

MEANS AND METHOD PLAN FOR TENANT PROTECTION DURING CONSTRUCTION

Beverly Hills Municipal Code § 9-1-108 (L)

When applying for a permit to alter, repair, or rehabilitate any structure that contains one or more dwelling units, the applicant shall indicate on a form furnished by the city building official whether the property is occupied by tenants.

If the property is tenant occupied and, as determined by the building official, the construction work could impact the habitability of any unit on the property, prior to obtaining a permit, the applicant shall submit a construction means and method plan to the city building official which contains the information required by this section. The construction could impact unit habitability if any of the following conditions may exist at the property for a period exceeding one working day:

- Inadequate sanitation including, but not limited to, the following:
 1. Lack of, or improper water closet, lavatory, or bathtub or shower,
 2. Lack of, or improper kitchen sink,
 3. Lack of hot and cold running water to plumbing fixtures,
 4. Lack of adequate heating,
 5. Lack of, or improper operation of required ventilating equipment,
 6. Lack of minimum amounts of natural light and ventilation required by the building code of the city of Beverly Hills,
 7. Lack of required electrical lighting,
 8. Dampness of habitable rooms,
 9. Lack of connection to required sewage disposal system;
- Structural hazards including, but not limited to, the following:
 1. Deteriorated or inadequate foundations
 2. Defective or deteriorated flooring or floor supports,
 3. Any of the following structural features that are of insufficient size to carry imposed loads with safety: flooring or floor supports, members of walls, partitions, or other vertical supports, members of ceiling, roofs, ceiling and roof supports, or other horizontal members;
- Wiring, plumbing, or electrical equipment that will no longer conform with all applicable laws in effect at the time of installation;
- Faulty weather protection, including, but not limited to, the following: ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors;
- The building, premises, or portion thereof, device, apparatus, equipment, combustible waste or vegetation is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause;
- The building or portion thereof is an unsafe building as defined by the building code of the city of Beverly Hills;
- The building, premises or portions thereof is not provided with adequate exit facilities as required by the building code and fire code of the city of Beverly Hills;
- The building or portions thereof is not provided with the fire resistive construction or fire extinguishing systems or equipment required by the building code of the city of Beverly Hills

and the fire code of the city of Beverly Hills.

No permit shall be issued until a satisfactory means and method plan is approved by the city building official, if required.

If a construction means and method plan was not required prior to permit issuance, the city building official shall require a construction means and method plan be submitted after work commences if the city building official determines that the work could impact the habitability of any unit on the property given the manner in which the construction is being undertaken. If the city building official requires a construction means and method plan, the requirements of this section shall also apply. The city building official may stop construction until all applicable requirements of this chapter have been met.



Rent Stabilization Division
 455 N. Rexford Dr., Room 200
 Beverly Hills, CA 90210
 Tel: (310) 285-1031
 Email: bhrent@beverlyhills.org

Means and Method Plan

BHMC 9-1-108 (M) requires the following information. If you need more space than what's provided you may include attachments.

Basic Information

Who's filling out this form? <input type="checkbox"/> Owner <input type="checkbox"/> Manager <input type="checkbox"/> Contractor <input type="checkbox"/> Other:			
Unit is a condominium: <input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> Initial Plan <input type="checkbox"/> Revised Plan	Submittal Date:	If a revised plan, date of original plan:	
Property Address:		Unit(s) Impacted:	
APN #:	Year Built:	# Total Units:	# Occupied Units:
Owner:		Phone:	
Responsible Person:		Phone:	
Contractor:		Phone:	
Contractor License #:		Hazardous Abatement Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Hazardous Abatement Contractor:		Phone:	
Work will occur in (check all that apply): <input type="checkbox"/> Occupied unit(s) <input type="checkbox"/> Vacant Unit(s) <input type="checkbox"/> Common Area			
Estimated Duration of Work:		Start Date:	End Date:

Describe the construction process in detail, organized sequentially:

Seismic Supplement

Are you doing seismic retrofit work? Yes No

If "Yes", please describe the seismic work to be done:

Estimated Cost of Seismic Retrofit Work: \$ _____

Impact on Tenants

Will the work affect occupied units? Yes No

If "Yes", please check all that apply and describe mitigation.

Hazards

	Units Affected	Date/Time Start/End	Mitigation
<input type="checkbox"/> Dust			<input type="checkbox"/> Close windows/doors <input type="checkbox"/> Vacuum <input type="checkbox"/> Sweeping Compound <input type="checkbox"/> Air Scrubbers <input type="checkbox"/> Water <input type="checkbox"/> Air Scrubbers down areas <input type="checkbox"/> Cover HVAC registers with filters <input type="checkbox"/> Install plastic containment barriers <input type="checkbox"/> Other (Describe):
<input type="checkbox"/> Noise			<input type="checkbox"/> Further restrict hours of use <input type="checkbox"/> Inform tenants of excessive noise <input type="checkbox"/> Close windows/doors <input type="checkbox"/> Other (Describe):
<input type="checkbox"/> Hazardous Material			
<input type="checkbox"/> Other			

Basic Services

	Units Affected	Date/Time Start/End	Mitigation
<input type="checkbox"/> Electricity Shut Off			
<input type="checkbox"/> Water Shut Off			
<input type="checkbox"/> Gas Shut Off			
<input type="checkbox"/> Inoperable Toilet			
<input type="checkbox"/> Inoperable tub/shower			
<input type="checkbox"/> Inoperable kitchen sink			
<input type="checkbox"/> Lack of hot or cold water			
<input type="checkbox"/> Inoperable heater			
<input type="checkbox"/> Disruption to sewage disposal system			
<input type="checkbox"/> Blocked or temporary removal of windows			
<input type="checkbox"/> Impact on ventilation			

	Units Affected	Date/Time Start/End	Mitigation
<input type="checkbox"/> Work in common areas			
<input type="checkbox"/> Egress			
<input type="checkbox"/> Privacy			
<input type="checkbox"/> Storing construction materials on site			
<input type="checkbox"/> Use of crane			
<input type="checkbox"/> Sandblasting interior or exterior walls			
<input type="checkbox"/> Loss of reduction of elevator service			
<input type="checkbox"/> Loss of security (gates, doors, fencing)			
<input type="checkbox"/> Fire Safety Interruption			
<input type="checkbox"/> Other:			

Loss of Amenities

	Units Affected	Date/Time Start/End	Mitigation
<input type="checkbox"/> Parking			
<input type="checkbox"/> Laundry			
<input type="checkbox"/> On-Site Storage			
<input type="checkbox"/> Removing tenants possessions from common areas			
<input type="checkbox"/> Pool, Playground, etc.			
<input type="checkbox"/> Pet Accommodation			
<input type="checkbox"/> Other			

I declare under penalty of perjury under the laws of State of California that the foregoing is true and correct.

Print Name

Signature

Date



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Relocation Plan

Required by BHMC 9-1-108 (N)

If the construction means and method plan demonstrates, as determined by the building official, that the work being performed on the property may require that tenants be **temporarily relocated**, the applicant shall also prepare and submit a relocation plan for city approval prior to issuance of a permit. The relocation plan must show fair and reasonable relocation benefits provided to all displaced tenants. Notice of the relocation assistance and benefits to be provided and timing of displacement will be provided to all tenants who will be displaced. Tenant notification must include a statement that the construction activity may require displacement, but that to the greatest extent practicable, no tenant lawfully occupying the property will be required to move without at least thirty (30) days' written notice from the owner.

No Relocation Required (check one):

- | | | |
|---|---|---|
| <input type="checkbox"/> Work will not create untenable conditions and tenant will remain in place. | <input type="checkbox"/> Unit will be returned to habitable condition outside of 8 A.M. – 5 P.M. and tenants will not be exposed to hazardous material at any time. | <input type="checkbox"/> Work will not create untenable conditions and tenant will remain in place. |
|---|---|---|

Lost Amenity	Compensation
<input type="checkbox"/> No amenities lost	n/a
<input type="checkbox"/> Parking	
<input type="checkbox"/> Laundry	
<input type="checkbox"/> On-site storage	
<input type="checkbox"/> Removing possessions from common area	
<input type="checkbox"/> Egress	
<input type="checkbox"/> Cooking Facilities	
<input type="checkbox"/> Pet Accommodation	
<input type="checkbox"/> Pool/Playground	

See next page if relocation is required.

Relocation Required:

Check one:

- Tenants will be relocated to a comparable unit for less than 30 days.
- Tenants will be relocated from 2 to 30 days.

Check one:

- Same Building Another Building Hotel/Motel Per Diem Other: _____

Check one:

- I am attaching a mutual agreement between the landlord and tenant.
- I am including a reasonable relocation plan (please fill out below):

Start of relocation: _____ End of relocation _____ Distance (mi.): _____

Relocation facilities in Beverly Hills:

Please describe moving costs covered by the landlord:

_____ \$ _____
_____ \$ _____
_____ \$ _____

Personal Property

- Work areas must be cleared of furnishings or other property. If checked, please describe:

- Tenant furnishings and other property will be exposed to theft, elements, or other hazards. If checked, please describe mitigation measures:

- Other impacts to personal property. Please describe:

Certification (check all even if tenant remains in place):

- I certify storage facilities required to temporarily store tenant's personal belongings during the period of construction will be provided by landlord. For the security of personal belongings, storage shall be independent from other relocated tenant's property.
- In the event a tenant is relocated, I certify the above facilities provide accommodations equal to the tenant's regular housing. This includes but is not limited to, laundry facilities, exercise facilities, balconies, kitchens, pet housing/care, and parking.
- I certify the construction being undertaken at the property will not terminate the tenant's tenancy.
- I certify that notice of relocation assistance and benefits and the timing of the displacement will be provided to all tenants who will be displaced.
- I declare under penalty of perjury under the laws of State of California that the foregoing is true and correct.

Print Name

Signature

Date

Tenant Noticing Requirement

BHMC 9-1-108 (O)

Before a permit can be issued for the alteration/repair/rehabilitation of a building which required an applicant to prepare a construction means and method plan pursuant to this code, the applicant must certify that **all tenants of the property will receive the information required, in a form approved by the city, within ten (10) days following the issuance of the permit and that no work will commence under the permit until ten days after all tenants are notified.** This notice shall either be hand delivered to each tenant of the property or sent by certified mail, return receipt requested. **This form must be returned to the RSO Office with the Declaration of Proof of Service at least 24 hours prior to the construction work.** The notice required of this section shall contain the following information:

- A. A detailed description of the nature and type of construction activity that will be undertaken;
- B. Information regarding the scheduling of construction and the periods in which services such as laundry, parking, elevators, water and power, will be unavailable;
- C. A statement that the construction being undertaken at the property will not terminate the tenant's tenancy;
- D. A statement informing the tenants of their right to seek mitigation from the property owner for nuisance conditions at the property, including, but not limited to, noise, dust, vibrations, utility shutoffs and other construction impacts. Mitigation measures may include, but are not limited to, temporary rent reductions, quiet office space for tenants working at home and temporary accommodations;
- E. A statement informing tenants of their right to review and receive free copies of the owner's construction means and method plan;
- F. A statement informing tenants of their right to review and receive free copies of the owner's relocation plan, if such plan was required;
- G. Information explaining how to contact the project applicant, including the designation of a project manager responsible for responding to tenant inquiries, complaints, and requests for mitigation of nuisance conditions;
- H. A statement informing tenants that they should immediately contact the city's building and safety division regarding any conditions at the property which they consider to be unsafe, in violation of the city's technical codes, or in violation of the applicant's construction means and method plan;
- I. For construction projects that exceed thirty (30) days in duration as measured from the date that construction commences, the applicant shall also inform the tenants that the applicant will provide twice monthly notices to the tenants regarding the progress of construction and will schedule monthly meetings to address the construction progress and obtain tenant input and feedback regarding the construction;
- J. Any other information that the city building official determines is necessary due to the unique circumstances of the construction work.

In addition to the information required of this section, the tenant notification shall provide the following information if the project will require the temporary relocation of tenants:

- K. A statement that the construction activity may require displacement, but that to the greatest extent practicable, no tenant lawfully occupying the property will be required to move without at least thirty (30) days' written notice from the owner.

Notice to Tenant of Means and Method Plan

Contents as required by BHMC 9-1-108 (O)

Before a permit can be issued for the alteration/repair/rehabilitation of a building which required an applicant to prepare a construction means and method plan pursuant to this code, the applicant must certify that **all tenants of the property will receive the information required, in a form approved by the city, within ten (10) days following the issuance of the permit** and that **no work will commence under the permit until ten (10) days after all tenants are notified.** This notice shall either be hand delivered to each tenant of the property or sent by certified mail, return receipt requested. **This form must be returned to the RSO office with the Declaration of Proof of Service at least 24 hours before the construction work.**

A detailed description of the nature and type of construction activity that will be undertaken:

Information regarding the scheduling of construction and the periods in which services such as laundry, parking, elevators, water and power will be unavailable:

Please contact the following project manager or property owner for tenant inquiries, complaints, and requests for mitigation of nuisance conditions:

Any other information that the City Building Official determines is necessary due to the unique circumstances of the construction work:

Turn over for additional information

Please be informed of the following:

- The construction being undertaken at the property will not terminate the tenant's tenancy.
- You have the right to seek mitigation from the property owner for nuisance conditions at the property, including, but not limited to noise, dust, vibrations, utility shut-offs, and other construction impacts. Mitigation measures may include, but are not limited to, temporary rent reductions, quiet office space for tenants working at home, and temporary accommodations.
- You have the right to review and receive free copies of the owner's construction means and method plan.
- If relocation is required, you have the right to review and receive free copies of the owner's relocation plan.
- The tenant notification must include a statement that the construction activity may require displacement, but that to the greatest extent practicable, no tenant lawfully occupying the property will be required to move without at least thirty (30) days' written notice from the owner.
- If you consider conditions at the property to be unsafe, in violation of the City's Technical Codes, or in violation of the applicant's construction means and method plan, please contact Building and Safety at (310) 285-1141.
- If the construction project exceeds thirty days in duration, as measured from the date that construction commences, the applicant will provide twice monthly notices to the tenants regarding the progress of construction and will schedule monthly meetings to address the construction progress and obtain tenant input and feedback regarding the construction.
- The construction activity may require displacement, but that to the greatest extent practicable, no tenant lawfully occupying the property will be required to move without at least thirty days written notice from the owner.
- **Emergency Repairs:** Where equipment replacement and repairs must be performed in an emergency situation, a complete permit application shall be submitted within the next working business day to the building official.
- **Security.** Before receiving a permit for a project which requires an applicant to prepare a construction means and method plan, the applicant shall furnish security to the City sufficient to ensure the timely and faithful performance of all work included within the scope of the permit and the payment of all relocation assistance necessitated by the temporary displacement of the tenants, if any. The City Building Official may exempt a project from the security requirements if the City Building Official determines such security is unnecessary based on an analysis of the following factors: size of project, duration of project, potential for impact on tenant safety, and invasiveness of project. If required, a Cash Bonds are acceptable forms of security. (BHMC 9-1-108 Section (P))
- **General.** No person shall erect, construct, enlarge, alter, repair, move, improve, remove, sandblast or convert the use of any building, structure or building service equipment regulated by this code without complying with all conditions of any required construction means and methods plan. (BHMC 9-1-108 Section (Q)(a))
- **Owner's Responsibility.** The property owner shall remain responsible for any violation of the construction means and method plan regardless of the responsibility of any other person for the violation or any contract or agreement the owner entered into with a third party concerning the owner's property or the construction that necessitated the preparation of the means and method plan. (BHMC 9-1-108 Section (Q)(b))

DECLARATION OF SERVICE

I, have properly served to all affected tenants at the property _____
copy of the Notice to Tenant of Means and Method Plan (Notice), the Means and Method Plan and
the Relocation Plan, if temporary relocation is required, either by hand delivery to each tenant of
the property or sent by certified mail, return receipt requested (check one method and complete):

Personal Service

Date Served

Time Served

Name of Process Server

Location

Substitute Service

Date Served

Time Served

Name of Process Server

Location

Name of Person Served

Posted On

Date Served

Time Served

Name of Process Server

Location

Mailed Date

Person Who Mailed Notice

I am (select one): **Owner** **Authorized Agent for the Owner of the Above Property**

I certify this service is at least 10 days prior to the commencement of any proposed construction work. I
declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

Print Name

Signature

Date