination of coverage if the policyholder encounters a delay beyond their control. Circumstances upon which an extension shall be granted include, but are not limited to, any of the following:

(i) Unavoidable delays in obtaining a required permit.

(ii) Unavailability of required construction materials.

(iii) Unavailability of contractors to perform the work.

(iv) Disability, injury, or incapacity of the policyholder.

(2) Following any efforts of remediation, the policyholder shall furnish the insurer evidence of remediation. If the insurer seeks additional verification, the insurer may perform an onsite physical inspection of the property to verify remediation at the insurer's expense.

(3) Verified remediation, additional information, or other change to the property shall qualify the policyholder for renewal of the policy or to maintain existing limits or coverage.

(4) The insurer shall acknowledge receipt of additional information or evidence of any remediation or other change to the property within 10 days and shall issue a written determination within 30 days of the acknowledgment of receipt. The 30-day period may be extended by 15 days if the policyholder furnishes the insurer with additional information or evidence of remediation or other change to the property during the 30-day period.

(d) (1) The insurer shall provide a policyholder a reasonable opportunity to dispute, or to correct or amend any inaccurate or incomplete information relied upon by the insurer in connection with, a decision to not renew or to impose a reduction of limits or an elimination of coverage of a policy.

(2) A policyholder may request that the insurer conduct an onsite physical inspection of the property to verify the information relied upon by the insurer in connection with a decision to not renew or to impose a reduction of limits or an elimination of coverage of a policy.

(3) The insurer shall acknowledge receipt of any dispute, correction, or amendment within 10 days and shall issue a written determination within 30 days of the acknowledgment of receipt. The 30-day period may be extended by 15 days if the policyholder furnishes the insurer additional information regarding the dispute, correction, or amendment during the 30-day period.

(e) A nonrenewal or a reduction of limits or elimination of coverage of a policy shall not take effect during a period of remediation under subdivision (c) or during a period of dispute, correction, or amendment under subdivision (d).

(f) This section shall become operative on July 1, 2027.

**SEC. 2.** Section 676.12 is added to the Insurance Code, to read:

**676.12.** (a) This section applies only to residential property insurance policies specified in Section 675.

(b) On or before April 1, 2028, and annually thereafter by that date, an insurer shall submit to the commissioner a report for the previous calendar year containing the following information for policies written in California:

(1) The number of policies in each of the following categories:

(A) New policies.

(B) Renewed policies.

(C) Policies for which the policyholder elected not to renew.

(D) Policies for which the insurer elected not to renew or imposed a reduction of limits or an elimination of coverage.

(E) Canceled policies.

(2) For each policy under subparagraph (D) of paragraph (1), the insurer shall additionally include the following information:

(A) The reason or reasons for the nonrenewal or the reduction of limits or elimination of coverage.

(B) Whether the policyholder performed any remediation or other change to the property or provided additional information in response to the notice of nonrenewal or the reduction of limits or elimination of coverage, pursuant to subdivision (c) of Section 676.11, whether the policyholder disputed, corrected, or amended any inaccurate or incomplete information, pursuant to subdivision (d) of Section 676.11, and the outcome of those actions.

(c) The policy information reported pursuant to subdivision (b) shall be listed by county and ZIP Code.

(d) For the report that is due by April 1, 2028, the report shall only include the required information collected beginning July 1, 2027.

(e) On or before July 1, 2028, and annually thereafter by that date, the commissioner shall prepare and publish on the department's internet website an aggregated report for the previous calendar year of all information reported by insurers pursuant to subdivision (b).

(f) This section shall become operative on July 1, 2027.

**SEC. 3.** Section 676.13 is added to the Insurance Code, to read:

**676.13.** (a) An insurer shall not refuse to issue or renew, or determine eligibility for, a residential property insurance policy on the basis of any of the following claims by the applicant or policyholder or any previous owner or occupant of the property to be insured:

(1) A claim that is filed but is not paid or payable.

(2) A claim that is within the claimant's deductible.

(3) A claim that is not covered by the policy.

(4) A claim that is paid in full by another insurance policy or a third party.

(5) A claim concerning a property that is no longer owned by the applicant or policyholder.

(6) A claim by the applicant or policyholder in which the loss was not the direct result of intentional conduct or gross negligence by the applicant or policyholder and for which the risk of loss has been mitigated through the removal of the hazard, the repair of the damage or defect, or other changes to the property or to the condition that caused the loss.

(b) An insurer shall not refuse to issue or renew, or determine eligibility for, a residential property insurance policy based in whole or in part on whether a policyholder has previously inquired about the insurance policy, including, but not limited to, an inquiry concerning the scope or nature of coverage available under the policy.

(c) For purposes of this section, "residential property insurance" means the insurance described in subdivision (a) of Section 675.

(d) This section shall become operative on July 1, 2027.

**SEC. 4.** Section 676.14 is added to the Insurance Code, to read:

**676.14.** (a) Beginning July 1, 2027, an insurer shall not refuse to issue or renew, or determine eligibility for, a residential property insurance policy solely on the basis of the age of the roof if the policyholder obtains an independent inspection of the roof that confirms at least five years of useful roof life remaining.

(b) For purposes of this section, "residential property insurance" means the insurance described in subdivision (a) of Section 675.

(c) This section shall become operative on July 1, 2027.

**SEC. 5.** Section 678 of the Insurance Code is amended to read:

**678.** (a) (1) At least 45 days before the policy expiration, an insurer shall deliver to the named insured or mail to the named insured at the address shown in the policy, either of the following:

(A) An offer of renewal of the policy contingent upon payment of premium as stated in the offer, stating each of the following:

(i) Any reduction of limits or elimination of coverage. That reduction of limits or elimination of coverage shall identify the specific limits being reduced or coverage being eliminated by the offer of renewal. The elimination of coverage for the previously covered peril of fire shall be subject to subdivision (b) of Section 10103.6.

(ii) The telephone number of the insurer's representatives who handle consumer inquiries or complaints. The telephone number shall be displayed prominently in a font size consistent with the other text of the renewal offer.

(B) A notice of nonrenewal of the policy. That notice shall contain all of the following:

(i) The specific reason or reasons for the nonrenewal.

(ii) The telephone number of the insurer's representatives who handle consumer inquiries or complaints. The telephone number shall be displayed prominently in a font size consistent with the other text of the notice of nonrenewal.

(iii) Until July 1, 2020, a brief statement indicating that if the consumer has contacted the insurer to discuss the nonrenewal and remains unsatisfied, the consumer may have the matter reviewed by the department. The statement shall include the telephone number of the unit within the department that responds to consumer inquiries and complaints.

(iv) On or after July 1, 2020, a statement that if the consumer has contacted the insurer to discuss the nonrenewal and remains unsatisfied, the consumer may have the matter reviewed by the department. The statement shall include the department's internet website, [www.insurance.ca.gov](http://www.insurance.ca.gov), the department's telephone number, (800) 927-HELP (4357), and the mailing address of the department's Consumer Services Division, 300 S. Spring Street, Los Angeles, CA 90013.

(2) On and after July 1, 2022, the time periods and procedures in subdivision (a) of Section 1013 of the Code of Civil Procedure shall be applicable if an offer or notice is mailed.

(b) If an insurer fails to give the named insured either an offer of renewal or notice of nonrenewal as required by this section, the existing policy, with no change in its terms and conditions, shall remain in effect for 45 days from the date that either the offer to renew or the notice of nonrenewal is delivered or mailed to the named insured. A notice to this effect shall be provided by the insurer to the named insured with the policy or the notice of renewal or nonrenewal.

(c) Notwithstanding subdivisions (a) and (b), with respect to a notice of nonrenewal for a policy that expires on or after July 1, 2020, the following timelines apply:

(1) At least 75 days before the policy expiration, the insurer shall deliver the notice of nonrenewal to the named insured or mail the notice of nonrenewal to the named insured at the address shown in the policy. The notice shall include the information contained in subparagraph (B) of paragraph (1) of subdivision (a). On and after July 1, 2022, the time periods and procedures in subdivision (a) of Section 1013 of the Code of Civil Procedure shall be applicable if a notice is mailed.

(2) If an insurer fails to give the named insured a notice of nonrenewal at least 75 days before the policy expiration, as required by paragraph (1), the existing policy, with no change in its terms and conditions, shall remain in effect for 75 days from the date that the notice of nonrenewal is delivered or mailed to the named insured. A notice to this effect shall be provided by the insurer to the named insured with the notice of nonrenewal.

(d) A policy written for a term of less than one year shall be considered as if written for a term of one year. A policy written for a term longer than one year, or a policy with no fixed expiration date, shall be considered as if written for successive policy periods or terms of one year.

(e) A notice of nonrenewal for a residential property insurance policy expiring on or after July 1, 2021, shall be accompanied by the following notice:

The California Department of Insurance has developed the California Home Insurance Finder, an online tool that can assist you in obtaining insurance for your home. The Finder contains names, addresses, telephone numbers, and internet website links of licensed insurance agents, brokers, and insurance companies that may be able to sell insurance to you. The Finder is organized by ZIP Code and the languages in which the agent, broker, or insurance company sells insurance.

The California FAIR Plan (FAIR Plan) provides basic property insurance as the "insurer of last resort" if you cannot find insurance coverage for your property in the normal (voluntary) insurance market. The FAIR Plan provides basic property insurance coverage for residential structures, as well as personal property coverage for

residential and business occupancies. However, FAIR Plan policies may not cover liability, theft, or water damage, among other things. There are also optional coverages available for both residential properties. Applications can be made directly with the FAIR Plan (cfpnet.com), although the FAIR Plan strongly encourages use of a licensed agent or broker for assistance in preparing and obtaining a quote. There is no additional cost for using an agent or broker for purchasing a FAIR Plan policy.

California law requires an agent or broker to assist a person seeking a FAIR Plan policy by (1) submitting a coverage application to the FAIR Plan on behalf of the consumer, (2) providing the consumer the FAIR Plan's internet website address and toll-free telephone number, or (3) obtaining a policy for the consumer through an admitted or nonadmitted insurer.

To supplement a FAIR Plan policy, a Difference in Conditions (DIC) policy should be considered. A DIC policy is sold by some private insurers, and provides coverage for things not covered by the basic property insurance policy provided by the FAIR Plan. A consumer who wants broader coverage than that provided by the FAIR Plan policy should contact an agent, broker, or insurance company that offers a DIC policy to obtain this additional coverage. The Department of Insurance maintains a list of insurance companies that sell DIC policies on its internet website (insurance.ca.gov). Additional assistance may be obtained by contacting an agent or broker listed with the department's online agent locator.

(f) An insurer may use a notice substantially similar to the notice set forth in subdivision (e) to the extent that the notice provides additional or more detailed information.

(g) This section applies only to policies of insurance specified in Section 675.

*(h) This section shall be repealed on July 1, 2027.*

**SEC. 6.** Section 678 is added to the Insurance Code, to read:

**678.** (a) An insurer shall do either of the following:

(1) At least 90 days before the policy expiration, an insurer shall deliver to the named policyholder or mail to the named policyholder at the address shown in the policy an offer of renewal of the policy contingent upon payment of premium as stated in the offer. That notice shall state the telephone number of the insurer's representatives who handle consumer inquiries or complaints. The telephone number shall be displayed prominently in a font size consistent with the other text of the renewal offer.

(2) At least 180 days before the policy expiration, an insurer shall deliver to the named policyholder or mail to the named policyholder at the address shown in the policy a notice of nonrenewal of the policy or a notice of renewal with a reduction of limits or an elimination of coverage under the policy. That notice shall contain all of the following:

(A) All information related to the basis for the nonrenewal or the reduction of limits or elimination of coverage, as required by subdivision (b) of Section 676.11.

(B) A clear explanation of any remediation, additional information, or other change to the property that qualify the policyholder to obtain renewal of the policy or to maintain the existing limits or coverage of the policy and a full description of all of the policyholder's rights, as provided in subdivision (c) of Section 676.11.

(C) A clear explanation of the policyholder's right to dispute, or to correct or amend any inaccurate or incomplete information relied upon by the insurer in connection with, the decision to not renew the policy or to impose a reduction of limits or an elimination of coverage of a policy, as provided in subdivision (d) of Section 676.11.

(D) The telephone number of the insurer's representatives who handle consumer inquiries or complaints. The telephone number shall be displayed prominently in a font size consistent with the other text of the notice of nonrenewal.

(E) A statement that if the consumer has contacted the insurer to discuss the nonrenewal and remains unsatisfied, the consumer may have the matter reviewed by the department. The statement shall include the department's internet website, [www.insurance.ca.gov](http://www.insurance.ca.gov), the department's telephone number, (800) 927-HELP (4357), and the mailing address of the department's Consumer Services Division, 300 S. Spring Street, Los Angeles, CA 90013.

(b) On and after July 1, 2027, the time periods and procedures in subdivision (a) of Section 1013 of the Code of Civil Procedure shall be applicable if an offer or notice is mailed.

(c) If an insurer fails to give the named policyholder an offer of renewal as required by this section, the existing policy, with no change in its terms and conditions, shall remain in effect for 90 days from the date that the offer to renew is delivered or mailed to the named policyholder. A notice to this effect shall be provided by the insurer to the named policyholder with the offer to renew.

(d) If an insurer fails to give the named policyholder a notice of nonrenewal or a notice of renewal with a reduction of limits or an elimination of coverage, as required by this section, the existing policy, with no change in its terms and conditions, shall remain in effect for 180 days from the date that the notice is delivered or mailed to the named policyholder. A notice to this effect shall be provided by the insurer to the named policyholder with the notice of nonrenewal or the notice of renewal with a reduction of limits or an elimination of coverage.

(e) A policy written for a term of less than one year shall be considered as if written for a term of one year. A policy written for a term longer than one year, or a policy with no fixed expiration date, shall be considered as if written for successive policy periods or terms of one year.

(f) A notice of nonrenewal for a residential property insurance policy shall be accompanied by the following notice:

The California Department of Insurance has developed the California Home Insurance Finder, an online tool that can assist you in obtaining insurance for your home. The Finder contains names, addresses, telephone numbers, and internet website links of licensed insurance agents, brokers, and insurance companies that may be able to sell insurance to you. The Finder is organized by ZIP Code and the languages in which the agent, broker, or insurance company sells insurance.

The California FAIR Plan (FAIR Plan) provides basic property insurance as the "insurer of last resort" if you cannot find insurance coverage for your property in the normal (voluntary) insurance market. The FAIR Plan provides basic property insurance coverage for residential structures, as well as personal property coverage for residential and business occupancies. However, FAIR Plan policies may not cover liability, theft, or water damage, among other things. There are also optional coverages available for both residential properties. Applications can be made directly with the FAIR Plan (cfpnet.com), although the FAIR Plan strongly encourages use of a licensed agent or broker for assistance in preparing and obtaining a quote. There is no additional cost for using an agent or broker for purchasing a FAIR Plan policy.

California law requires an agent or broker to assist a person seeking a FAIR Plan policy by (1) submitting a coverage application to the FAIR Plan on behalf of the consumer, (2) providing the consumer the FAIR Plan's internet website address and toll-free telephone number, or (3) obtaining a policy for the consumer through an admitted or nonadmitted insurer.

To supplement a FAIR Plan policy, a Difference in Conditions (DIC) policy should be considered. A DIC policy is sold by some private insurers, and provides coverage for things not covered by the basic property insurance policy provided by the FAIR Plan. A consumer who wants broader coverage than that provided by the FAIR Plan policy should contact an agent, broker, or insurance company that offers a DIC policy to obtain this additional coverage. The Department of Insurance maintains a list of insurance companies that sell DIC policies on its internet website (insurance.ca.gov). Additional assistance may be obtained by contacting an agent or broker listed with the department's online agent locator.

(g) An insurer may use a notice substantially similar to the notice set forth in subdivision (f) to the extent that the notice provides additional or more detailed information.

(h) This section applies only to policies of insurance specified in Section 675.

(i) This section shall become operative on July 1, 2027.





**Igor Tregub, Councilmember, District 4**

CONSENT CALENDAR

APRIL 21, 2026

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Igor Tregub (Author), Mayor Adena Ishii (co-sponsor), Councilmember Cecilia Lunaparra (co-sponsor)

**Subject:** Support SB 1257 (Arreguin), Federal Immigration Enforcement: Report

**RECOMMENDATION**

Issue a “Support” position for Senate Bill (SB) 1257 (Arreguin), “Federal Immigration Enforcement: Report”, and submit a letter of support on the Bill to California Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks, and chairs of applicable Senate and Assembly committees.

**RATIONALE FOR RECOMMENDATION**

By October 30, 2027, and annually thereafter, SB 1257 would require the Attorney General to submit to the Legislature and the Governor and make publicly available a report on immigration incidents and activities that occur in California. The bill would also authorize the Attorney General to request information directly from designated safe locations of immigration activity to be included in the Attorney General’s report. This bill builds upon prior and ongoing local and state efforts to protect our most vulnerable residents against unlawful federal immigration enforcement activity.

**FINANCIAL IMPLICATIONS**

Limited staff time associated with transmitting one or more letters related to the subject position.

**CURRENT SITUATION AND ITS EFFECTS**

California is home to close to 11 million immigrants. The state is also currently experiencing a significant increase in unlawful federal immigration enforcement. From

January to October 2025 alone, over 18,000 Immigration and Customs Enforcement (ICE) arrests occurred in the state.

In order to protect all Californians, Governor Newsom signed laws such as SB 81 (Arreguin), with support from the Berkeley City Council, which protected various locations from unlawful ICE entry. Despite these laws, certain federal agents continue to ignore them and create an environment of fear for all Californians. It is a fundamental responsibility of the Attorney General to ensure that those who participate in these activities are held accountable through appropriate legal measures.

SB 1257 would require the Attorney General to publish an annual report on immigration incidents and activities in California. The Attorney General would also be authorized to uphold compliance via penalties or to conduct additional enforcement activities.

### **BACKGROUND**

Recently, ICE actions have impacted communities nationwide, regardless of legal status, and in some cases, resulted in the loss of U.S. citizens' lives. Many California immigrant communities now fear for their safety when leaving their homes. This increase in fear has resulted in skipped medical appointments, school absences, and avoiding public areas.

While the California Attorney General currently collects information on law enforcement misconduct via their state portal, public information on ICE activity and actions to hold entities accountable is crucial for accountability and transparency. Without the availability of this data, public trust can be undermined and can result in a lack of confidence from the community to report future violations of state law by federal enforcement agencies and their employees.

### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

No direct identifiable impacts.

### **CONTACT PERSON**

Councilmember Igor Tregub, Council District 4  
510-981-7140, [Itregub@berkeleyca.gov](mailto:Itregub@berkeleyca.gov)

### **ATTACHMENTS**

1. Fact Sheet
2. Bill Text

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7140 TDD: 510.981.6903  
E-Mail: [itregub@berkeleyca.gov](mailto:itregub@berkeleyca.gov)



CALIFORNIA STATE SENATOR

**Jesse Arreguín**

REPRESENTING SENATE DISTRICT 07

## SB 1257 – Federal Immigration Enforcement: Report

### SUMMARY

By October 30, 2027, SB 1257 would require the Attorney General to make publicly available an annual report on immigration incidents and activities that occur in California. The bill would also authorize the Attorney General to request information directly from designated safe locations of immigration activity to be included in the Attorney General’s report. This report must also be submitted to the Legislature and the Governor annually.

### BACKGROUND

California is a leader in human rights and is home to close to 11 million immigrants. The state is also currently experiencing a significant increase of unjust immigration enforcement. From January to October 2025, over 18,000 Immigration and Customs Enforcement (ICE) arrests occurred in the state.

California must seek accountability for all unlawful immigration-related activities. In order to protect Californians, Governor Newsom signed SB 81 (Arreguin), SB 98 (Perez), and AB 49 (Muratsuchi) into law, which protected various locations from unlawful ICE entry. Despite these laws, certain federal agents continue to ignore them and create an environment of fear for all Californians. It is a fundamental responsibility of the Attorney General to ensure that those who participate in these activities are held accountable through appropriate legal measures.

### PROBLEM

Recently, ICE actions have impacted communities nationwide, regardless of legal status, and in some cases,

resulted in the loss of U.S. citizens' lives. Many California immigrant communities now fear for their safety when leaving their homes. This increase in fear leads to skipped medical appointments, school absences, and avoiding public areas, resulting in low quality of life.

Although the California Attorney General collects information on misconduct via their state portal, public information on ICE activity and actions to hold entities accountable is crucial for accountability and transparency. Without public data, public trust will be undermined that can lead to a lack of confidence from the community to report future violations.

### SOLUTION

A public report on ICE activity, including unlawful enforcement, is key to accountability and transparency for the safety of all Californians. SB 1257 will require the Attorney General to publish an annual report on immigration incidents and activities that happen in California. Finally, the Attorney General is authorized to uphold compliance via penalties or conduct other enforcement activities.

### CONTACT

Carmen Ayon  
(916) 651-4007  
Carmen.Ayon@sen.ca.gov

### SUPPORT

Latino Coalition for a Healthy California (Sponsors)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

## SB-1257 Federal immigration enforcement: report. (2025-2026)

SHARE THIS:



Date Published: 03/25/2026 09:00 PM

AMENDED IN SENATE MARCH 25, 2026

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**SENATE BILL****NO. 1257**

Introduced by Senator Arreguín

February 19, 2026

An act to add Section 7284.9 to the Government Code, relating to immigration enforcement.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1257, as amended, Arreguín. Federal immigration enforcement: report.

Existing law, the California Values Act, requires the Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers' Compensation, and shelters, and ~~ensuring~~ *ensure* that they remain safe and accessible to all California residents, regardless of immigration status. The act requires all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy.

This bill would require the Attorney General, on or before October 30, 2027, and annually thereafter, to submit to the Legislature and the Governor, and post on its internet website, a report that includes, among other things, a summary of all immigration *enforcement* incidents and activities conducted by any person at designated safe locations that have reported immigration *enforcement* incidents and activities either onsite or to the Attorney General. The bill would authorize the Attorney General to request representatives of the designated safe locations to furnish any reported immigration *enforcement* incidents and activities as part of compiling its annual ~~report~~, *report* and would authorize the Attorney General to issue civil penalties or conduct other enforcement activity to ensure compliance with these provisions. The bill would define "designated safe locations" to mean educational institutions, health care ~~providers~~, *provider entities*, shelters, polling places, courthouses, public transportation property, state and local government property, and areas where the public may be exercising their rights protected under the First Amendment to the United States Constitution. *The bill would define "immigration enforcement" for these purposes to mean an effort to investigate, enforce, or assist in the investigation or*

*enforcement of a federal civil or criminal immigration lawsuit.* To the extent the bill would impose duties on locals, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 7284.9 is added to the Government Code, to read:

**7284.9.** (a) On or before October 30, 2027, and annually thereafter, the Attorney General shall submit to the Legislature, and post on its internet website, a report that includes all of the following:

(1) A summary of all immigration *enforcement* incidents and activities conducted by any person at designated safe locations that have reported immigration *enforcement* incidents and activities either onsite or to the Attorney General, including, but not limited to, reports submitted through the Attorney General's federal agent misconduct online portal.

(2) Information of each immigration *enforcement* incident and activity described in paragraph (1), including, but not limited to, the date of occurrence, the county of occurrence, the type of facility or location impacted, the government agency involved, and followup or resolution status.

(3) The number of immigration *enforcement* incidents and activities described in paragraph (1) that resulted in legal action and the counties involved in the legal action.

(b) For the purposes of this chapter, "designated safe locations" means educational institutions, health care ~~providers~~, *provider entities, as defined in Section 24252 of the Health and Safety Code*, shelters, polling places, courthouses, public transportation property, state and local government property, and areas where the public may be exercising their rights protected under the First Amendment to the United States Constitution.

(c) The Attorney General may request representatives of the designated safe locations to furnish any reported immigration *enforcement* incidents and activities as part of compiling its annual report. The Attorney General may issue civil penalties or conduct other enforcement activity to ensure compliance with this section.

(d) As part of compiling this report, the Attorney General may consider whether the designated safe location is in compliance with other state ~~law~~, *laws related to immigration enforcement* and may take enforcement ~~action~~, *action to enforce those laws*, as needed.

*(e) For purposes of this section, "immigration enforcement" means an effort to investigate, enforce, or assist in the investigation or enforcement of a federal civil immigration law or a federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.*

~~(e)~~

*(f)* A report to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.





Igor Tregub, Councilmember, District 4

CONSENT CALENDAR

APRIL 21, 2026

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Igor Tregub (Author), Councilmember Cecilia Lunaparra (co-sponsor)

**Subject:** Support SB 222 (Wiener), the Heat Pump Access Act; SB 868 (Wiener), the Plug and Play Solar Act; and AB 2389 (Irwin), the Keeping Solar Affordable Act

**RECOMMENDATION**

Issue a “Support” position for Senate Bill (SB) 222 (Wiener), the Heat Pump Access Act; Senate Bill (SB) 868 (Wiener), the Plug and Play Solar Act; and Assembly Bill (AB) 2389 (Irwin), the Keeping Solar Affordable Act, and submit letters of support on this Bills to California Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks, authors of the Bills, and chairs of applicable Senate and Assembly committees.

**RATIONALE FOR RECOMMENDATION**

These bills support a variety of climate priorities consistent with the City of Berkeley’s advocacy positions.

**FINANCIAL IMPLICATIONS**

Limited staff time associated with transmitting one or more letters related to the subject positions.

**CURRENT SITUATION AND ITS EFFECTS**

**SB 222 (Wiener) – The Heat Pump Access Act**

SB 222 would allow Californians to save on energy bills, reduce indoor air pollution, mitigate the effects of extreme weather, and reduce greenhouse gas emissions by

improving access to safe heat pump water heater and heating, ventilation, and air conditioning (HVAC) systems. SB 222 would require automated permitting for standard heat pump water heater and HVAC installations, thereby streamlining permitting process for key climate technology and improve its affordability.

#### SB 868 (Wiener) – The Plug and Play Solar Act

To save Californians on energy bills and increase the number of homes installing safe solar energy systems, SB 868, the Plug And Play Solar Act, would streamline approvals and establish safety standards for portable solar energy devices. Plug-in solar, also known as balcony solar, are portable solar energy devices that increase consumer access to safe, clean, and low-cost energy, especially on hot summer days when air conditioning needs are at their highest. Portable solar energy devices are a win-win climate and energy affordability solution. SB 868 would cut red tape for this key climate-friendly technology, improve its affordability, expand access to clean energy to renters and apartment dwellers, allow Californians to save on energy bills, and help meet our state's ambitious greenhouse gas emissions reduction targets.

#### AB 2389 (Irwin) – The Keeping Solar Affordable Act

AB 2389 (Irwin) would extend California's property tax exclusion for customer-sited solar energy systems through January 1, 2032, preserving a crucial incentive that promotes energy affordability, solar adoption, and progress toward California's energy goals. The bill applies to customer-sited solar energy systems up to 2 megawatts, including all solar energy systems installed on property owned by local jurisdictions, schools, and other public entities, and battery storage systems installed alongside qualifying solar. By preserving the exclusion, the bill would ensure that these systems do not trigger higher tax assessments and thereby would ensure that distributed energy resources remain financially accessible in a time of rising electricity costs.

### **BACKGROUND**

#### SB 222 (Wiener) – The Heat Pump Access Act

Because heat pumps are highly energy efficient, the average household in the US can save nearly \$400 a year by switching to a heat pump<sup>1</sup>. When paired with solar and/or battery systems, and outfitted with demand response capabilities, heat pumps can save residents even more. Water and space heating through gas water heaters and furnaces

---

<sup>1</sup> <https://homes.rewiringamerica.org/articles/heating-and-cooling/heat-pump-savings>

are responsible for the majority of greenhouse gas emissions from residential buildings. Residential and commercial buildings are responsible for 25% of California's greenhouse gas emissions. To be on track for meeting California's climate goals, at least 20% of existing buildings will need to convert their fossil-powered appliances to electric alternatives by 2030.<sup>2</sup>

California has already taken action to streamline permitting for homeowners seeking to electrify and decarbonize their homes. State laws mandate automated permitting processes for solar photovoltaics and home batteries (SB 379, Wiener, 2021<sup>3</sup>), require expedited solar permitting and restrict reasons for denying solar permits (AB2188, Muratsuchi, 2014), and limit high fees for solar permits (AB 1132, Friedman, 2023). For electric vehicle charging stations, California requires an expedited and simplified permit process focused solely on a health and safety review (AB 1236, Chiu, 2015), and limits jurisdictions to a simple nondiscretionary permit type (AB 970, McCarty, 2021).

Despite repeated input from heat pump contractors, homeowners, and representatives from Labor regarding the time and cost implications associated with local permitting, as well as the demands of clean air rules and state climate targets, no corresponding streamlining measures have been implemented at the state level to date. This is inimical to the ambitious climate goals California must meet to stay on track in combatting climate change and support energy resilience. In 2023, the Bay Area Air District passed a rule to require newly installed space and water heaters to be zero-emission. The California Air Resources Board is considering similar rules for residential customers. Governor Newsom has also set a building decarbonization goal of installing 6 million heat pumps statewide by 2030. SB 222 would support the fulfillment of these ambitious and necessary goals.

#### SB 868 (Wiener) – The Plug and Play Solar Act

Where a rooftop solar system tends to be 5,000- 10,000 watts in size for a typical home, plug-in solar systems are much smaller, sized around 400-1200 watts. These systems can cover up to 1/5th of a household's average energy usage, and with prices starting at \$500, thus offering an affordable solution that can reduce energy costs and allow a broad range of people to directly access the benefits of solar energy. Because they are so small and mobile, plug-in solar systems provide a new entry point and more flexibility

---

<sup>2</sup> Neumann, Ingrid. "Key Building Decarbonization Strategies towards California Climate Goals."

<sup>3</sup> Supported by the City of Berkeley. <https://berkeleyca.gov/sites/default/files/documents/2022-05-24%20Item%2012%20Resolution%20in%20Support%20of%20SB%20379.pdf>

to access clean affordable energy, especially renters. An estimated 44% of California households are renters, a larger percentage than every state except New York.

While portable solar energy devices are a safe and lower-cost solution for consumers, unnecessary utility red tape adds prohibitive costs and has delayed the adoption of this critical technology. California utilities treat even very small customer-sited solar systems as if they are large arrays, thus triggering complex multi-page interconnection agreements, expensive building permits, and time-intensive utility approvals. All this red tape effectively cuts off consumer access to this critical technology, particularly for renters and other multi-family residents who do not have the resources or ability to install their own rooftop solar system.

By treating qualifying plug-in solar systems as simple, household appliances rather than full-scale power plants, the bill would unlock a new market for affordable, DIY solar among renters and apartment dwellers who are otherwise stuck with the high costs charged by their utilities. Allowing access to these cost-saving clean energy devices would reduce peak demand, especially on hot summer days when air-conditioning loads are high while also supporting California's efforts to cut greenhouse gas emissions and protect public health.

#### AB 2389 (Irwin) – The Keeping Solar Affordable Act

Customer-sited solar energy systems are a vital tool for managing rising electricity costs. These systems are a form of distributed energy resources located close to where electricity is used, rather than relying on large, centralized power plants. By producing electricity locally these resources strengthen grid reliability and reduce the need for costly transmission infrastructure.

In 1980, Californians approved Proposition 7, establishing a property tax exclusion for solar energy systems. This exclusion applies to both directly owned systems and those financed through third-party arrangements such as leases and power purchase agreements. These financing models are widely used by public entities and schools as 87% of public schools rely on third-party financed solar projects.

The exclusion will sunset on January 1, 2027, effectively triggering property tax reassessments for solar installations. This could not come at a worse time, as the 30% federal tax credit incentive for residential solar has been phased out by the current administration.

Absent this bill, consumers will face higher annual property tax assessments when installing solar energy systems, thus discouraging investment in clean energy. Schools and local governments that lease solar energy systems from third parties will also face higher costs. Although as public entities they are excluded from property taxes, their third-party partners will incur property tax assessments that will be factored into future lease agreements. Reduced adoption of customer-sited solar and battery storage will also weaken distributed energy resources that support grid affordability for all Californians.

### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The enactment and implementation of these bills would advance Berkeley's environmental sustainability and climate resilience goals.

### **CONTACT PERSON**

Councilmember Igor Tregub, Council District 4  
510-981-7140, [Itregub@berkeleyca.gov](mailto:Itregub@berkeleyca.gov)

Olga Bolotina, Chief of Staff  
[obolotina@berkeleyca.gov](mailto:obolotina@berkeleyca.gov)

### **ATTACHMENTS**

1. Fact Sheets
2. Bill Texts available as of 3.31.2026 and subject to change



## AB 2389 (Irwin) Keeping Solar Affordable



### **SUMMARY**

AB 2389 extends California's property tax exclusion for customer-sited solar energy systems through January 1, 2032, preserving a crucial incentive that promotes energy affordability, solar adoption, and progress toward California's energy goals.

### **BACKGROUND**

Customer-sited solar energy systems are a vital tool for managing rising electricity costs. These systems are a form of distributed energy resources located close to where electricity is used, rather than relying on large, centralized power plants. By producing electricity locally these resources strengthen grid reliability and reduce the need for costly transmission infrastructure.

In 1980, Californians approved Proposition 7, establishing a property tax exclusion for solar energy systems. This exclusion applies to both directly owned systems and those financed through third-party arrangements such as leases and power purchase agreements (PPAs). These financing models are widely used by public entities and schools as 87% of public schools rely on third-party financed solar projects.

The exclusion is set to sunset on January 1, 2027, effectively triggering property tax reassessments for solar installations. This couldn't come at a worse time as the 30% federal tax credit incentive for residential solar has phased out. State policies, including this property tax exclusion, have historically helped keep solar adoption financially accessible during periods of rising energy costs.

Customer-sited solar also plays a crucial role in helping California achieve its goal of 100% clean electricity by 2045. Of the 7,000 megawatts (MW) of clean energy interconnected to the grid in 2024, 23%

came from customer-sited solar and storage. Maintaining incentives that support continued adoption will be critical to ensuring these distributed energy resources remain a significant contributor to the state's clean energy transition.

### **NEED FOR THIS BILL**

If the Legislature fails to extend this property tax exclusion, consumers will face higher annual property tax assessments when installing solar energy systems, discouraging investment in clean energy. Schools and local governments who lease solar energy systems from third parties will also face higher costs, even though as public entities they are excluded from property taxes as their third-party partners will incur property tax assessments that will be factored into future lease agreements. Reduced adoption of customer-sited solar and battery storage will also weaken distributed energy resources that support grid affordability for all Californians.

### **THIS BILL**

AB 2389 extends California's property tax exclusion for an additional five years. The bill applies to customer-sited solar energy systems up to 2 megawatts, all solar energy systems installed on property owned by schools and other public entities, and battery storage systems installed alongside qualifying solar. By preserving the exclusion, the bill ensures these systems do not trigger higher tax assessments, therefore, keeping distributed energy resources financially accessible.

### **SUPPORT**

Environment California

### **CONTACT**

Senay Zedingel | Office of Assemblymember Irwin  
[Senay.Zedingel@asm.ca.gov](mailto:Senay.Zedingel@asm.ca.gov) | (916) 319-2042



## Senator Scott Wiener, 11<sup>th</sup> Senate District

### SB 222- Heat Pump Access Act

#### SUMMARY

SB 222, the Heat Pump Access Act, saves Californians on energy bills, reduces indoor air pollution, mitigate the effects of extreme weather, and reduces greenhouse gas emissions by improving access to safe heat pump water heater and HVAC systems.

SB 222 requires automated permitting for standard heat pump water heater and HVAC installations, streamlining the permitting process for a key affordability and climate technology.

#### BACKGROUND/EXISTING LAW

Heat pumps are a win-win-win climate solution— they provide efficient, cost-saving, zero-emission cooling and heating that can displace dirty and hazardous fossil fuel furnaces with a single appliance.

Because heat pumps are highly energy efficient, the average household in the US can save nearly \$400 a year by switching to a heat pump.<sup>1</sup> When paired with solar and/or battery systems, and outfitted with demand response capabilities, heat pumps can save residents even more.

Water and space heating through gas water heaters and furnaces are responsible for the majority of greenhouse gas emissions from residential buildings. Buildings— including both residential and commercial — are responsible for 25% of California’s greenhouse gas emissions. . To be on track for meeting California’s climate goals, at least 20% of existing buildings will need to convert their fossil-powered appliances to electric alternatives by 2030.<sup>2</sup>

Replacing these gas appliances with highly efficient electric heat pump devices not only reduces emissions but also improves the health and safety of buildings. According to the Rocky Mountain Institute (RMI), a heat pump installed in California today will cut emissions from space heating by 93% over the lifetime of the equipment compared to a gas furnace. By replacing oil and propane heating systems, heat pumps can reduce harmful pollutants like carbon monoxide, NO<sub>2</sub>, and volatile organic compounds both inside the home and in the air outside.<sup>3</sup> Heat pumps also provide potentially life-saving AC as our climate warms, regulate humidity, and automatically filter air to boost air quality indoors.

California has already taken action to reduce permit barriers for homeowners seeking to electrify and decarbonize their homes. State laws mandate automated permitting processes for solar photovoltaics and home batteries ([Senate Bill 379](#), Wiener, 2021), require expedited solar permitting and restrict reasons for denying solar permits ([Assembly Bill 2188](#), Muratsuchi, 2014), and limit high fees for solar permits ([AB 1132](#), Friedman, 2023). For electric vehicle charging stations, California requires an expedited and simplified permit process focused solely on a health and safety review ([AB 1236](#), Chiu, 2015), and limits jurisdictions to a simple nondiscretionary permit type ([AB 970](#), McCarty, 2021).

Heat pumps have yet to receive such streamlining — despite heat pump contractors regularly citing time-consuming and cost-driving complexities associated with local permitting and despite ambitious clean air rules and state climate targets

<sup>1</sup> A Guide to Cutting Costs with Heat Pumps | Rewiring America

<sup>2</sup> Neumann, Ingrid. “Key Building Decarbonization Strategies towards California Climate Goals.” PowerPoint

presented at Redwood Energy Zero Carbon Retreat, January 21, 2021

<sup>3</sup> American Lung Association, “Literature Review on the Impacts of Residential Combustion,” July 2022

setting the stage for enormous heat pump growth. In 2023, the Bay Area Air Quality Management District (AQMD) passed a rule to require newly installed space and water heaters to be zero-emission. CARB is considering similar rules for residential customers. Similarly, Governor Newsom has set a building decarbonization goal of installing 6 million heat pumps statewide by 2030.

**PROBLEM**

Meeting California’s climate goals will require a considerable wave of residential heat pump appliances to be installed quickly and cost-effectively over the coming years. However, a patchwork of burdensome local permitting requirements adds cost, time, and hassle to these clean appliance retrofits. In interviews, heat pump installers say that that a number of barriers at the local level are slowing installations of heat pump equipment, including long inspection wait times, local architectural requirements, wide variations in requirements across jurisdictions, high permit fees, and the need to obtain multiple permit types for a water heater installation.

These burdensome requirements can drive up the cost of installations for homeowners, and limit the time that qualified contractors have to work on other projects, further tightening the supply of labor available to meet increasing demand for heat pumps and other appliances. Because public rebate and direct install programs for heat pumps require permit verification, onerous permit requirements risk impacting the efficiency of hundreds of millions in funding for heat pumps, much of which is targeted toward low-income customers. This problem is costly for California - a recent Energy Commission study estimated that permitting noncompliance for the 2022 Energy Code will cost the state \$2.8 billion.

California has only 5 years left to install over 4 million heat pumps in order to meet Governor Newsom’s ambitious target of installing 6 million heat pumps statewide by 2030.

**SOLUTION**

Heat pump permitting must be modernized in line with other pro-climate technologies to improve access to a cost-saving technology and meet California’s ambitious climate goals.

This bill would streamline heat pump permitting and ensure California meets its climate goals by:

1. Mandating automated permitting for standard Heat Pump installations
2. Prohibiting HOAs from imposing architectural review on clean appliance installations
3. Requiring a maximum of one permit for heat pump water heater installations
4. Prohibiting excessive setbacks, noise restrictions, or documentation requirements on heat pump installations
5. Capping fees for heat pump permits to the reasonable cost of providing service

**SUPPORT**

- **Building Decarbonization Coalition, Sponsor**
- **San Francisco Bay Area Planning and Urban Research Association (SPUR), Sponsor**
- **Bay Area Air District, Sponsor**
- 350 Humboldt Action
- 350 Sacramento
- AO Smith Corporation
- Active SGV
- California Environmental Voters
- California Association of Sheet Metal and Air Conditioning Contractors National Association
- California Center for Sustainable Energy
- California Climate Action
- California State Pipe Trades Council
- Carbon Free Palo Alto
- Carbon Free Silicon Valley
- Carrier Global Corporation
- Center for Biological Diversity
- Citizens Climate Lobby Long Beach
- Climabridge
- Climate Action California
- Climate Health Now Action Fund
- Climate Reality Project, Orange County Chapter
- Climate Resolve
- Earthjustice
- Efficiency First California
- Electrify My Home

- Evergreen Action
- Green Building Initiative
- LG Electronics USA
- Mothers Out Front Silicon Valley
- Natural Resources Defense Council (NRDC)
- QuitCarbon
- Redwood Energy
- RRI: Resource Renewable Institute
- RAMP: Regional Asthma Management & Prevention
- Resource Renewal Institute
- Rewiring America
- San Diego Building Electrification Coalition
- San Francisco Climate Emergency Coalition
- StopWaste
- The Climate Center
- Western States Council of Sheet Metal Workers
- US Green Building Council

**FOR MORE INFORMATION**

---

Name: Radhika Gawde, *Legislative Aide*  
Email: [radhika.gawde@sen.ca.gov](mailto:radhika.gawde@sen.ca.gov)  
Phone: 961-651-4011



## Senator Scott Wiener, 11<sup>th</sup> Senate District

### SB 868 – Plug And Play Solar Act

#### SUMMARY

To save Californians on energy bills and increase the number of homes installing safe solar energy systems, Senate Bill 868, the Plug And Play Solar Act, streamlines approvals and establishes safety standards for portable solar energy devices. Plug-in solar, also known as balcony solar, are portable solar energy devices that increase consumer access to safe, clean, and low-cost energy, especially on hot summer days when air conditioning needs are at their highest.

Portable solar energy devices are a win-win climate and energy affordability solution. SB 868 will cut red tape for this key affordability and climate-friendly technology, expand access to clean energy to renters and apartment dwellers, save Californians on energy bills, and help meet our state's ambitious greenhouse gas emissions reduction targets.

#### BACKGROUND/EXISTING LAW

Californians are faced with record high energy prices. Electricity rates for PG&E customers increased nearly 40% between 2022 and 2025 and increased 100% in the last decade.<sup>1</sup> As a result, Californians now pay higher rates for electricity than any other state except Hawaii.<sup>2</sup>

Solar arrays can lower energy costs for consumers and reduce reliance on investor-owned utilities. SB 868 expands those options to even more households, especially for renters, condo owners, and those with older or shaded roofs.

California has long been a leader in the transition to clean energy. Senate Bill 379 (Wiener, 2022) boosted safe solar energy system installations in homes by requiring certain-sized jurisdictions to provide an online instant solar permitting process.

Rooftop solar systems have been a major driving force behind California's clean energy transition. Portable solar energy devices, also known as "plug-in" or "balcony" solar, while smaller and therefore less powerful, offer a new way for consumers to generate safe, clean and low-cost electricity using California's abundant sunshine. The portability of these devices makes them ideal for many different types of consumers especially renters with access to a patch of sunlight on a balcony, patio, or small backyard.

This exciting technology consists of a few movable solar panels along with an integrated microinverter that allows the system to plug directly into a standard outlet where the solar electricity flows backwards, through the existing wires, to immediately power other appliances within the home, such as air conditioners, computers and lights, and refrigerators.

Where a rooftop solar system tends to be 5,000-10,000 watts in size for a typical home, plug-in solar systems are much smaller, sized around 400-1200 watts. These systems can cover up to 1/5<sup>th</sup> of a household's average energy usage, and with prices starting at \$500, offer an affordable solution that can reduce energy costs and allow a broad range of people to directly access the benefits of solar energy.

Because they are so small and mobile, plug-in solar systems provide a new entry point and more flexibility to access clean affordable energy, especially renters. An estimated 44% of California households are renters, a larger percentage than every state except New York. And, while the rooftop solar market serves hundreds of thousands of rental units, plug-in solar systems are an additional and

<sup>1</sup> San Francisco Chronicle, "PG&E rates actually going down in 2026. Here's how much," December 30, 2025

<sup>2</sup> San Francisco Chronicle, "California electricity prices now second-highest in U.S.: 'Everyone is getting squeezed,'" May 2, 2024

powerful tool for expanding access to clean energy in the Golden State.

Plug-in solar has already taken off in Europe. In Germany, consumers facing high power prices and energy-security concerns have installed an estimated four million plug-in systems, adding multiple gigawatts of distributed clean energy. With California's superior sunshine and high energy costs, the potential for this technology to take off here is even greater.

Despite the small scale of these systems and their potential to save consumers significant funds, utilities like PG&E are pushing for plug-in solar systems to require full interconnection agreements, as they would for large-scale utility solar projects.

Portable solar energy devices have also begun to advance in other parts of the United States. In 2025, Utah enacted H.B. 340, a bipartisan law unanimously approved by the Legislature that exempts portable plug-in solar devices from the full interconnection process, which in turn has encouraged companies to begin selling plug-in systems in the state and to plan expansions to other states with supportive policies. Similar legislation has recently been introduced in states like Vermont, Virginia, Maryland, New Hampshire, Pennsylvania, and New York.

---

### PROBLEM

California consumers need immediate relief from rising energy bills. Growing the market for portable solar devices will create economies of scale that will lower per unit costs making clean energy even more affordable for more consumers.

While portable solar energy devices are a safe and lower-cost solution for consumers, unnecessary utility red tape adds prohibitive costs and has delayed the adoption of this critical technology.

California utilities treat even very small customer-sited solar systems as if they are large arrays triggering complex multi-page interconnection agreements, expensive building permits, and time-consuming utility approvals. All this red tape makes installing plug-in solar more expensive and time-consuming, effectively cutting off consumer access.

While plug-in solar is now widespread in Europe and emerging in other U.S. states, these systems have not taken off in California due in part to these challenges and uncertainty around consumer ease of access.

---

### SOLUTION

By treating qualifying plug-in solar systems as simple, household appliances rather than full-scale power plants, the bill will unlock a new market for affordable, DIY solar among renters and apartment dwellers who are otherwise stuck with the high costs charged by their utilities.

Allowing access to these cost-saving clean energy devices will reduce peak demand especially on hot summer days when air-conditioning loads are high while also supporting California's efforts to cut greenhouse gas emissions and protect public health.

Meanwhile, by establishing statewide safety standards, the bill will ensure consumers have access to safe, high-quality plug-in solar systems.

In sum, SB 868 lowers consumer energy bills, diversifies energy resources, reduces strain on the electric grid, and helps cut air pollution by:

- Defining a portable solar energy device as a small device that meets a consumer's on-site electricity needs;
- Establishing mandatory safety standards for a portable solar energy device;
- Prohibiting unnecessary red tape;
- Driving economies of scale for portable solar energy devices to help lower costs for all consumers.

---

### SUPPORT

- **Environmental Working Group, Sponsor**
- **The Abundance Network, Co-Sponsor**
- Bright Saver
- California Public Interest Research Group (CALPIRG)
- California Solar & Storage Association (CALSSA)
- Center for Biological Diversity
- Environment California
- Solar Rights Alliance

- The Climate Center
- Caroline Torosis, Mayor, City of Santa Monica
- 350 Bay Area Action
- US Green Building Council
- Quantum Energy
- Greenbank Associates
- QuitCarbon
- Indivisible Santa Cruz County
- 350 Humboldt
- Samuel Lawrence Foundation
- West Orange County
- Clean Coalition
- Glendale Environmental Coalition
- Recolte Energy
- Albany Climate Action
- Our Green Challenge
- Vote Solar
- SocioEnergetics Foundation
- Climate Action Campaign
- Climate Action Mendocino
- Center for Community Energy
- Climate Crisis Workgroup of Grassroots Institute
- Third Act Sacramento
- Neighbors for Progressive Action
- Elders Climate Action NorCal Chapter
- 350 Conejo/San Fernando Valley
- Citizens' Climate Lobby
- SCV Eco Alliance
- GRID Alternatives
- Long Beach Alliance for Clean Energy
- Active San Gabriel Valley
- Orange County Environmental Justice
- Healing and Justice Center
- Pasadena-Foothills Chapter of Citizens Climate Lobby
- Acterra: Action for a Healthy Planet
- Greenbank Associates
- West Berkeley Alliance for Clean Air and Safe Jobs
- Laudate Deum Prayer Network for Climate Healing
- 350 Berkeley Hub
- California Alliance for Community Energy
- City of Santa Monica
- Climate Health Now Action Fund
- Community Renewable Solutions LLC
- Democratic Club of West Orange County
- Elders Climate Action (ECA) Southern California (SoCal) Chapter
- Greenpeace USA
- Humboldt Progressive Democrats
- Local Clean Energy Alliance
- Local Government Sustainable Energy Coalition
- Pacifica Climate Committee
- Pacifica Housing For All (PH4A)
- Project Green Home
- Reclaim Our Power: Utility Justice Campaign
- Sonoma County Climate Activist Network (SoCoCAN!)
- Sustainable Mill Valley
- Sustainable San Mateo County
- Sustainable Systems Research Foundation
- The Energy Coalition
- Third Act San Francisco Bay Area
- Third Act SoCal
- Western Center on Law and Poverty

**FOR MORE INFORMATION**

---

Name: Shawntaya Jeanes, *Senate Fellow*  
Email: [Shawntaya.Jeanes@sen.ca.gov](mailto:Shawntaya.Jeanes@sen.ca.gov)  
Phone: 961-651-4541


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

## SB-222 Residential heat pump systems: water heaters and HVAC: installations. (2025-2026)

SHARE THIS:



Date Published: 01/15/2026 09:00 PM

AMENDED IN SENATE JANUARY 15, 2026

AMENDED IN SENATE JANUARY 05, 2026

AMENDED IN SENATE MARCH 28, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

### SENATE BILL

### NO. 222

Introduced by Senator Wiener  
(Coauthors: Senators Allen, Becker, and Stern)

January 27, 2025

An act to add Section 4737 to the Civil Code, and to add Chapter 7.5 (commencing with Section 51297.50) to Part 1 of Division 1 of Title 5 of the Government Code, relating to housing.

### LEGISLATIVE COUNSEL'S DIGEST

SB 222, as amended, Wiener. Residential heat pump systems: water heaters and HVAC: installations.

(1) Existing law establishes the State Energy Resources Conservation and Development Commission and prescribes the authorities, duties, and responsibilities of the commission pertaining to energy matters. Existing law requires the commission, on or before January 1, 2019, in consultation with the Contractors State License Board, local building officials, and other stakeholders, to approve a plan that promotes compliance with specified regulations relating to building energy efficiency standards in the installation of central air-conditioning and heat pumps, as specified. Existing law authorizes the commission to adopt regulations to increase compliance with permitting and inspection requirements for central air-conditioning and heat pumps, and associated sales and installations, consistent with the above-described plan.

The bill would require a city, county, or city and county, beginning July 1, 2027, to adopt and offer asynchronous inspections for installations of residential heat pump water heater or heat pump HVAC systems, as defined, that do not require a licensed contractor and building inspector to be simultaneously present during the inspection. The bill would authorize a building inspector to contact the licensed contractor who performed the installation by telephone call or real-time video conferencing during their inspection, and, if the building inspector determines during an asynchronous inspection that there is an issue with an installation of the heat pump water heater or

heat pump HVAC system and that the licensed contractor who performed the installation must be present to perform tests or cure the installation, to require the licensed contractor who performed the installation to schedule an additional inspection in which the building inspector and the licensed contractor who performed the installation are required to be simultaneously present during the additional inspection. The bill would specify that these provisions do not require a local entity described above to discontinue offering inspections for the installation of a residential heat pump water heater or heat pump HVAC system where in a building inspector and licensed contractor who performed the installation are simultaneously present.

The bill would authorize a city, county, or city and county, on or before July 1, 2028, *and except as specified*, to issue up to one nondiscretionary permit per installation of a residential heat pump water heater or heat pump HVAC system in which the local entity administratively approves an application to install the residential heat pump water heater or heat pump HVAC system. The bill would specify that nothing in that provision is to be construed to prevent a local entity described above from issuing separate permits for a panel replacement or demolition work conducted as part of the residential heat pump installation.

The bill would authorize a city, county, or city and county to apply only certain planning or zoning or workforce labor standards on the installation of a residential heat pump water heater or residential heat pump HVAC system that are in addition to any state-level requirements, including additional standards that conform to local laws, including reach codes, designed to encourage the adoption of zero-emission equipment or improvement of building efficiency. The bill would prohibit a local entity described above from requiring a permit or inspection for plug-in ready window air-conditioner or window heat pump HVAC systems, provided that certain requirements are met, including that the appliance has a voltage rating of 120 volts or less and the appliance is a self-contained unit.

The bill would require a city, county, or city and county, on or before July 1, 2028, to implement an online, *instant automated* permitting process that issues permits in real time to a licensed contractor for the installation of a residential heat pump water heater or residential heat pump HVAC system that meets certain criteria, including that the installation is for a residential heat pump water heater or heat pump HVAC system that does not require installation of a new electrical ~~panel, or demolition panel~~ or structural ~~work.~~ *work, and if the installation is for a residential heat pump HVAC system, that the licensed contractor certifies under penalty of perjury that they have performed a load calculation to properly size the new residential heat pump HVAC equipment per certain provisions and provides the load calculation to the local authority having jurisdiction upon request. By expanding the crime of perjury, the bill would impose a state-mandated local program.* The bill would ~~authorize specify the methods that~~ a local entity described above ~~to may use to~~ comply with the above-described ~~requirement by using, requirement, including,~~ among other things, an automated platform that can issue permits in real time. The bill would ~~require~~ *require, for an installation of a residential heat pump water heater or heat pump HVAC system,* the local entity to publish and make publicly available, among other things, any required permitting documentation, on their internet website. The bill would require the local entity to allow an applicant to, among other things, submit a permit application and associated documentation electronically. ~~The bill would require a local entity described above that applies to receive any funding from the commission to self-certify to the commission its compliance with any applicable portions of the bill's provisions.~~ The bill would exempt from these provisions a city with a population of fewer than 5,000 persons or a county with a population of fewer than 150,000 persons, as specified.

The bill would, except as provided, prohibit a city, county, or city and county from charging a permit fee for a residential heat pump water heater and heat pump HVAC system that exceeds the estimated reasonable cost of providing the service for which the fee is charged, subject to specified requirements, including that the permit fee for a residential heat pump water heater system does not exceed \$150. The bill would, notwithstanding that provision, authorize a local entity described above to charge a permit fee, as specified, for the installation of a residential heat pump water heater or heat pump HVAC system that exceeds the above-described fee limit, as specified, if the local entity, as part of a written finding and an adopted resolution or ordinance, provides substantial evidence of the reasonable cost to issue the permit, and would prohibit a local entity described above from applying additional charges above the publicly listed fee.

*The bill would require a local entity described above that applies to receive any funding from the commission to self-certify to the commission its compliance with any applicable portions of the bill's provisions. By imposing additional duties on local entities described above, the bill would impose a state-mandated local program.*

The bill would include findings and declarations related to these provisions.

(2) Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments. Among other things, the act makes a provision of the governing document or architectural or

landscaping guidelines or policies void and unenforceable if, among other things, the provision prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group or as a replacement of existing turf.

This bill would additionally make any provision of the governing documents, architectural guidelines, or policies void and unenforceable if the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance. The bill would also make any covenant, restriction, or condition contained in any, among other specified agreements, deed, and any provision of a governing document, that effectively prohibits or restricts the installation or use of a residential heat pump water heater or heat pump HVAC system, void and unenforceable.

(3) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

*(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, with regard to certain mandates, no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 4737 is added to the Civil Code, to read:

**4737.** (a) Notwithstanding any other law, any provision of the governing documents, architectural guidelines, or policies shall be void and unenforceable if the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance.

(b) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document, that effectively prohibits or restricts the installation or use of a residential heat pump water heater or heat pump heating, ventilation, and air-conditioning (HVAC) system is void and unenforceable.

**SEC. 2.** Chapter 7.5 (commencing with Section 51297.50) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

### **CHAPTER 7.5. Residential Heat Pump System Installation**

**51297.50.** The Legislature finds and declares all of the following:

(a) The oversight of permitting for residential heat pump water heater and heat pump heating, ventilation, and air-conditioning (HVAC) systems is a matter of statewide concern and not a municipal affair. Therefore, this chapter shall apply to all cities and counties, including a charter city.

(b) Nothing in this chapter is intended to imply the approval of any other local fees for heat pump permitting not specified in this chapter.

(c) It is the intent of the Legislature that local agencies do not adopt ordinances that create unreasonable barriers to the installation of heat pumps and not unreasonably restrict the ability of home and residential property owners to install heat pumps.

(d) It is the policy of the state to promote and encourage the use of zero-emission water heating and space heating and cooling systems, and to limit obstacles to their use.

(e) It is the intent of the Legislature that local agencies comply not only with provisions declared in this section, but also the legislative intent to encourage the installation of residential heat pump systems by removing obstacles to, and minimizing costs of, permitting, so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.

(f) Each state entity, including the commission and the Department of Housing and Community Development, should streamline codes and standards compliance processes with the intent of increasing permitted work without undermining the integrity of the code measures, especially when it comes to appliance retrofits.

**51297.51.** For purposes of this chapter, the following definitions apply:

(a) "Commission" means the State Energy Resources Conservation and Development Commission, which is also known as the Energy Commission.

(b) "HVAC" means heating, ventilation, and air-conditioning.

(c) "Residential heat pump water heater or heat pump HVAC system" means a single heat pump water heater or heat pump HVAC system that serves one residential dwelling unit.

*(d) (1) "Swapout" means a residential heat pump water heater or residential heat pump HVAC system installation where a new heat pump water heater or HVAC air handler and outdoor coil is being installed in the same location on a property as the prior water heater or air handler and condenser that it is replacing.*

*(2) "Swapout" does not include either of the following:*

*(A) An installation that requires modification, replacement, or installation of more than 25 linear feet of ductwork.*

*(B) An installation that replaces a package unit with a split system or a split system with a package unit.*

**51297.52.** (a) Beginning July 1, 2027, a city, county, or city and county shall adopt and offer asynchronous inspections for installations of residential heat pump water heater or heat pump HVAC systems that do not require a licensed contractor and building inspector to be simultaneously present during the inspection of an installation of a residential heat pump water heater or heat pump HVAC system.

(b) A building inspector may contact the licensed contractor who performed the installation of the heat pump water heater or heat pump HVAC system by telephone call or real-time video conferencing during their inspection.

(c) If a building inspector determines during an asynchronous inspection that there is an issue with an installation of the heat pump water heater or heat pump HVAC system and that the licensed contractor who performed the installation must be present to perform tests or cure the installation, the building inspector may require the licensed contractor who performed the installation to schedule an additional inspection in which the building inspector and the licensed contractor who performed the installation are both required to be simultaneously present during the additional inspection.

(d) Nothing in this section shall be construed to require a city, county, or city and county to discontinue offering inspection options for the installation of a residential heat pump water heater or heat pump HVAC system where in a building inspector and licensed contractor who performed the installation are simultaneously present.

**51297.53.** (a) On or before January 1, 2028, a city, county, or city and county may issue up to one nondiscretionary permit per installation of a residential heat pump water heater or heat pump HVAC system in which the city, county, or city and county administratively approves an application to install the residential heat pump water heater or heat pump HVAC system.

(b) This section shall not be construed to prevent a city, county, or city and county from issuing separate permits for a panel replacement or ~~demolition~~ *structural* work conducted as part of the residential heat pump installation.

*(c) Notwithstanding subdivision (a), a city, county, or city and county may issue more than one nondiscretionary permit requested by a licensed contractor per installation of a residential heat pump water heater or heat pump HVAC system if the building official makes written findings based upon substantial evidence that the proposed installation would have a specific, adverse impact on public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.*

**51297.54.** (a) A city, county, or city and county may apply only any of the following planning or zoning or workforce labor standards on the installation of a residential heat pump water heater or residential heat pump HVAC system that are in addition to any state-level requirements:

(1) Additional standards for setbacks for installations not to exceed 3 feet in side yards and backyards or 10 feet in front yards. If a city, county, or city and county requires the submission of site plans for applications for permits for installations of residential heat pump water heater or residential heat pump HVAC systems, the city, county, or city and county shall require only site plan information directly relevant to the installation or to determining setback compliance. Site plans shall not be required for applications for permits for ~~same-place swapout installations of residential heat pump water heater or residential heat pump HVAC systems, when those installations are replacing equipment in the same location that performed the same purpose.~~ *a swapout.*

(2) Additional standards that conform to local laws, including reach codes, designed to encourage the adoption of zero-emission equipment or improvement of building efficiency.

(3) Additional planning or zoning standards relating to the installation of a residential heat pump water heater or heat pump HVAC system if the city, county, or city and county adopts an ordinance that includes substantial evidence that the standard is designed to mitigate the specific, adverse impact on the public health or safety at the lowest cost possible.

(4) Additional standards to regulate noise in a residential setting for inverter-based heat pump technologies, not to be less than 15 decibels higher than any statutory maximum regulating decibel limits for noninverter-based technologies.

(5) Any additional standards, including workforce labor standards, on an installation of a residential heat pump water heater or heat pump HVAC system that receives public subsidies or other public funding. For purposes of this paragraph, "workforce labor standards" include, but are not limited to, the payment of prevailing wages and the employment of apprentices from apprenticeship programs approved by the Division of Apprenticeship Standards.

(b) A city, county, or city and county shall not require a permit or inspection for plug-in ready window air-conditioner or window heat pump HVAC systems, provided that all of the following requirements are met:

(1) The appliance has a voltage rating of 120 volts or less.

(2) The appliance is a self-contained unit.

(3) The installation of the appliance does not require the installation of a dedicated circuit for the appliance.

(4) The installation of the appliance does not require an upgrade to the electrical panel to accommodate the additional load of the appliance.

(5) The installation of the appliance does not require the installation of drainage or structural modifications.

**51297.55.** (a) On or before July 1, 2028, a city, county, or city and county, other than a city, county, or city and county described in subdivision ~~(f)~~, (c), shall, consistent with the goals and intent of this chapter, implement an online, ~~instant~~ *automated* permitting process that issues permits *in real time* to a licensed contractor ~~in real time~~ for the installation of a residential heat pump water heater or heat pump HVAC system that meets ~~both~~ *all* of the following criteria:

(1) The installation is for a residential heat pump water heater or heat pump HVAC system that does not require installation of a new electrical ~~panel, or demolition panel~~ or structural work.

~~(2) The installation is for a residential heat pump water heater or heat pump HVAC system swapout, and either of the following apply, as applicable:~~

~~(A) The new residential heat pump water heater is being installed in the same location as the prior water heater that it is being replacing.~~

~~(B) The new residential heat pump HVAC system is being installed in the same location as the prior furnace or air conditioning system that it is replacing.~~

*(2) The installation is a swapout.*

(3) *If the installation is for a residential heat pump HVAC system, the licensed contractor certifies under penalty of perjury that they have performed a load calculation to properly size the new residential heat pump HVAC equipment per the Air Conditioning Contractors of America Association, Inc. Manual J Residential Load Calculation, the Sheet Metal and Air Conditioning Contractors' National Association Residential Comfort Systems Installation Standards Manual, the California Mechanical Code, or successor provisions, and provides the load calculation to the local authority having jurisdiction upon request.*

(b) (1) ~~A~~ *The methods that a city, county, or city and county may use to comply with the requirements described in subdivision (a) by using may include, but are not limited to, an automated platform that can issue permits in real time or using an online form-based system that can instantly issue permits upon completion of the online form.*

(2) *If a city, county, or city and county requires a CF1R form at the time of the permit application, the city, county, or city and county shall not otherwise require information duplicative to and supplied on the CF1R form provided by the applicant, except for the applicant's name and the residential address of the project.*

~~(c) The city, county, or city and county shall publish and make publicly available a list of the requirements adopted pursuant to Section 51297.54, any required permitting documentation, and a list of all relevant fees and fee amounts that may be imposed by the city, county, or city and county on a residential heat pump water heater or heat pump HVAC system, including, but not limited to, permit fees and inspection fees, on their internet website.~~

~~(d) The city, county, or city and county shall allow an applicant to submit a permit application and associated documentation electronically, and shall allow the applicant to submit an electronic signature on all forms, applications, and other documentation instead of a wet signature by an applicant.~~

~~(e) If a city, county, or city and county applies to receive any funding from the State Energy Resources Conservation and Development Commission, the city, county, or city and county shall self-certify to the commission its compliance with any applicable provisions of this chapter, including subdivision (b).~~

~~(f)~~

(c) *This section shall not apply to a city with a population of fewer than 5,000 persons or a county with a population of fewer than 150,000 persons, including each city within that county.*

**51297.56.** *(a) For an installation of a residential heat pump water heater or heat pump HVAC system, a city, county, or city and county, other than a city, county, or city and county described in subdivision (c), shall publish and make publicly available a list of the requirements adopted pursuant to Section 51297.54, any required permitting documentation, and a list of all relevant fees and fee amounts that may be imposed by the city, county, or city and county on a residential heat pump water heater or heat pump HVAC system, including, but not limited to, permit fees and inspection fees, on their internet website.*

*(b) The city, county, or city and county shall allow an applicant to submit a permit application and associated documentation electronically, and shall allow the applicant to submit an electronic signature on all forms, applications, and other documentation instead of a wet signature by an applicant.*

*(c) This section shall not apply to a city with a population of fewer than 5,000 persons or a county with a population of fewer than 150,000 persons, including each city within that county.*

~~51297.56.~~ **51297.57.** (a) (1) *A city, county, or city and county, except as provided in subdivision (b), shall not charge a permit fee for a residential heat pump water heater or heat pump HVAC system that exceeds the estimated reasonable cost of providing the service for which the fee is charged, subject to the following limitations:*

(A) *The permit fee for a residential heat pump water heater system shall not exceed one hundred fifty dollars (\$150).*

(B) *The permit fee for a residential heat pump HVAC system shall not exceed two hundred dollars (\$200).*

(2) *Paragraph (1) shall not apply to a city with a population of fewer than 5,000 persons and a county with a population of fewer than 150,000 persons, including each city within that county.*

(3) *The limitations imposed by paragraph (1) shall not be construed to apply to technology fees charged by third-party vendors for services adopted by jurisdictions to process compliance checks and issue permits.*

(b) (1) Notwithstanding subdivision (a), a city, county, or city and county may charge a permit fee for the installation of a residential heat pump water heater or a heat pump HVAC system that exceeds the fee limits specified in subdivision (a) if the city, county, or city and county, as part of a written finding and an adopted resolution or ordinance, provides substantial evidence of the reasonable cost to issue the permit.

(2) A permit fee described in paragraph (1) shall be subject to all of the following requirements:

(A) The fee shall correspond to the typical reasonable cost demonstrated by the city, county, or city and county for the equipment type.

(B) The fee shall be set at a regular fixed amount per appliance type.

(C) The fee shall be listed publicly.

(c) A city, county, or city and county shall not apply additional charges above the publicly listed fee.

**51297.58.** *If a city, county, or city and county applies to receive any funding from the State Energy Resources Conservation and Development Commission, the city, county, or city and county shall self-certify to the commission its compliance with any applicable provisions of this chapter.*

**SEC. 3.** The Legislature finds and declares that the oversight of permitting for residential heat pump water heater and heat pump heating, ventilation, and air-conditioning (HVAC) systems is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act, adding Chapter 7.5 (commencing with Section 51297.50) to Part 1 of Division 1 of Title 5 of the Government Code, applies to all cities, including charter cities.

~~SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

**SEC. 4.** *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

*However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

**AB-2389 Property taxation: active solar energy systems: customer sited: extension.**  
(2025-2026)

SHARE THIS:  

Date Published: 02/20/2026 09:00 PM

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 2389**

**Introduced by Assembly Member Irwin  
(Principal coauthor: Senator McNerney)  
(Coauthor: Senator Blakespear)**

**February 20, 2026**

An act to amend Section 73 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2389, as introduced, Irwin. Property taxation: active solar energy systems: customer sited: extension.

The California Constitution generally limits the maximum rate of ad valorem tax on real property to 1% of the full cash value of the property and defines "full cash value" for these purposes as the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. Pursuant to constitutional authorization, existing property tax law excludes from the definition of "newly constructed" for these purposes the construction or addition of any active solar energy system, as defined, through the 2025–26 fiscal year.

This bill would extend, for lien dates commencing on or after January 1, 2027, and before January 1, 2031, the above-described exclusion for customer-sited, active solar energy systems with a system size of less than or equal to 2 megawatts and for customer-sited, active solar energy systems that are sited on the property of a public entity customer. The bill would make conforming changes. By imposing additional duties on local tax officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Existing law requires the state to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding those provisions, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

This bill would take effect immediately as a tax levy.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 73 of the Revenue and Taxation Code is amended to read:

**73.** (a) Pursuant to the authority granted to the Legislature pursuant to paragraph (1) of subdivision (c) of Section 2 of Article XIII A of the California Constitution, the term "newly constructed," as used in subdivision (a) of Section 2 of Article XIII A of the California Constitution, does not include the construction or addition of any active solar energy system, as defined in subdivision (b).

(b) (1) ~~(A)~~ "Active solar energy system" means a system that, upon completion of the construction of a system as part of a new property or the addition of a system to an existing property, uses solar devices, which are thermally isolated from living space or any other area where the energy is used, to provide for the collection, storage, or distribution of solar energy.

~~(2)~~

~~(B)~~ "Active solar energy system" does not include solar swimming pool heaters or hot tub heaters.

~~(3)~~

~~(C)~~ Active solar energy systems may be used for any of the following:

~~(A)~~

~~(i)~~ Domestic, recreational, therapeutic, or service water heating.

~~(B)~~

~~(ii)~~ Space conditioning.

~~(C)~~

~~(iii)~~ Production of electricity.

~~(D)~~

~~(iv)~~ Process heat.

~~(E)~~

~~(v)~~ Solar mechanical energy.

~~(2)~~ "Customer sited" means a system that is installed on the property of a customer for the purpose of managing the customer's own electrical needs.

~~(3)~~ "Public entity customer" means a customer that is a "public entity," as defined in Section 8036 of the Civil Code.

~~(4)~~ "System size" of an active solar energy system means the solar nameplate capacity, as measured in megawatts of alternating current.

(c) For the purposes of this section, "occupy or use" has the same meaning as defined in Section 75.12.

(d) (1) (A) The Legislature finds and declares that the definition of spare parts in this paragraph is declarative of the intent of the Legislature, in prior statutory enactments of this section that excluded active solar energy

systems from the term "newly constructed," as used in the California Constitution, thereby creating a tax appraisal exclusion.

(B) An active solar energy system that uses solar energy in the production of electricity includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. In general, the use of solar energy in the production of electricity involves the transformation of sunlight into electricity through the use of devices such as solar cells or other solar collecting equipment. However, an active solar energy system used in the production of electricity includes only equipment used up to, but not including, the stage of conveyance or use of the electricity. For the purpose of this paragraph, the term "parts" includes spare parts that are owned by the owner of, or the maintenance contractor for, an active solar energy system that uses solar energy in the production of electricity and which spare parts were specifically purchased, designed, or fabricated by or for that owner or maintenance contractor for installation in an active solar energy system that uses solar energy in the production of electricity, thereby including those parts in the tax appraisal exclusion created by this section.

(2) An active solar energy system that uses solar energy in the production of electricity also includes pipes and ducts that are used exclusively to carry energy derived from solar energy. Pipes and ducts that are used to carry both energy derived from solar energy and from energy derived from other sources are active solar energy system property only to the extent of 75 percent of their full cash value.

(3) An active solar energy system that uses solar energy in the production of electricity does not include auxiliary equipment, such as furnaces and hot water heaters, that use a source of power other than solar energy to provide usable energy. An active solar energy system that uses solar energy in the production of electricity does include equipment, such as ducts and hot water tanks, that is utilized by both auxiliary equipment and solar energy equipment, that is, dual use equipment. That equipment is active solar energy system property only to the extent of 75 percent of its full cash value.

(e) (1) Notwithstanding any other law, for purposes of this section, "the construction or addition of any active solar energy system" includes the construction of an active solar energy system incorporated by the owner-builder in the initial construction of a new building that the owner-builder does not intend to occupy or use. The exclusion from "newly constructed" provided by this subdivision applies to the initial purchaser who purchased the new building from the owner-builder, but only if the owner-builder did not receive an exclusion under this section for the same active solar energy system and only if the initial purchaser purchased the new building prior to that building becoming subject to reassessment to the owner-builder, as described in subdivision (d) of Section 75.12. The assessor shall administer this subdivision in the following manner:

(A) The initial purchaser of the building shall file a claim with the assessor and provide to the assessor any documents necessary to identify the value attributable to the active solar energy system included in the purchase price of the new building. The claim shall also identify the amount of any rebate for the active solar energy system provided to either the owner-builder or the initial purchaser by the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, an electrical corporation, a local publicly owned electric utility, or any other agency of the State of California.

(i) (I) The claim for an exclusion under this subdivision shall be considered timely if it is filed within three years of the date of purchase.

(II) An otherwise valid claim for exclusion under this subdivision filed after the deadline set by subclause (I) shall be applied beginning on the lien date of the assessment year in which the claim is filed.

(ii) The provisions of clause (i) shall become operative on January 1, 2027.

(B) The assessor shall evaluate the claim and determine the portion of the purchase price that is attributable to the active solar energy system. The assessor shall then reduce the new base year value established as a result of the change in ownership of the new building by an amount equal to the difference between the following two amounts:

(i) That portion of the value of the new building attributable to the active solar energy system.

(ii) The total amount of all rebates, if any, described in subparagraph (A) that were provided to either the owner-builder or the initial purchaser.

(C) The extension of the new construction exclusion to the initial purchaser of a newly constructed new building shall remain in effect only until there is a subsequent change in ownership of the new building.

(2) The State Board of Equalization, in consultation with the California Assessors' Association, shall prescribe the manner, documentation, and form for claiming the new construction exclusion required by this subdivision.

(f) Notwithstanding any other law, the exclusion from new construction provided by this section shall remain in effect only until there is a subsequent change in ownership.

(g) ~~This~~ (1) *For all active solar energy systems, this* section applies to property tax lien dates for the 1999–2000 fiscal year to the 2025–26 fiscal year, inclusive.

*(2) For customer-sited, active solar energy systems with a system size of less than or equal to two megawatts and for customer-sited, active solar energy systems that are sited on the property of a public entity customer, this section shall continue to apply to property tax lien dates occurring on or after January 1, 2027, and before January 1, 2031.*

(h) (1) The amendments made to this section by ~~the act that added this subdivision~~ *Chapter 358 of the Statutes of 2008* apply beginning with the lien date for the 2008–09 fiscal year.

*(2) The amendments made to this section by the act that added this paragraph apply beginning with the lien date occurring on January 1, 2027.*

(i) (1) Except as provided in paragraph (2), this section shall remain in effect only until January 1, ~~2027~~, 2032.

(2) Notwithstanding paragraph (1), active energy solar systems that qualify for an exclusion under this section prior to January 1, ~~2027~~, 2032, shall continue to be excluded on and after January 1, ~~2027~~, 2032, until there is a subsequent change in ownership.

(j) Section 41 shall not apply to ~~the extension of the exclusion under this section made by the act adding this subdivision~~. *the exclusion provided by this section, including any extensions of the exclusion.*

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 3.** Notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made by this act and the state shall not reimburse any local agency for any property tax revenues lost by it pursuant to this act.

**SEC. 4.** This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

## SB-868 Electricity: portable solar generation devices. (2025-2026)

SHARE THIS:



Date Published: 03/23/2026 02:30 PM

AMENDED IN SENATE MARCH 23, 2026

AMENDED IN SENATE MARCH 05, 2026

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**SENATE BILL****NO. 868**

Introduced by Senator Wiener

(Principal coauthor: Assembly Member Schultz)

~~(Coauthor: Senator Becker)~~ (Coauthors: Senators Arreguín, Becker, and McNerney)

(Coauthors: Assembly Members Connolly and Ward)

January 05, 2026

An act to add Chapter 13 (commencing with Section 8530) to Division 4.1 of the Public Utilities Code, relating to electricity.

### LEGISLATIVE COUNSEL'S DIGEST

SB 868, as amended, Wiener. Electricity: portable solar generation devices.

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards.

This bill would exempt a portable solar generation device, as defined, from all interconnection requirements imposed by state law, the commission, electrical corporation rules, or local publicly owned electric utility rules, as specified. The bill would prohibit an electrical corporation or a local publicly owned electric utility from requiring a customer using a portable solar generation device to take specified actions, including, among other things, paying any fee or charge related to the device or the electricity the device feeds into a building's electrical system. *The bill would authorize an electrical corporation or a local publicly owned electric utility to require a customer using a portable solar generation device to notify the electrical corporation or local publicly owned electric utility, using a simple online registration form, of the address and size of the portable solar generation device, as provided.*

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of a commission action implementing the bill's requirements would be a crime, the bill would impose a state-mandated local program.

Additionally, by imposing new duties on local publicly owned electric utilities, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** (a) The Legislature finds and declares all of the following:

- (1) Electricity is an essential resource, especially on hot summer days.
- (2) The rising cost of electricity is a barrier to basic necessities, such as air conditioning.
- (3) Interconnection fees and processes can add substantial costs and time to the adoption of customer-sited solar and energy storage projects.
- (4) It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use.

(b) It is the intent of the Legislature to encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, those systems.

**SEC. 2.** Chapter 13 (commencing with Section 8530) is added to Division 4.1 of the Public Utilities Code, to read:

### CHAPTER 13. Portable Solar Generation Devices

**8530.** For purposes of this chapter, all of the following definitions apply:

- (a) "Electrical corporation" has the same meaning as defined in Section 218.
- (b) "Local publicly owned electric utility" has the same meaning as defined in Section 224.3.
- (c) "Portable solar generation device" means a moveable photovoltaic energy generation device that meets all of the following conditions:

- (1) Has a maximum aggregated AC output of 1,200 watts ~~to a building's electrical system.~~ *per dwelling.*
- (2) Is designed to be connected to a building's electrical system through a single standard electrical outlet.
- (3) Is intended to offset the customer's onsite electricity consumption.
- (4) *Meets the standards of the most recent version of the National Electrical Code.*

~~(4)~~

- (5) Is certified as a plug-in photovoltaic system by Underwriters Laboratories or an equivalent nationally recognized testing laboratory.

~~(5)~~

- (6) Includes a feature, certified by Underwriters Laboratories or an equivalent nationally recognized testing laboratory, that isolates the portable solar generation device from the building's electrical system to prevent the portable solar generation device from backfeeding electricity to the electrical grid during a power outage.

**8531.** (a) A portable solar generation device is exempt from all interconnection requirements imposed by state law, the commission, electrical corporation rules, or local publicly owned electric utility rules, including, but not limited to, any requirement to enter into an interconnection agreement.

(b) An electrical corporation or a local publicly owned electric utility shall not require a customer using a portable solar generation device to do any of the following:

(1) Obtain the electrical corporation's or local publicly owned electric utility's approval before installing or using the portable solar generation device.

~~(2) Provide notification or registration for the use of a portable solar generation device.~~

~~(3)~~

(2) Pay any fee or charge related to the portable solar generation device or the electricity the portable solar generation device feeds into a building's electrical system.

~~(4)~~

(3) Install any additional controls or equipment beyond what is integrated into the portable solar generation device.

*(c) An electrical corporation or a local publicly owned electric utility may require a customer using a portable solar generation device to notify the electrical corporation or local publicly owned electric utility, using a simple online registration form, of the address and size of the portable solar generation device. The notification shall not require approval of the customer's use of the portable solar generation device by the electrical corporation or local publicly owned electric utility.*

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

*SB 868 (Wiener) Plug Into The Sun Coalition Sign on Letter*  
[Click here to sign on](#)

March 10, 2026

Senator Scott Wiener  
California State Senate  
Sacramento, CA 95814

**RE: Support for SB 868 (Wiener) – The Plug Into The Sun Act**

Dear Senator Wiener,

As a coalition of leading environmental, consumer, low-income, tenants' rights, and clean energy organizations, we write to express our collective support for [SB 868, the Plug Into The Sun Act](#).

We thank you for your outstanding leadership in addressing the dual problems of energy insecurity and air pollution by clearing the way for the growth of a new consumer-oriented solution: Balcony Solar.

Californians need greater access to affordable and reliable electricity. This is a matter of public health, especially as temperatures rise. Meanwhile, the state's continued reliance on fossil fuels for electricity, heating and transportation perpetuates air quality problems which, in turn, drive more extreme temperatures. These dual problems are inextricably linked and require California's immediate attention.

Fortunately, California is not without solutions to help our state move forward. One of the most effective solutions is also the most obvious and the most politically popular: reduce red tape and expand access to the sun through "Balcony Solar".

This new technology, aka "plug-in solar," involves small, portable solar panels that require nothing more than a patch of sunlight and a standard electrical outlet to immediately provide power for a home. Because the devices are small, affordable and portable they are especially promising for California renters, giving them increased access to the sun.

Through SB 868, California can bring immediate utility bill relief to millions of households while contributing to the state's clean energy goals.

**Energy Insecurity**

As electricity bills soar, more and more California households face energy insecurity. In 2025, the California Public Policy Institute (PPIC) reported that 1.9 million California households had overdue electricity bills, and 50,000 had their service disconnected.<sup>1</sup>

---

<sup>1</sup> From PPIC blog, "Low-Income Households Struggle with the Cost of Electricity Bills", August 2025.  
<https://www.ppic.org/blog/low-income-households-struggle-with-the-cost-of-electricity-bills/#:~:text=California%20household%20electricity%20costs%20have,costs%20that%20exceed%20this%20threshold>.

Statistics about families falling behind in their monthly bill payments tell only part of the story. According to the Lawrence Berkeley National Labs (LBNL), the Energy Information Administration reports that millions of families facing energy insecurity resort to coping strategies such as keeping homes at uncomfortable and potentially dangerous temperatures or choosing between adequate heating or cooling and purchasing food. Researchers refer to this as the “heat or eat” dilemma.<sup>2</sup>

While California has a number of critical safety net strategies to help low-income households keep the lights on, there is a limit to these programs’ effectiveness as electricity costs and temperatures rise.<sup>3</sup> As the PPIC reports, most households receiving some form of assistance see their utility bills reduced by 45% or *less*. Tellingly, households receiving some form of assistance make up a substantial proportion of utility service disconnects.<sup>4</sup>

Furthermore, families earning an annual income above the cutoff for utility bill assistance still suffer when energy becomes unaffordable, as does the overall California economy as families spend a higher percentage of their income on utility bills instead of saving or making other investments.

### **The Dirty Energy-Increased Costs Feedback Loop**

While California has made significant progress promoting clean energy, the state is falling behind its 100% clean energy goals. Meanwhile, climate researchers continue to sound the alarm that the world must accelerate carbon reductions in order to stave off the worst impacts of climate change.

Yet, as temperatures rise, Californians will consume more energy, making zero carbon goals even harder to reach. And, as utility rates rise, the ability for working- and middle-class Californians to embrace decarbonization strategies such as switching to electric cars or electric appliances in the home is jeopardized.

These negative dynamics work together in unfortunate harmony, making solving a variety of problems more and more difficult. Multi-dimensional solutions that can solve energy insecurity and climate change are urgently needed.

### **Customer-Sited Solar Energy: A Win-Win Solution**

Putting the power of the sun in the hands of everyone helps address all of the problems discussed above. When consumers can plug into the sun themselves, reducing their purchases of utility-supplied electricity, they can see immediate and significant utility bill reductions while contributing to the state’s clean energy goals.

According to LBNL, customer-sited solar panels significantly reduce energy insecurity. Their research shows that solar households are “44% less likely to report being unable to

---

<sup>2</sup> See Lawrence Berkeley National Labs, “The effect of residential solar on energy insecurity among low- to moderate-income households,” March 2025, <https://emp.lbl.gov/publications/effect-residential-solar-energy>

<sup>3</sup> Social security net programs include CARE and FERA rate discounts, one-time bill payment assistance by the utilities, LIHEAP grants, and community-based organization support.

<sup>4</sup> Ibid, PPIC.

pay their electricity bills, 46% less likely to receive a disconnection notice from their electricity provider, 15% less likely to reduce their energy consumption to save money on energy costs, 34% less likely to forgo necessary expenses to pay an energy bill, and 20% less likely to keep the home at an uncomfortable temperature.”<sup>5</sup>

Meanwhile, customer-sited solar systems add together to make a sizable contribution to California’s clean energy goals and climate change solutions. To date, California consumers have collectively built 20 gigawatts of customer-sited solar, making up over 40% of the state’s total solar energy resources. Expanding the state’s market to include Balcony Solar can expand upon the state’s critically important rooftop solar market. In Germany, for example, consumers have added at least 4 gigawatts of solar energy in just four years through their emergent Balcony Solar market. California’s potential for Balcony Solar is even greater.

### **SB 868 Is Urgently Needed**

While portable solar energy devices are a no-brainer solution to many problems, unnecessary utility red tape threatens prohibitive costs and delays. A single, 400-watt Balcony Solar panel can, at its peak energy production, provide enough electricity to power a standard refrigerator, a home computer and a few lights. Two or more panels strung together can provide enough electricity to power a window-unit air conditioner. Throughout the year, a Balcony Solar system could cut a household utility bill by up to 20%-25% while costing between \$500-\$3,000 depending on size and the addition of a battery. As the market grows and red tape is reduced, costs will inevitably decline.

Yet, California utilities are already threatening to require, for even the smallest portable solar devices, interconnection agreements designed for larger, hard-wired systems. Utility interconnection will make Balcony Solar more expensive and time-consuming and put it out of reach for many California consumers before the technology reaches the market.

Meanwhile, California’s emergent Balcony Solar industry will also benefit modern safety standards.

Specifically, SB 868 will:

- Define a portable solar energy device as a device that meets a consumer’s on-site electricity needs;
- Establish mandatory safety standards for a portable solar energy device;
- Prohibit unnecessary utility red tape;
- Drive economies of scale for portable solar energy devices to help lower costs for all consumers.

### **Conclusion**

Growing consumer access to solar energy via modernizing and reducing red tape for Balcony Solar will lower energy bills, especially for renters, diversify energy resources, reduce strain on the electric grid, and help cut air pollution. For these and many other reasons, we enthusiastically support SB 868.

---

<sup>5</sup> Ibid, LBNL

Thank you, again, for your leadership.

Signed [Sign On Here](#),

Bernadette Del Chiaro  
Senior Vice President-California  
Environmental Working Group

Laura Deehan  
State Director  
Environment California

Caroline Torosis  
Mayor, City of Santa Monica

Dave Rosenfeld  
Executive Director  
Solar Rights Alliance

Jenn Engstrom  
State Director, CALPIRG

Brad Heavner  
Executive Director, CALSSA

Ellie Cohen  
Chief Executive Officer  
The Climate Center

Roger Lin  
Senior Attorney  
Center for Biological Diversity

Laura Niesh  
Executive Director  
350 Bay Area Action

Ben Stapleton  
Executive Director  
USGBC California

Jessica Guadalupe Tovar  
Executive Director  
Local Clean Energy Alliance

Merrian Borgeson  
CA Policy Director, Climate & Energy  
Natural Resources Defense Council

Tamlyn Hunt  
Chief Executive Officer  
Community Renewable Solutions

Jakob Evans  
Senior Policy Strategist  
Sierra Club California  
Ronnie Lipschutz

President, Sustainable Systems Research Foundation

Daniell Howard  
Chief Executive Officer  
Quantum Energy

Alice Sung, AIA  
Principal  
Greenbank Associates

Cooper Marcus  
Chief Executive Officer  
QuitCarbon

Faye Johnson  
Leadership Team  
Indivisible Santa Cruz County

Daniel Chandler  
Steering Committee  
350 Humboldt

Bart Ziegler  
President  
Samuel Lawrence Foundation

Eric Lever  
Vice-President, Democratic Club of West Orange County

Ben Schwartz  
Policy Director, Clean Coalition

Elise Kalfayan  
Board Member  
Glendale Environmental Coalition

Gopal Shanker  
President, Recolte Energy

Nick Peterson  
Founding Member  
Albany Climate Action Coalition

Veronica Jacobi  
Founder, Our Green Challenge

Claudine Custodio  
Regulatory Director, West  
Vote Solar

Kae Bender  
Secretary  
SocioEnergetics Foundation

Anthony Dang  
Policy & Communications Outreach Manager, Climate Action Campaign

Eileen Mitro  
Coordinator

Climate Action Mendocino

Jose Torre-Bueno  
Executive Director  
Center for Community Energy

James Schoonover  
Liaison, Climate Crisis Workgroup of Grassroots Institute

Glaylor Sahba  
Co-Facilitator  
Third Act Sacramento

John Carrese  
Facilitator/Member  
Neighbors for Progressive Action

Todd Weber and Richard Burke  
Chapter Co-Leaders, Elders Climate Action NoCal Chapter

Alan Weiner  
Chapter Lead  
350 Conejo/San Fernando Valley

Cher Gilmore  
Group Leader, Citizens' Climate Lobby, Santa Clara

Heather Turpin  
Co-Facilitator, SCV Eco Alliance

Emma Searson  
Managing Policy Director  
GRID Alternatives

Dave Shukla  
Operations, Long Beach Alliance for Clean Energy

David Diaz  
Executive Director  
Active San Gabriel Valley

Kevin Chou  
Executive Director  
Bright Saver

Max Feinland  
Orange County Environmental Justice

Jorge Rivera  
Executive Co-Director  
Healing and Justice Center

Sanford Krasner  
Group Leader, Pasadena-Foothills Chapter of Citizens Climate Lobby

Lauren Weston  
Executive Director  
Acterra: Action for a Healthy Planet

Alice Sung  
Principal  
Greenbank Associates

Janice Schroeder, Core Member  
West Berkeley Alliance for Clean Air and Safe Jobs

Mark Rutkowski, Founder  
Laudate Deum Prayer Network for Climate Healing

Sven Thesen  
Co-Founder  
Project Green Home

Marilyn Price  
Co-Chair  
Sustainable Mill Valley

Pauline Seales  
Organizer  
Santa Cruz Climate Action Network

Sonoma County Climate Activist Network (SoCoCAN!)

Demian Hardman  
LGSEC Board Chair  
Local Government Sustainable Energy Coalition

Emi Yoko-Young  
Policy Organizer, Co-Director  
Reclaim Our Power: Utility Justice Campaign

Amy Moas, Ph.D.  
Climate Director  
Greenpeace USA

Helene Rouvier  
Chair  
Humboldt Progressive Democrats

Nancy Tierney  
Co-chair  
Pacifica Climate Committee

Suzanne Moore  
Co-chair  
Pacifica Housing For All (PH4A)

Wendy Caesar  
Rachael Biale  
Third Act

Kate Harrison  
Member  
350 Berkeley Hub

David Kaskowitz  
Third Act San Francisco Bay Area

Sarah Hubbard  
Executive Director  
Sustainable San Mateo County

Craig Perkins  
Executive Director  
The Energy Coalition

Ashley McClure  
Executive Director  
Climate Health Now Action Fund

Phil Glosserman  
Lead Facilitator  
Third Act SoCal

Todd Weber, Co-Leader  
Richard Burke, Founder/Leader  
Elders Climate Action Northern California Chapter

Benjamin Henderson  
Housing Policy Advocate  
Western Center on Law and Poverty

Tekira Briscoe  
Alliance Coordinator  
CA Alliance for Community Energy

Finn Alden, self

Heather Seggel, self

Caroline Hicks, self

Debbie Mytels, Chair  
Peninsula Interfaith Climate Action

Rachel Mandelbaum, Deputy Dir. of Campaigns and Organizing  
Dayenu: A Jewish Call to Climate Action

Bill Magavern, Policy Director  
Coalition for Clean Air

Carleen Cullen, Exec. Director  
Cool the Earth

Joon Rainwater, Exec. Director  
Peace Action

Martin Bourque, Exec. Director  
Ecology Center

Katharine Harrison, Co-Lead  
SanDiego350

Shannon Olivieri Hovis  
Chief Strategy Officer, California Environmental Voters

Sigrid Wright, CEO/Exec. Director

Community Environmental Council

Dan Silver, Exec. Director  
Endangered Habitats League

Larry Glass, Exec. Director  
Safe Alternatives for our Forest Environment

Micah Perlin, Director  
California Climate Voters PAC

Susan Hartje, Owner  
Saddles That Fit

Susan St. Louis, Climate Chair  
Courageous Resistance of the Desert/Indivisible

Susan Stephenson, Exec. Director  
California Interfaith Power & Light

Manuel Jose Espinosa, Principal  
The Phoenix Group

Kristel Rietesel, Administrator  
Bay Area Clean Air Coalition

Pete Marsh, Chapter Leader  
Citizens' Climate Lobby Long Beach

Ayn Craciun, Policy Director  
Climate Action Campaign

Sue Bock, Board Director  
San Ramon Valley Climate Coalition

Jane Cox, CEO  
Climate Action California

Josh Hart, Director  
Feather River Action!

Steve Bardwell, President  
Morongo Basin Conservation Assoc.

Sharon Broberg, Steering Committee Member, 350 Santa Barbara

John Smigelski, Program Lead  
United the Central Coast for Action/SLO Climate Coalition

David Prina, Group Leader  
Citizens' Climate Lobby Monterey Bay

Thomas A. Edmund, PhD., Co-Chair  
Tri Valley Air Quality Climate Alliance

Philip Petrie, Co-Chairperson  
Interfaith Coalition for Earth Justice

Lisa Swanson, Policy Chair

Climate Reality Project Orange County

Deborah Silvey, Co-Founder  
Long Beach Alliance for Clean Energy

Terrie Green, Exec. Director  
Marin City Climate Resilience

Pamela Squyres, Leadership  
Climate Future California

Jill ZamEk, Board Member  
San Luis Obispo Mothers for Peace

Stacey Hunt, CEO  
Ecologistics, Inc.

Karina Gonzalez, Deputy Director  
Hammond Climate Solutions

Michele Canales  
Western States Policy Advocate  
Union of Concerned Scientists

Xochitl Cortez, Exec. Director  
Frontline Catalysts

Madison Vander Klay  
Sr. Manager Govt Affairs  
Building Decarbonisation Coalition Action Fund

Jeanna Harris, Club President  
Culver City Democratic Club



Brent Blackaby  
Councilmember District 6

CONSENT CALENDAR  
April 21, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember O’Keefe (Co-sponsor),  
Councilmember Humbert (Co-sponsor)

Subject: Setting Measurable Goals and Metrics for Key City Priorities

RECOMMENDATION

Refer to the City Manager the development of 10-20 measurable goals and metrics that reflect key priorities for the City. These goals should focus on outcomes that matter most to residents, demonstrating both the impact of City government and the quality of life in our community.

After setting annual goals, the City should provide quarterly updates with progress towards those goals via an easily accessible dashboard on the city website or other mechanism. Also, the City should provide updates as a quarterly City Council agenda item, or other appropriate frequency.

Types of goals should be identified by analyzing similar work being done by other jurisdictions, and then quantifiable metrics for each goal should be set by staff and reviewed by City Council. How do peer cities and comparable jurisdictions define, structure, and establish outcome-based goals and metrics? What processes do they use to select them and align them with priorities? How do jurisdictions report on these goals and metrics, including the formatting, frequency, and accessibility of reporting to decision-making bodies and the public?

Goals should span a full range of City priorities, including housing production, public safety, transportation, public works, parks & recreation, homelessness, and economic development.

POLICY COMMITTEE RECOMMENDATION

On January 28, 2026, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Tregub/O’Keefe) to send item to Council with a qualified positive recommendation to: explore a variety of frameworks and methodologies, interface with the public, and explore opportunities to quantify social costs and benefits. Vote: All Ayes

### FINANCIAL IMPLICATIONS

Staff time necessary to develop this program and work with Council and community to identify the key goals and metrics. Staff time necessary to develop a dashboard on the city website. Staff time necessary to update metrics on a quarterly basis.

### CURRENT SITUATION AND ITS EFFECTS

The Health, Life Enrichment, Equity, & Community Policy Committee (HLEEC) reviewed this item on January 28, 2026 and voted to send the item to Council with a qualified positive recommendation to explore a variety of frameworks and methodologies, interface with the public, and explore opportunities to quantify social costs and benefits.

The Auditor's Office prepared a special report, *A Guide to Measuring Performance in the City of Berkeley*, which addresses the HLEEC recommendations. The report outlines performance management best practices from the Government Finance Officers Association (GFOA) and the International City/County Management Association (ICMA), reviews common approaches used by comparable jurisdictions, and highlights examples of current performance measures within the City.

The report was presented at the February 24 Council meeting. Public comments reflected concern that the City does not already have comprehensive performance measures in place for its \$829 million budget, along with support for using performance measures to better direct limited resources to the areas of biggest impact.

Establishing clear goals and metrics is a Strategic Plan Priority Project, advancing our goals to:

- provide an efficient and financially healthy City government; and
- be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.

Currently, the city collects a significant amount of data about operations, but it is scattered among a wide variety of reports. Some data is hard to find.

To reach our goals and ensure transparency, it is essential to set measurable targets, track progress with synthesized data in a single accessible location, and regularly report results to City leadership and the public.

Outcome-based goals and metrics can also help inform resource allocation decisions. By showing our City is achieving intended results and where we need improvement, these goals provide insight into whether resources should be reallocated, increased, or adjusted to better support the City's priorities -- especially critical during times of budget shortages.

### BACKGROUND

Setting goals and measuring progress towards those goals is a key management practice of high-performing organizations. This practice unites stakeholders around a shared mission and clear definition of success, fostering transparency, accountability, and trust with the community by demonstrating our focus on key city priorities. It also

makes visible both the areas where we are excelling and the areas that require greater attention to achieve our goals.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No direct environmental impact.

CONTACT PERSON

Councilmember Brent Blackaby    Council District 6    510-981-7160

Attachments:

1: A Guide to Measuring Performance in the City of Berkeley, Auditor's Report



**INFORMATION CALENDAR**  
February 24, 2026

**To:** Honorable Mayor and Members of the City Council  
**From:** Jenny Wong, City Auditor  *JW*  
**Subject:** A Guide to Measuring Performance in the City of Berkeley

**INTRODUCTION**

The Auditor’s Office developed a special report that provides a practical guide for departments and city leadership to develop meaningful performance measures in the City of Berkeley. We developed this report to provide city management and City Council with information to assist with the fiscal year 2027-2028 budget process.

**CURRENT SITUATION AND ITS EFFECTS**

Governments can use performance measures to understand operations, make informed decisions, and measure progress towards goals. Performance measures provide governments with the data they need to make service improvements and maintain accountability. Quality performance measures help prioritize limited resources on specific department or citywide goals. During a budget deficit period, performance measures can help city leadership focus resources on programs that are successful and matter most to the Berkeley community.

This report summarizes performance management best practices from leading organizations such as the Government Finance Officers Association (GFOA) and the International City/County Management Association (ICMA). We also reviewed Berkeley’s most recent budget books to identify the performance measures currently reported by a few departments. While this is not a comprehensive review of performance measures in every department, we provided three departments as examples to understand how the City currently presents and uses performance measures.

In addition, we reviewed performance measures from comparable jurisdictions to identify common practices and examples of how other cities structure and report performance measures. Finally, this report synthesizes best practices from comparable jurisdictions and leading organizations to develop opportunities for management consideration on performance management. To enhance the City’s performance measurement process, we suggest management consider organizing and streamlining reporting efforts, revisiting Strategic Plan goals and alignment of performance measures, and exploring outcomes-based budgeting.

**BACKGROUND**

We developed this report based on a request from Councilmember Blackaby asking our office to conduct benchmarking and best-practice research on outcome-based budget metrics and compare selected city departments’ budget materials with those of peer jurisdictions. This was following a related item he authored requesting the City Manager develop 10-20 measurable

Page 2 of 22

A Guide to Measuring Performance in the City of Berkeley

INFORMATION CALENDAR

goals and metrics that reflect key priorities for the City. That item was recently approved by the Health, Life Enrichment, Equity and Community Policy Committee.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with this report.

POSSIBLE FUTURE ACTION

City Council may recommend city management consider this framework when developing performance measures and citywide goals. This report provides a practical guide for departments and city leadership to develop meaningful performance measures in the City of Berkeley. The report also provides opportunities for management consideration regarding performance measure reporting and outcomes-based budgeting.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Quality performance measures help prioritize limited resources on specific department or citywide goals. During a budget deficit period, specific performance measures can help city leadership focus resources on programs that are successful and matter most to the Berkeley community. Further exploration of outcomes-based budgeting practices may have implications for how Berkeley structures and allocates its budget. Additional resources may be needed for departments to fully implement comprehensive outcomes-based budgeting.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

- 1: Report: A Guide to Measuring Performance in the City of Berkeley

Special Report

February 5, 2026

# A Guide to Measuring Performance in the City of Berkeley



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor

Erin Mullin, Audit Manager

Kendle Kuechle, Auditor II



Promoting transparency and accountability in Berkeley government

A Guide to Measuring Performance in the City of Berkeley

---

## Table of Contents

- Introduction ..... 3
  - Purpose ..... 3
  - Scope and Methodology ..... 3
- Performance Measures: A Framework ..... 5
  - Background and Definitions ..... 5
  - How to Develop Quality Performance Measures ..... 6
    - Step 1: Identify stakeholder and population needs ..... 6
    - Step 2: Identify desired outcomes based on population needs ..... 7
    - Step 3: Determine how to measure these outcomes ..... 7
    - Step 4: Develop a data collection process ..... 8
    - Step 5: Establish baselines and targets ..... 8
    - Step 6: Establish reporting methods ..... 8
- City of Berkeley Performance Measures ..... 10
  - How does the City of Berkeley measure performance? ..... 10
    - Information Technology ..... 11
    - Parks, Recreation and Waterfront ..... 13
    - Police ..... 14
  - How do comparable cities report performance data? ..... 15
    - Reporting methods: ..... 15
    - Outcomes-based budgeting: ..... 16
- Opportunities for Management Consideration ..... 18
  - 1. Organize and streamline reporting efforts ..... 18
  - 2. Revisit Strategic Plan goals and alignment of performance measures ..... 18
  - 3. Explore outcomes-based budgeting ..... 18

## Introduction

### Purpose

Governments can use performance measures to understand operations, make informed decisions, and measure progress towards goals. Performance measures provide governments with the data they need to make service improvements and maintain accountability. The purpose of this special report is to provide a practical, user-friendly framework for developing clear, meaningful performance measures in the City of Berkeley based on local government best practices.

This work is based on a request from Councilmember Blackaby asking our office to conduct benchmarking and best-practice research on outcome-based budget metrics and compare selected city departments' budget materials with those of peer jurisdictions. This was following a related item he authored requesting the City Manager develop 10-20 measurable goals and metrics that reflect key priorities for the City. That item was referred to the Health, Life Enrichment, Equity and Community Policy Committee.

This report is not an audit and does not evaluate departmental performance. This report focuses on performance measures that departments report in city budgets and uses three departments as examples. The report also highlights common performance measurement practices from comparable jurisdictions and identifies considerations that may support future performance management efforts in Berkeley.

### Scope and Methodology

To develop this report, we reviewed and summarized performance management best practices from leading organizations such as the Government Finance Officers Association (GFOA) and the International City/County Management Association (ICMA).

We also reviewed Berkeley's most recent budget books to identify the performance measures currently reported by departments. The analysis is limited to performance measures published in the budget books and does not include other performance data or reporting practices departments use in annual reports, dashboards, grant reporting, or internal management tools. We selected three departments as examples to understand how the City currently presents and uses performance measures, not to assess overall departmental performance. We interviewed leadership from these departments to understand their process for measuring performance, along with any challenges and opportunities in this area.

**Page 6 of 22**

*A Guide to Measuring Performance in the City of Berkeley*

---

In addition, we reviewed performance measures from comparable jurisdictions to identify common practices and examples of how other cities structure and report performance measures. Finally, we synthesized best practices from comparable jurisdictions and leading organizations to develop opportunities for management consideration on performance management.

## Performance Measures: A Framework

### Background and Definitions

The Berkeley City Auditor's Office undertook this work as a research-focused, non-audit project in response to City Council interest in strengthening the City's use of performance measures to achieve goals and understanding best practices in this area. We prepared this report quickly to provide Council and city management with information to assist with the fiscal year 2027-2028 budget process. Performance measures are reported in Berkeley's budgets and can provide valuable information on how the City is achieving its goals.

#### What is a performance measure?

A **performance measure** is a quantitative measure or qualitative assessment of an agency's work. In other words, performance measures tell an agency how much or how well they are doing in specific areas – for example, the number of permits processed in a year or the customer satisfaction rating of a program. Performance measures are also referred to as performance metrics or Key Performance Indicators (KPIs). Governments use performance measures to collect information about operations, track progress towards goals, and make informed decisions.

**Performance management** is the use of performance measurement data to assess how well an organization is performing and to improve progress toward its goals.

#### Why are performance measures important?

Performance measures serve important purposes for different stakeholders:

- **Members of the public** can use performance measures to understand how city services are performing and how their taxpayer money is being used.
- **City Council** can use performance measures to inform budget and policy decisions. City Council can also use performance data to demonstrate that they are accountable to taxpayers and that the City is using public funds efficiently and effectively.
- **City management** can use performance data to prioritize resources and guide operational decisions. Performance data can help identify where additional investment may be needed and where programs are performing well.
- **Department leadership** can review performance data to improve operations. Performance measures allow departments to measure results, correct mistakes and demonstrate progress towards department-wide goals.

## Page 8 of 22

A Guide to Measuring Performance in the City of Berkeley

Quality performance measures help prioritize limited resources on specific department or citywide goals. During a budget deficit period, specific performance measures can help city leadership focus resources on programs that are successful and matter most to the Berkeley community.

Performance measures are also used by external entities. Grantors may require grantees to report performance measures to demonstrate compliance with grant terms, such as the number of trees planted under a tree-planting grant. In other cases, the City is required to report data to external entities to ensure compliance with state or federal requirements. For instance, the state of California requires dispatch centers to answer 95% of 911 calls within 15 seconds, which requires Berkeley to collect and report on 911 call answer times.

The City of Berkeley uses public funds to provide services, and therefore is accountable to taxpayers, grant providers, state and federal agencies, and people who rely on City services, whether as a resident or visitor. The development and consistent use of clear, appropriate performance measures supports transparency, accountability, and informed decision-making across the organization.

## How to Develop Quality Performance Measures

The process of developing performance measures may require staff time and resources. However, quality performance measures can help leaders make better decisions about budget and priorities, resulting in future cost savings and efficiencies.

Developing high-quality measures typically starts with clearly defining department or division goals. The following framework outlines a practical approach for developing meaningful performance measures:

### Step 1: Identify stakeholder and population needs.

The first step involves identifying the population you serve as well as their needs and expectations. For example, the Berkeley Fire department serves residents and visitors who use emergency services, whereas the Berkeley Human Resources department mainly serves city staff and Berkeley job applicants. Understanding who the primary audience is helps clarify what success should look like.

Next, identify the population's key expectations or needs. For the Fire department, this could be *Berkeley residents expect a quick response to 911 calls*. For Human Resources, *city job applicants expect timely processing of job applications*. It may be beneficial to ask the community about their needs and priorities. The Santa Monica Human Services division

## Page 9 of 22

A Guide to Measuring Performance in the City of Berkeley

redeveloped their performance measures in 2020 by asking the community through surveys and meetings, “What does an effective human service system in Santa Monica look like to you?” The division then developed key outcomes and measures based on those priorities.

### Step 2: Identify desired outcomes based on population needs.

The next step is to frame the population’s needs and expectations as an outcome of your work. For instance, *Berkeley residents receive a fast response to 911 calls, or job applicants receive a prompt review of their application.* This framing is important because it connects performance measures to results, ensuring that performance measures reflect what matters most to people using a service.

### Step 3: Determine how to measure these outcomes.

This step involves determining how to measure whether you are achieving desired outcomes. Some relevant questions to ask during this process are: how will people know whether we are successful? What data will demonstrate success in achieving these outcomes?

There are multiple types of performance measures that can be useful in measuring an agency’s work:

- **Inputs** – the resources used by an activity or process.  
Example: money or staff allocated to a program.
- **Outputs** – the goods or services delivered through a program.  
Example: number of interviews conducted, number of permits approved.
- **Efficiency** – the unit cost to deliver a product or service. This could also be a ratio of inputs to outputs.  
Example: building code enforcement complaints investigated per full-time employee, cost per successful foster home placement.
- **Outcomes** – how well an agency is providing services, or the overall benefit from a program or service.  
Example: reduction in traffic-related deaths, percentage of park users reporting satisfaction with park services.

Outcomes are considered the optimal performance measures, as they provide a clear measure of whether an agency is achieving its goals. However, other types of measures can provide

## Page 10 of 22

A Guide to Measuring Performance in the City of Berkeley

important information or context associated with the desired outcome. Additional types of measures include benchmarks, which compare the performance of a service against peers or leaders in the field – for example, comparing Berkeley’s 911 response times to those of similar cities. Other measures include process measures, which describe aspects of a business process such as the error rate – for example, the percentage of paychecks with identified errors.

Performance measures should also be understandable to a broad audience. Good performance measures align with the SMART model: they are specific, measurable, achievable, results-oriented, and time-based or reported consistently over time.

**Step 4: Develop a data collection process.**

The next step is to determine how you will collect and maintain data to report on the selected performance measures. This could include identifying data sources, assigning staff, establishing frequency of data collection, and estimating any costs associated with collecting data.

**Step 5: Establish baselines and targets.**

It is also important to set meaningful targets for each performance measure. Initially, this involves gathering data on current performance to establish baselines. This will help determine the level of performance that is possible given current performance. The next step is to identify reasonable performance targets for each measure. Targets could be selected based on past performance data, data from comparable jurisdictions, standards from professional associations, or state and federal requirements. For example, *review all job applications within three weeks or respond to all fires within eight minutes*. If your department consistently falls short of targets, that indicates the targets are not feasible and should be updated.

Targets help readers to understand the context behind performance measures and if the City is successfully meeting its goals. Without targets, it can be difficult to establish accountability for performance measures. Targets should also signal when performance requires management attention or corrective action. However, performance data may not always be perfect. In some cases, it may be helpful to establish realistic short-term goals to track progress toward more ambitious long-term goals. This could demonstrate the department’s commitment to continuous improvement.

**Step 6: Establish reporting methods.**

The last step is to determine how and how often you will report performance measurement data. In the City of Berkeley, departments report on performance measures in the biennial budget book. However, there may be opportunities for additional reporting, such as a citywide annual report or a performance dashboard for users to access up-to-date information. It is important to

*A Guide to Measuring Performance in the City of Berkeley*

---

standardize reporting periods and report data regularly so that stakeholders can track progress and view trends. Performance measure reporting should also provide context and a brief explanation of the measures for readers unfamiliar with the data, as well as communicate how each measure connects to desired outcomes.

## City of Berkeley Performance Measures.

### How does the City of Berkeley measure performance?

#### Background on Berkeley's Performance Measures

The City first reported on performance measures by department in the fiscal year (FY) 2022 budget book. In 2019, the Police and Planning departments participated in a pilot program to develop performance measures reflective of the City's Strategic Plan goals, with other city departments joining this effort in subsequent years. The FY 2022 budget book stated that departments would refine and improve their performance measures to make them better tools for decision-making and continuous improvement.

Berkeley departments continued to report performance measures in the FY 2023-2024 and FY 2025-2026 budget books. Some departments collect and report additional performance data outside of the budget process through annual reports, dashboards, or program-specific reporting. However, the budget book is the most centralized location to access performance measurement data by department.

#### Department Analysis

To illustrate how the City of Berkeley currently measures performance, we selected three city departments to highlight: Information Technology (IT); Parks, Recreation and Waterfront; and Police. The following analysis only reflects what is reported in the budget books, it is not a full assessment of departmental performance or reporting of performance.

Information Technology

Table 1. Information Technology Performance Measures

Measure	Type of Measure	Target	FY 22 Budget Actual	FY 23-24 Budget Actual	FY 25-26 Budget Actual
Metrics collected using network management tools that indicate the total "uptime" of the City servers	Outcome	99.999%*	98.888% Data Server Uptime, 99.850% Phone Server Uptime	Not reported	Not reported
Number of queries answered on the first call by 311 (external)	Process	Increase	84% first call resolution, 311	84% first call resolution, 311	99.92% first call resolution, 311
Number of queries answered on the first call by Help Desk (internal)	Process	Increase	45% first call resolution, Help Desk	45% first call resolution, Help Desk	36% first call resolution, Help Desk
Abandoned calls divided by the total number of inbound calls received by 311 (external)	Process	Decrease	15% abandon rate, 311	20% abandon rate, 311	31% abandon rate, 311
Abandoned calls divided by the total number of inbound calls received by Help Desk (internal)	Process	Decrease	21% abandon rate, Help Desk	Not reported	13% abandon rate, Help Desk
Count of projects and percent complete	Output	n/a	326 total projects, 51% complete	Not reported	25 of 48 projects or 52% complete
Volume of requests	Input	n/a	Not reported	Not reported	117,593 total interactions, 311; 5004 total requests, Service Desk

\*Target was 99.92% in FY 25-26

Note: This table reflects performance measures as reported in the budget books. We did not review the source data for accuracy.

Source: Auditor Analysis of FY 22, FY 23-24 and FY 25-26 City Budget Books

The IT department reports on metrics that touch on various aspects of their work, such as 311 Customer Service calls and network management. However, IT's published performance measures only capture a small portion of their overall work. According to the IT Director, some

## Page 14 of 22

*A Guide to Measuring Performance in the City of Berkeley*

---

areas of their work should not be publicly reported or do not translate well into simple metrics, such as cybersecurity, infrastructure reliance, and system modernization.

Berkeley's IT department is also considering starting an IT Governance Committee to manage and prioritize technology and infrastructure projects. According to the IT Director, there could be future opportunities to add project management performance metrics related to projects managed by the Governance Committee to communicate progress and value without disclosing sensitive information.

Our analysis included a review of comparable cities to Berkeley and commonly reported performance measures among departments in other jurisdictions. To understand how other cities report performance, we reviewed publicly available information from several jurisdictions similar to Berkeley in terms of population size or location. The jurisdictions we selected were Hayward (CA), Fremont (CA), Oakland (CA), Pasadena (CA), Kirkland (WA), Redmond (WA), and Fort Collins (CO).

Direct comparisons across cities can be limited by differences in services, reporting structures, and overall goals and priorities. However, there were some common measures reported by IT departments in other cities that may be relevant to Berkeley:

- Number or percentage of service requests completed in a given timeframe.
- Number or percentage of projects completed.
- Percent of employees up to date on cybersecurity training.

Some of these measures are outcome-oriented, such as the percentage of employees up-to-date on cybersecurity training. These measures illustrate how other IT departments measure their work and track progress toward goals.

**Parks, Recreation and Waterfront**

**Table 2. Parks, Recreation and Waterfront Performance Measures**

Measure	Type of Measure	Target	FY 22 Budget Actual	FY 23-24 Budget Actual	FY 25-26 Budget Actual
Number of community communications, including brochures, press releases and fliers	Output	Increase	26 communications	54 communications	54 communications
Number of, and time spent at, community meetings/pop-ups	Input	Increase	24 community meetings/pop-ups, 48.5 hours	35 community meetings/pop-ups, 95 hours	35 community meetings/pop-ups, 95 hours
Number of, and time spent at, Commission and Sub-Committee meetings	Input	Increase	49 Commission and Sub-Committee meetings, 115 hours	32 Commission and Sub-Committee meetings, 75 hours	32 Commission and Sub-Committee meetings, 75 hours
Amount of fire fuel debris tonnage removed from the hills	Output	Increase	154.5 tons	327 tons	327 tons

Note: This table reflects performance measures as reported in the budget books. We did not review the source data for accuracy.

Source: Auditor Analysis of FY 22, FY 23-24 and FY 25-26 City Budget Books

The Parks, Recreation and Waterfront department reports on metrics related to forestry activities and community engagement. According to department leadership, their profession requires a significant amount of data collection and reporting beyond what appears in the budget book, such as data on water quality at city-run camps.

The department also collects qualitative feedback through focus groups for camps and other youth programs. In addition, the department reports on capital projects in the City’s Capital Improvement Program book. Department leadership noted that there may be opportunities to communicate more of the work they do through performance measures in the budget book, such as the number of capital projects completed.

Some benchmark cities reported the following performance measures that may be applicable to Berkeley’s Parks, Recreation and Waterfront department:

- Customer satisfaction rating for parks or recreation programming.
- Number of people accessing park areas or community programming.
- Parks maintenance requests responded to in a given timeframe.

*A Guide to Measuring Performance in the City of Berkeley*

These measures include outcome measures, such as the customer satisfaction rating for parks or recreation programming, while other measures describe the workload or process of that department.

**Police**

**Table 3. Police Performance Measures**

Measure	Type of Measure	Target	FY 22 Budget Actual	FY 23-24 Budget Actual	FY 25-26 Budget Actual
Number of deaths relating to vehicles/bicycles	Outcome	Decrease	2 deaths (2 vehicle, 0 bicycle)	8 deaths (8 vehicle, 0 bicycle)	0 deaths
Number of accidents relating to vehicles/bicycles	Outcome	Decrease	383 accidents (316 vehicle, 67 bicycle)	722 accidents (625 vehicle, 97 bicycle)	873 accidents (665 vehicle, 110 bicycle, 99 pedestrian)
Police Department demographic information compared to community information	Benchmark	Parity	The department is within 10% of parity for race, but not for gender. 86.5% male, 15.5% female; 14.9% Black, 10.6% Hispanic, 60.2% White	The department is within 10% of parity for race, but not for gender. 84.0% male, 16.0% female; 14.1% Black, 10.7% Hispanic, 60.4% White	The department is within 15.9% of parity for race, but not for gender. 85% male, 15% female; 14.1% Black, 10.7% Hispanic, 60.4% White
Number of uses of force	Outcome	Decrease	90 incidents	Not Reported (Reporting standard changed)	0.05% of the 63,791 total calls for service.
Number of external personnel complaints made against the Police Department, compared to number of Calls for Service	Outcome	Decrease	24 complaints, 58,095 calls for service	23 complaints; 60,393 calls for service	36 complaints; 63,791 calls for service
Number of commendations the Police Department receives	Outcome	Increase	111 commendations	137 commendations	13 commendations

Note: This table reflects performance measures as reported in the budget books. We did not review the source data for accuracy.

Source: Auditor Analysis of FY 22, FY 23-24 and FY 25-26 City Budget Books

The Berkeley Police department (BPD) reports on metrics in the budget book that include number of accidents, demographic parity, uses of force, commendations, and complaints. According to BPD, the department collects and reports on a significant amount of additional

## Page 17 of 22

*A Guide to Measuring Performance in the City of Berkeley*

---

data through their online Transparency Hub and annual report. The department uses data frequently to make decisions, such as deployment and patrol capacity, based on crime trends and calls for service.

Department staff also noted that metrics such as 911 call response times and case clearance rates are straightforward indicators of police activity and service levels. BPD reports on these metrics in their annual report, though there may be opportunities to also include that information in the budget book.

Police departments in benchmark cities commonly reported the following performance measures:

- Average emergency services response times.
- Number of crimes per 1000 people.

These measures are the most frequently reported among the wide range of performance measures used by Police departments in other cities. Some cities also report metrics on case clearance rates or police staffing levels; information which may be useful to report in Berkeley.

The examples in this report show that Berkeley departments differ in the types of performance measures they report, reflecting the differences in their work along with data availability and reporting practices. The performance measures in benchmark cities illustrate how other jurisdictions report performance and may offer ideas for measures that can be developed in Berkeley. Developing outcome-oriented measures often requires additional time and resources to define outcomes and establish new data collection processes. However, these measures can ultimately support a strong performance management system in Berkeley.

### How do comparable cities report performance data?

We additionally reviewed reporting practices from comparable jurisdictions to understand how other cities structure and report performance data.

**Reporting methods:** Most benchmark cities report their performance measures in the budget book and use standardized reporting periods. Many report performance at least annually and include performance data from previous years in their budget books which allows readers to compare performance over time.

Some cities also use a dashboard to report on performance measures outside of the budget process. For example, Fort Collins, CO reports quarterly on their performance measures through an online dashboard. Pasadena, CA also reports performance data on a dashboard.

A Guide to Measuring Performance in the City of Berkeley

Figure 1. Example – City of Pasadena IT Performance Measures

Information Technology										
#	Objective/Metric	Council Goal	FY 2024 Actual	FY 2025 Target	FY 2026 Target	FY 2025				FY 2026 Actual
						Q1 Actual (n = 4,700,000)	Q2 Actual (n = 4,700,000)	Q3 Actual (n = 4,700,000)	Q4 Actual (n = 4,700,000)	
1	Retention of critical services to be expanded/completed									
	• Within 1 day	0	100%	100%	100%	100%	100%	100%	100%	100%
	• Within 3 days	0	40%	45%	45%	45%	45%	55%	55%	55%
	• Within 1 week	0	45%	50%	50%	50%	48%	45%	44%	45%
	• Within 30 days	0	95%	95%	95%	95%	95%	95%	95%	95%
	• More than 30 days	0	1%	0%	0%	0%	0%	0%	0%	0%
2	Internal Customer Satisfaction Score for technology services and support	0	90%	100%	100%	97%	97%	95%	94%	97%
3	Network Availability Including Commercial Providers and DoT Managed Networks combined	0	99.5%	100%	100%	99.8%	100.0%	99.2%	99.9%	99.7%

Source: City of Pasadena FY 2026 Budget Book

Four of the seven benchmark cities associate departmental performance measures with citywide goals or priorities. For example, Pasadena links department performance measures to specific City Council goals, which helps readers understand how departmental activities support broader city goals.

**Outcomes-based budgeting:** Some benchmark cities follow an innovative process known as outcomes-based budgeting, which means they make budget decisions and allocate resources based on key goals or outcomes. This allows governments to prioritize specific programs or initiatives that help them achieve desired results.

In Fort Collins, every program or service funded in the budget is connected to at least one strategic objective and has at least one performance metric so that the community can evaluate its success.

Redmond, WA uses a similar process called Budgeting by Priorities. The city allocates funding to their programs through Budget Offers which are associated with one of the city’s four priorities: Healthy and Sustainable, Safe and Resilient, Strategic and Response, and Vibrant and Connected. Each Budget Offer includes a description of the program and two to three performance measures that evaluate the program’s success. The Redmond FY 2025-2026 budget book states that this budgeting method allows the city to identify and fund programs that are most important to the Redmond community.

A Guide to Measuring Performance in the City of Berkeley

Figure 2. Example – City of Redmond Budget Offer

**Budgeting by Priorities**  
Budget offer

**Healthy and Sustainable**

---

Department Name: Public Works Id: 000267

---

**Safe & Reliable Drinking Water**

---

Providing clean, safe, and reliable drinking water is a top City priority. To provide this service to the community, Redmond manages a water supply that comes from municipal supply wells and from water purchased through Gresham Water Alliance. City programs protect this valuable resource and ensure Redmond's drinking water system is reliable and distributes drinking water that meets or exceeds the Environmental Protection Agency and Washington State Department of Health drinking water regulations.

**Performance Measures:**

Outcome: Environmental preservation responsibly balanced with growth

- Dashboard Indicator: Percentage of drinking water quality tests that meet compliance regulations
- Program Measure: Percentage of pressure reducing stations rebuilt each year
- Program Measure: Maintenance Report Card: Number of water main breaks per 100 miles of pipe

**Budgeting by Priorities**  
Budget offer

**Healthy and Sustainable**

---

Department Name: Public Works Id: 000267

---

**Safe & Reliable Drinking Water**

---

**Budget Offer Summary**

Expenditure summary

	Year 1	Year 2	Total
Ongoing Sal/Ben	\$4,186,252.04	\$4,377,474.51	\$8,563,726.55
Ongoing-Other	\$15,102,780.00	\$15,106,793.81	\$30,209,573.81
One-Time-Other	\$2,000,000.00	\$0.00	\$2,000,000.00
<b>Total</b>	<b>\$21,289,032.04</b>	<b>\$29,484,268.32</b>	<b>\$50,773,300.36</b>

	FY Year	FY Year?
File	21.54	22.54

Source: City of Redmond FY 25-26 Budget Book

## Opportunities for Management Consideration

To strengthen Berkeley's performance management process, we identified opportunities for management consideration based on best practices literature and insight from comparable jurisdictions. These options may require additional staff time and coordination and would need to be balanced with other priorities.

### 1. Organize and streamline reporting efforts.

There has been variation in some departments' reported performance measures since fiscal year 2022. Maintaining the same measures over time and using standardized reporting periods for performance data could support comparability across years. This could also help Council and the public evaluate the City's progress toward its goals.

The City could also consider including prior years' performance measurement data in the budget book for easier comparison and clearer historical context. Berkeley may also consider supplementing budget book performance measure reporting with tools such as dashboards or annual performance measure reports to provide more timely updates between budget cycles.

### 2. Revisit Strategic Plan goals and alignment of performance measures.

There may be an opportunity for Berkeley to revisit Strategic Plan goals and consider how performance measures align with those goals. City Council approved Berkeley's nine Strategic Plan goals in January 2018. Since that time, there have been leadership changes in both Council and City management. Current leadership may decide to reevaluate whether the goals continue to reflect City priorities and determine if updates are necessary.

The FY 2022 and 2023-2024 budget books organized performance measures by Strategic Plan goal, though this structure was not included in the FY 2025-2026 budget book. As departments update their performance measures over time, it may be beneficial to reassess how department performance measures connect to broader citywide priorities.

### 3. Explore outcomes-based budgeting.

Some jurisdictions allocate funding by desired outcome rather than by department through a process known as outcomes-based budgeting. This type of approach typically requires significant coordination, clear outcomes, and mature performance data, and may not be feasible to implement at a citywide level in the near term.

However, there may be opportunities to implement outcomes-based budgeting practices on a smaller scale. For example, city departments could develop more outcome-oriented performance measures and relate those measures to their department-wide goals. Departments could then assess how much of their budget is allocated toward achieving their goals, for example, dollars spent per service. Over time, this work can strengthen the connection between resources, activities, and results, provide useful context for future budget discussions, and can help the City prepare for potential outcomes-based budgeting efforts.

Page 22 of 22

**Mission Statement**

Promoting transparency and accountability in Berkeley government.

**Audit Team**

Erin Mullin, Audit Manager  
Kendle Kuechle, Auditor II

**City Auditor**

Jenny Wong

**Office of the City Auditor**

Phone: (510) 981-6750

Email: [CityAuditor@berkeleyca.gov](mailto:CityAuditor@berkeleyca.gov)

Website: <https://berkeleyca.gov/your-government/city-audits>

Copies of our audit reports are available at

<https://berkeleyca.gov/your-government/city-audits/city-auditor-reports>

Cover photograph provided by the City of Berkeley.



BERKELEY CITY AUDITOR



Upcoming Worksessions and Special Meetings	
Scheduled Dates	
May 19 (4pm)	Results of Second Community Survey (tentative)

Unscheduled Presentations and Special Meetings
1. 5-Year Paving Plan & Hopkins Street Paving

Future Information Reports
1. Affordable Housing Fee Feasibility Study 2. Berkeley Fire Department Annual Report

	<b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>
	None

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
<b>NOD – Notices of Decision</b>			
<b>Public Hearings Scheduled</b>			
600 Gilman Street (establish a public drive-in vehicle wash, incidental food service with a service window, and allow a 30-foot wide driveway)	ZAB		TBD
<b>Remanded to ZAB or LPC</b>			
<b>Notes</b>			
ZAB: Zoning Adjustments Board			
LPC: Landmarks Preservation Commission			

4/1/2026

