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OAKLAND

2015 NOV 19 PM 12:39

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Rachel Flynn
Director, Planning and
Building Department

SUBJECT: Quarterly Tracking Report for Code
Enforcement

DATE: November 9, 2015

City Administrator Approval

Date:

11/18/15

RECOMMENDATION

Staff recommends that City Council accept this quarterly report on Code Enforcement activities in the Planning and Building Department.

EXECUTIVE SUMMARY

This quarterly report provides the City Council with current information on Code Enforcement activities. It includes background information on programs related to Code Enforcement (CE) as well as requested metrics from July 1, 2015 to September 30, 2015. Metrics include: complaints received, inspections conducted, notices of violations sent, etc., to highlight efforts to address property blight and building maintenance codes.

BACKGROUND / LEGISLATIVE HISTORY

On June 30, 2015, the City Council adopted the FY 2015-17 Biennial Policy Budget (Resolution No. 85682 C.M.S.), which included Policy Directive (PD) #2a that directed the Planning and Building Department to provide a quarterly matrix of Code Enforcement activities.

ANALYSIS

The attached matrix (Attachment A) provides data regarding Code Enforcement (CE) complaints received July 1, 2015 through September 30, 2015. During this period there were a total of 1,222 CE related complaints. The data includes steps taken, from initial complaint intake through blight abatement.

Item: _____
Community & Economic Development Committee
December 1, 2015

Summary

Property Blight Program is in Section 8.24 of the Oakland Municipal Code (OMC) and involves code enforcement of blighted lots (vacant or with structures) and blighted buildings (vacant or occupied). If it is determined that blight exists, the City follows the procedures set forth in OMC Section 15.08 – Maintenance Code. This program is handled by the Code Enforcement Division of the Bureau of Building. Staff includes the Building Official, the Principal Inspections Supervisor, multiple Specialty Combination Inspectors, the Management Assistant and her Administrative staff.

Zoning Enforcement responds to land use activity violations per OMC Section 17.110. This type of enforcement is handled by the Planner IV and Planner III in the Bureau of Building.

Foreclosed and Defaulted Registration Program is in OMC Section 8.54. This requires that lenders register vacant, foreclosed and defaulted properties annually and maintain properties per OMC Section 15.08. This program is managed by our Program Analyst in the Bureau of Building.

Non-Owner Occupied Residential Building Registration is in OMC Section 8.58. This requires that new property owners register properties within 90 days of purchase, if the owner does not intend to occupy the property. This is managed by our Program Analyst.

See **Attachment B** for Code Enforcement organizational chart, **Attachment C1** for Property Blight workflow processes and **Attachment C2** for Building Maintenance workflow process.

Other Code Enforcement-related Duties:

- Nuisance Abatement – This is handled in the City Administrator’s Office and involves coordination with Code Enforcement as related to property blight and building maintenance with Criminal and Nuisance Activity, OMC 8.03.120. Examples include sidewalk encroachment violations, etc.
- City Attorney’s Office Neighborhood Law Corp – This office works closely with Code Enforcement as needed for complex blight violations. Examples include appeals, application of receivership, etc.
- Strategic Multi-Agency Response Team (SMART) – This is a coordinated effort among multiple departments regarding problem properties that involve criminal activity and other OMC related violations. The departments involved include the Police Department (OPD), Public Works (OPW), Code Enforcement, the Fire Marshall’s Office, the City Administrator’s Office of Nuisance Abatement, and County Vector Control.

- Neighborhood Crime Prevention Council (NCPC) – This is managed by OPD and involves Code Enforcement as needed to inform neighborhoods of our services.
- Deemed Approved – OMC Section 8.03 requires annual inspections of hotels and motels to insure they are properly maintained per OMC requirements.
- Safety Hazard Response - The Building Official and Code Enforcement staff is contacted when an event occurs, i.e., major fire destruction, that may pose a safety hazard to building occupants and/or the public.
- Healthy Homes – This is an Alameda County Health Department program that addresses asthma, which is typically caused by mold in residential units. The City provides initial inspections services for the County to confirm if mold or other building related issues are causing health problems.
- Pro-active Inspections – The City has just initiated a pilot Safe Housing Inspections Program (SHIP) with the Fire Department. Pro-active inspections are now being conducted by the Fire Department in the San Antonio neighborhood. If the Fire Inspector observes property blight, blighted buildings, and/or building maintenance issues – these violations will be referred to the Bureau of Building for follow-up. The City has hired a temporary one-year employee to coordinate this program and to research the possibility of a new Pro-active program for the Bureau of Building to conduct.

New Processes

Vacant Lot Postings – Code Enforcement is now posting vacant lots and properties that have been cleaned by a City Contractor. Postings include the date the lot was cleaned, a contact phone number in Building Services, and our web address. This affords citizens an opportunity to use technology to notify us quickly of blighted conditions on the property. We believe this posting will reduce illegal dumping, squatters and blight on these properties.

Accela – This is a new program that was implemented in January 2014 to replace the former Permit Tracking System. Staff continues to work with the vendor to improve the Code Enforcement module to provide up-to-date metrics.

POLICY ALTERNATIVES

Repeat Offender Program – Code Enforcement would like to re-establish the Repeat Offender Program. This applies to property owners that have the same or similar violations within a 12-

month period. This program would allow for an immediate assessment of fees, whereas the current policy allows for a period of 30 days for correction, with no fee assessment levied.

Property Owner Certification – This is a document, signed by property owners, that commits to proper maintenance of their property. Staff would like to impose a fee for owners that do not uphold this commitment.

Conclusion

Code Enforcement staff continues to handle a large workload of blight complaints. Department response times have improved over the last two years due to City Council approval of the FY13-15 budget and the addition of four (4) new Specialty Combination Inspectors focused solely on Code Enforcement. In addition, City Council approved four (4) new Office Assistant positions, as part of the FY15-17 budget, to handle customer service related matters and the processing of Code Enforcement paperwork. The addition of these new employees should result in further improvement to response times to address complaints. These new positions are expected to be filled on December 7, 2015.

FISCAL IMPACT

No actions are requested as part of this report and as a result, there is no fiscal impact.

PUBLIC OUTREACH / INTEREST

The hearing of this quarterly report does not require any public outreach beyond normal noticing on the City's website.

COORDINATION

This report was prepared in coordination with the City Administrator's Office and City Attorney's Office.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with the acceptance of this report.

Environmental: There are no environmental opportunities associated with the acceptance of this report.

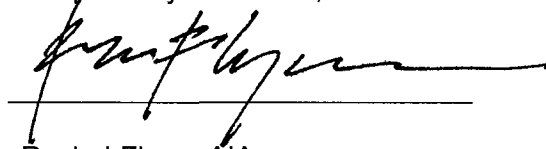
Social Equity: There are no social equity opportunities associated with the acceptance of this report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Community and Economic Development Committee accept this quarterly report on Code Enforcement activities from July 1, 2015 to September 30, 2015.

For questions regarding this report, please contact Sandra Smith, Management Assistant, at (510) 238-3239.

Respectfully submitted,



Rachel Flynn, AIA
Director, Planning and Building Department

Reviewed by:
Tim Low, PE
Acting Building Official/Deputy Director
Bureau of Building
Planning and Building Department

Reviewed by:
Rich Fielding
Principal Inspections Supervisor
Bureau of Building
Planning and Building Department

Prepared by:
Sandra Smith, Management Assistant
Bureau of Building, Code Enforcement
Planning and Building Department

Attachments (4):

- Attachment A: Code Enforcement Activity Matrix
- Attachment B: Code Enforcement Organizational Chart
- Attachment C1: Property Blight Workflow Process
- Attachment C2: Building Maintenance Workflow Processes

PLANNING & BUILDING
DEPARTMENT
BUREAU OF BUILDING
CODE ENFORCEMENT ACTIVITY

1st Quarter
FY 2015-2016

PHASE I – INTAKE of COMPLAINTS

2

- TOTAL INTAKE of Complaints
 - **Property Blight**
 - Building Maintenance
 - Zoning

**Totals
1st Quarter**

1,222

611

531

80

PHASE II – COURTESY NOTICES or INSPECTIONS

Property Blight

3

- COURTESY NOTICES
- INSPECTIONS
 - ▣ Violation(s) Verified
 - ▣ No Violation(s) Found

1 st Quarter	Carry Over Actions*
611	152
344	33
265	74
139	66
126	8

* Other Complaint activity during this quarter for cases filed before July 1, 2015

PHASE III – ENFORCEMENT

Property Blight

4

- TOTAL Violations Verified
 - ▣ Notices of Violation (NOV's) Issued
 - ▣ NOV's in Progress

1 st Quarter	Carry Over Actions
139	152
85	33
54	119

* Other Complaint activity during this quarter for cases filed before July 1, 2015

PHASE IV – FOLLOW-UP INSPECTIONS/ACTIONS

Property Blight

5

- FOLLOW-UP INSPECTIONS
 - ▣ Violation(s) Unabated
 - ▣ Violation(s) Abated

- POST-INSPECTIONS FOLLOW-UP
 - ▣ Notice to owner regarding warrant
 - ▣ Warrant obtained
 - ▣ Bids Issued
 - ▣ Property Cleaned Up by Contractor

	1 st Quarter	Carry Over Actions*
	85	136
	55	83
	30	53
	85	
	3	24
	0	5
	1	17
	1	17

* Other Complaint activity during this quarter for cases filed before July 1, 2015

PHASE I – INTAKE of COMPLAINTS

6

- TOTAL INTAKE of Complaints
 - Property Blight
 - **Building Maintenance**
 - Zoning

**Totals
1st Quarter**

1,222

611

531

80

PHASE II – COURTESY NOTICES or INSPECTIONS

Building Maintenance

7

TOTAL COMPLAINTS

□ COURTESY NOTICES

□ INSPECTIONS

▣ Violation(s) Verified

▣ No Violation(s) Found

	1 st Quarter	Carry Over Actions*
TOTAL COMPLAINTS	531	
□ COURTESY NOTICES	19	5
□ INSPECTIONS	512	18
▣ Violation(s) Verified	251	11
▣ No Violation(s) Found	261	7

* Other Complaint activity during this quarter for cases filed before July 1, 2015

PHASE III – ENFORCEMENT

Building Maintenance

8

- TOTAL Violations Verified
 - ▣ Notices of Violation (NOV's) Issued
 - ▣ NOV's in Progress
 - ▣ Stop Work Order Issued

1 st Quarter	Carry Over Actions*
251	11
166	3
63	8
22	

* Other Complaint activity during this quarter for cases filed before July 1, 2015

PHASE IV — FOLLOW-UP INSPECTIONS/ACTIONS

Building Maintenance

9

- FOLLOW-UP INSPECTIONS/APPEALS
 - ▣ Violation(s) Unabated
 - ▣ Violation(s) Abated
 - ▣ Appeals/Hearings

	1 st Quarter	Carry Over Actions*
	166	151
	136	123
	30	28
	-	5/2

* Other Complaint activity during this quarter for cases filed before July 1, 2015

PHASE I – INTAKE of COMPLAINTS

10

- TOTAL INTAKE of Complaints
 - Property Blight
 - Building Maintenance
 - **Zoning**

Totals
1st Quarter

1,222

611

531

80

PHASE II – COURTESY NOTICES or INSPECTIONS

Zoning

11

TOTAL COMPLAINTS

□ COURTESY NOTICES

□ INSPECTIONS

▣ Violation(s) Verified

▣ No Violation(s) Found

1 st Quarter	Carry Over Actions*
80	
1	
79	31
39	14
40	17

* Other Complaint activity during this quarter for cases filed before July 1, 2015

PHASE III – ENFORCEMENT

Zoning

- TOTAL Violations Verified
 - ▣ Notices of Violation (NOV's) Issued
 - ▣ NOV's in Progress
 - ▣ Stop Work Order Issued

1 st Quarter	Carry Over Actions*
39	14
20	9
16	5
3	

* Other Complaint activity during this quarter for cases filed before July 1, 2015

PHASE IV – FOLLOW-UP INSPECTIONS/ACTIONS

Zoning

13

- FOLLOW-UP INSPECTIONS/APPEALS
 - Violation(s) Unabated
 - Violation(s) Abated
 - Appeals/Hearings

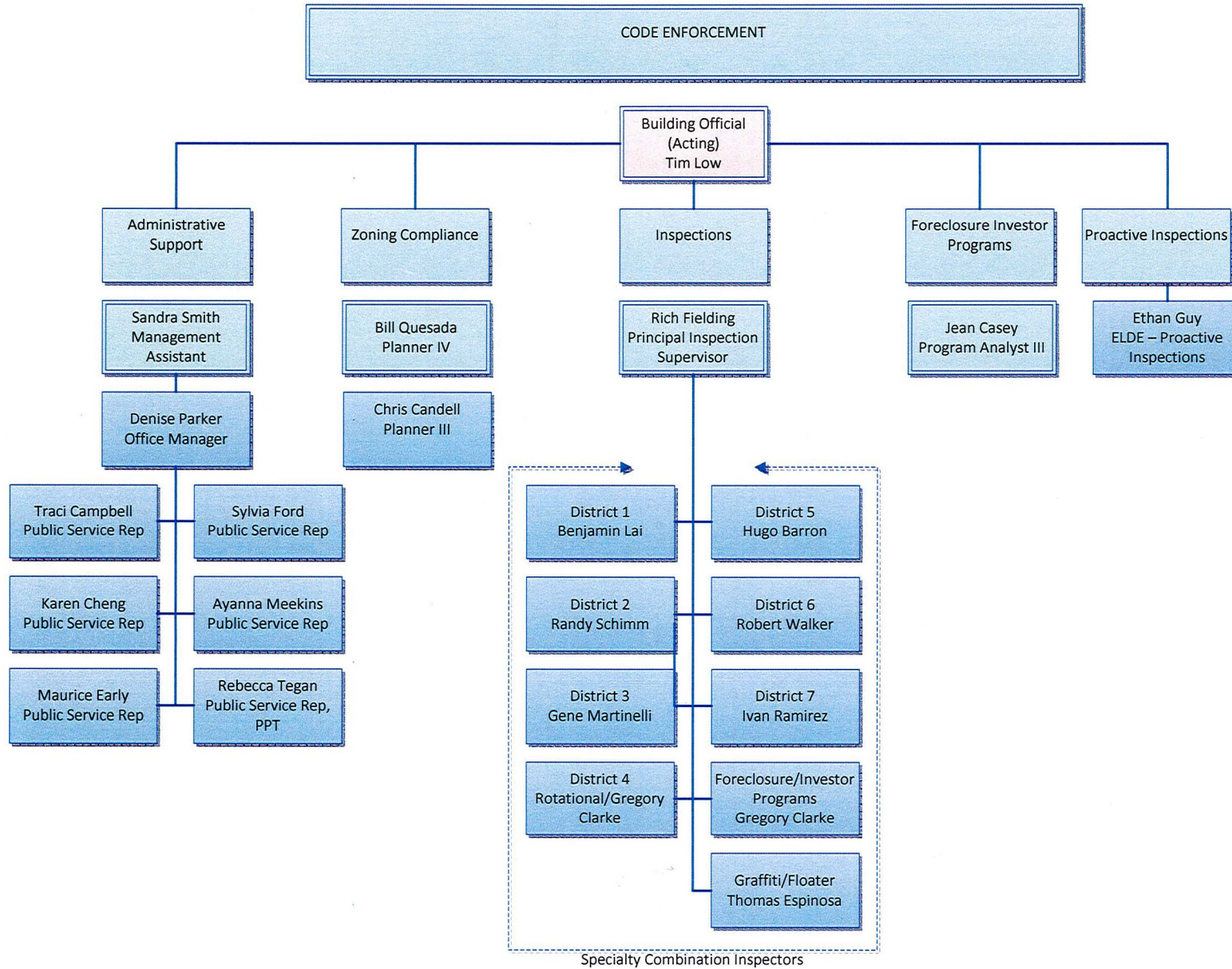
	1 st Quarter	Carry Over Actions*
	20	22
	13	10
	7	12
	-	-

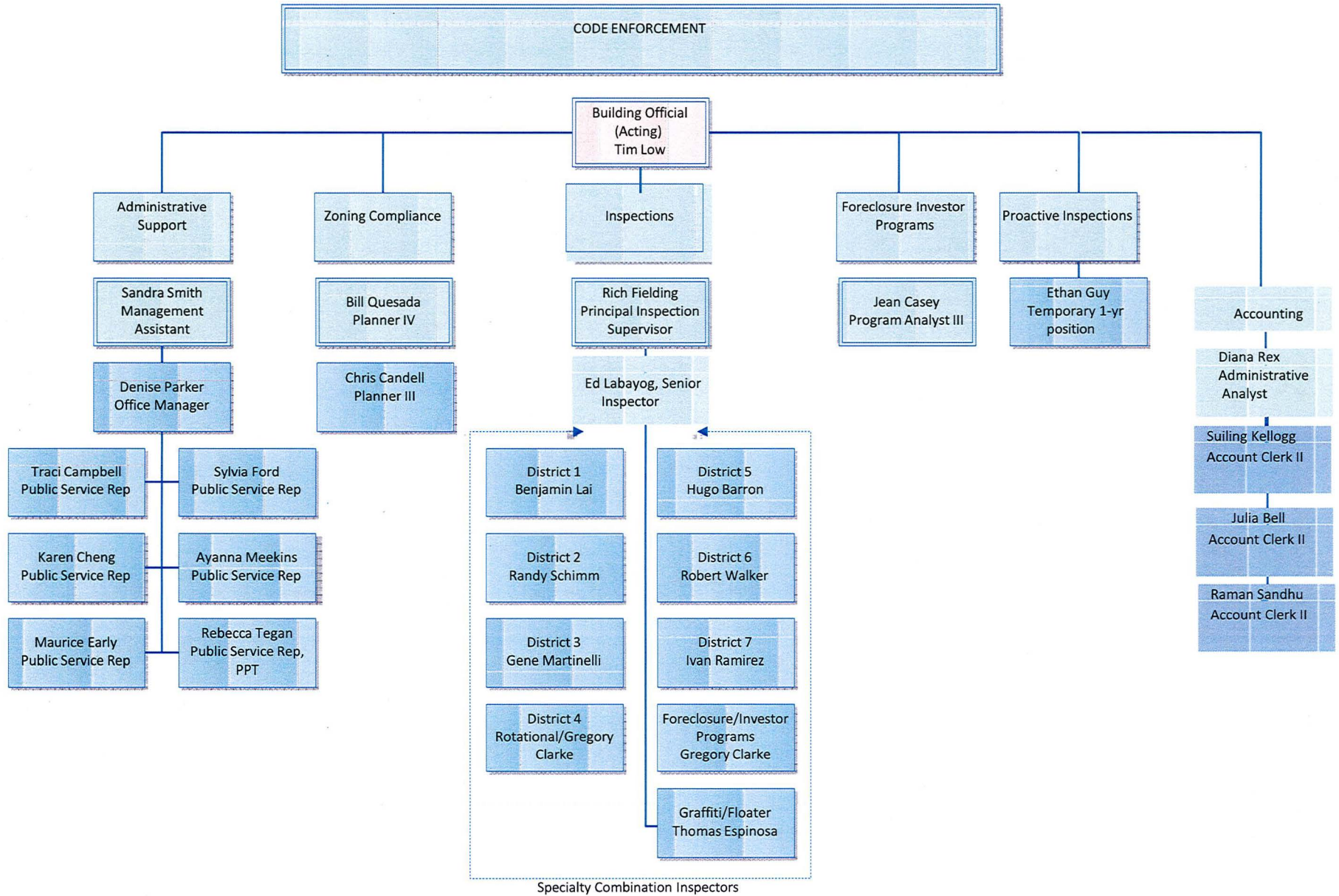
* Other Complaint activity during this quarter for cases filed before July 1, 2015

Code Enforcement Fees

14

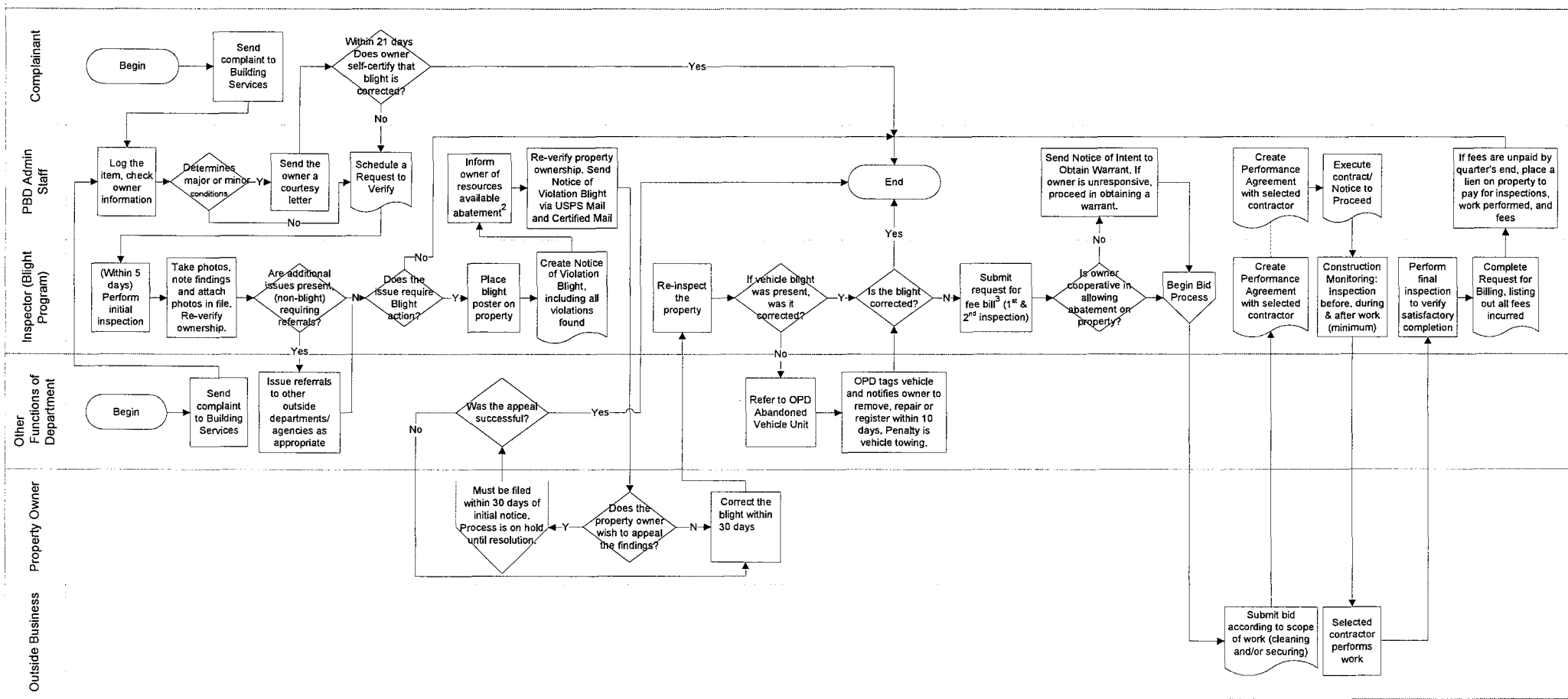
	1 st Quarter
□ TOTAL FEES INVOICED	\$ 520,948
□ TOTAL REVENUES RECEIVED	\$ 55,992





Specialty Combination Inspectors

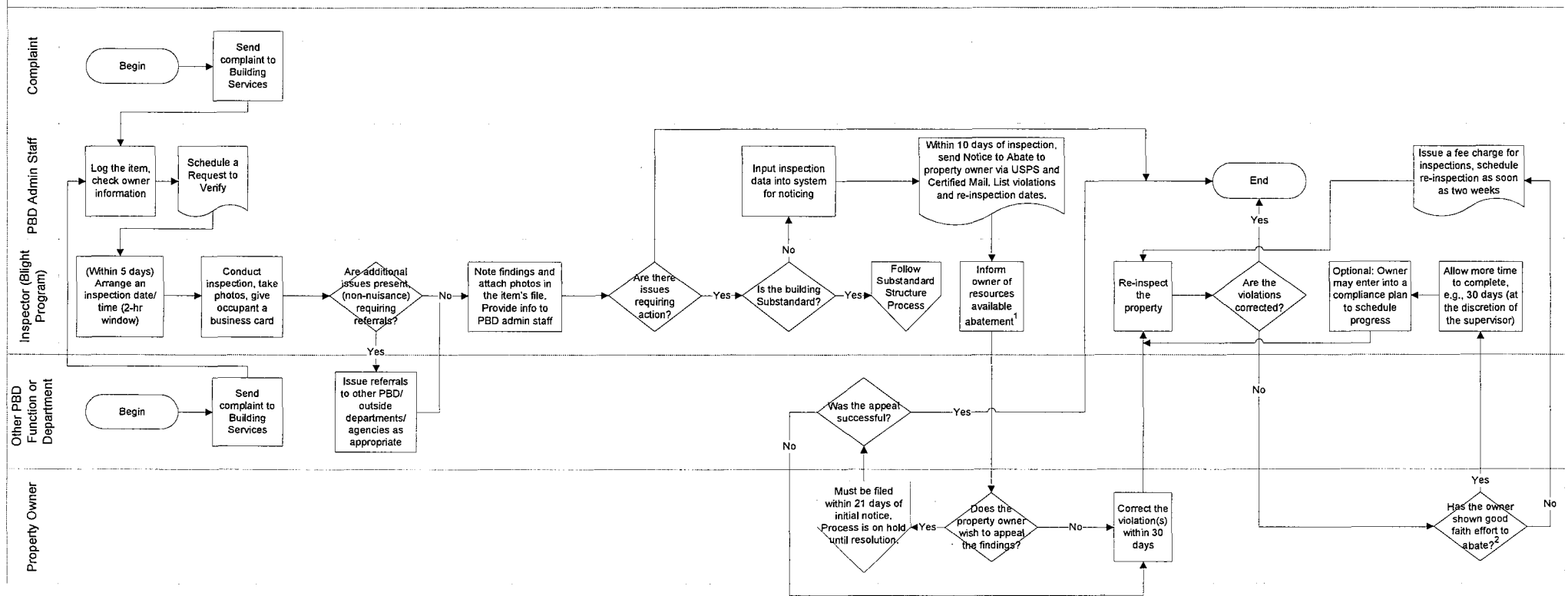
Code Enforcement Process - Property Blight



Footnotes:

- 1 There is an escalation process available to Building Services for cases involving issues such as worsened conditions or multiple complaints, resulting in an inspection and following the standard blight process.
- 2 Referral to Housing Department for some property owners, financial assistance and various rehab services (Housing Services – requires income verification), and third-party partners.
- 3 If abatement efforts are underway but incomplete, inspector uses discretion prior to escalating the process and charging additional fees. Inspection Supervisor approval is required for inspection dates more than 30 days away.

Code Enforcement Process - Building Maintenance



Footnotes:

1 Referral to Housing Department for some property owners, financial assistance and various rehab services (Housing Services – requires income verification), and third-party partners.

2 If abatement efforts are underway but incomplete, inspector uses discretion prior to escalating the process and charging additional fees. Inspection Supervisor approval is required for inspection dates more than 30 days away.