

From: [Bryce Nesbitt](#)
To: [Romain, Billi](#); [Milliken, Rebecca](#)
Cc: ben@bengould.org
Subject: Re: E&C Commission: Item for the packet?
Date: Tuesday, November 28, 2023 7:08:07 PM

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On Tue, Nov 28, 2023 at 3:40 PM Bryce Nesbitt <bryce2@obviously.com> wrote:

Dear Billi,

Please consider this item for inclusion in the next E&CC packet.

Dear E&CC members;

In October 2023 Governor Newsom signed **SB 712** Portantino, relevant climate issues.

In short it requires that rental unit owners allow charging fuel containing electric bikes and scooters inside living spaces, *unless* the "bike room" has provision for charging. There is presently no specific fire safety rule for the "bike room", only protection from rain.

We're not reducing carbon intensity, if we burn up our buildings:

In March and April [2023] alone, firefighters in Berkeley responded to six fires sparked by mobility devices around the city and in a university dormitory. One fire alone, a two-alarm attack, caused an estimated \$150,000 in damage.

<https://www.berkeleyside.org/2023/06/20/berkeley-fire-department-lithium-ion-battery-fires>

The carbon intensity of a single fire can swamp the mobility carbon reduction of every trip those scooters ever took.

The safety is partially fake UL certifications, partially maintenance issues after physical damage, and partially the presence of the battery fuel itself even if the fire starts elsewhere. Clamping down on the fake UL certifications will take a significant number of years, if it is ever done at all.

The law now reads:

Section 1940.41 of the Civil Code:

(a) For purposes of this section:

(1) "Personal micromobility device" means a device with both of the following characteristics:

(A) It is powered by the physical exertion of the rider **or an electric motor.**

(B) It is designed to transport one individual or one adult accompanied by up to three minors.

(2) "Secure, long-term storage" means a location with all of the following characteristics:

(A) Access is limited to residents of the same housing complex.

- (B) It is located on the premises.
- (C) It is reasonably protected against precipitation.
- (D) It has a minimum of one standard electrical connection for each personal micromobility device that will be stored and recharged in that location.**
- (E) Tenants are not charged for its use.

(b) A landlord shall not prohibit a tenant from either of the following:

- (1) Owning personal micromobility devices.
- (2) (A) **Storing and recharging up to one personal micromobility device** in their dwelling unit for each person occupying the unit if the personal micromobility device meets one of the following:
 - (i) Is not powered by an electric motor.
 - (ii) Complies with the following safety standards:
 - (I) For e-bikes, UL 2849, the Standard for Electrical Systems for E-bikes, as recognized by the United States Consumer Product Safety Commission, or EN 15194, the European Standard for electrically powered assisted cycles (EPAC Bicycles).
 - (II) For e-scooters, UL 2272, the Standard for Electrical Systems for Personal E-Mobility Devices, as recognized by the United States Consumer Product Safety Commission, or EN 17128, the European Standard for personal light electric vehicles (PLEV).
 - (iii) Is insured by the tenant under an insurance policy covering storage of the device within the tenant's dwelling unit. The owner may prohibit the tenant from charging a device in the unit if the device does not meet the standards in subclauses (I) and (II) of clause (ii).
- (B) Subparagraph (A) **does not apply if the landlord provides the tenant secure, long-term storage for the tenant's personal micromobility devices.**
- (C) Subparagraphs (A) and (B) do not apply to circumstances in which an occupant of the unit requires the use of a personal micromobility device as an accommodation for a disability.

(c) This section does not require a landlord to modify or approve a tenant's request to modify a rental dwelling unit for the purpose of storing a micromobility device inside of the dwelling unit.

(d) This section does not prohibit a landlord from doing any of the following:

- (1) (A) Prohibiting repair or maintenance on batteries and motors of personal micromobility devices within a dwelling unit.
- (B) Subparagraph (A) does not prohibit a tenant from changing a flat tire or adjusting the brakes on a personal micromobility device within the unit.
- (2) Requiring a tenant to store a personal micromobility device in compliance with applicable fire code.
- (3) Requiring a tenant to store a personal micromobility device in compliance with the Office of State Fire Marshal Information Bulletin 23-003 regarding lithium-ion battery safety, issued April 3, 2023, or any updated guidance issued by the Office of the State Fire Marshal regarding lithium-ion battery safety, if such bulletin or guidance is provided to the tenant by the landlord.

(e) This section does not limit the rights and remedies available to disabled persons under federal or state law.