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OFFICE OF THE CITY CLERK
OAKLAND

AGENDA REPORT

2017 OCT 12 PM 3:58

TO: Sabrina B. Landreth
City Administrator

FROM: William Gilchrist
Director, PBD

SUBJECT: Quarterly Code Enforcement Report

DATE: October 2, 2017

City Administrator Approval

Date:

10/12/17

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report On The Code Enforcement Activities of the Planning and Building Department.

EXECUTIVE SUMMARY

This report provides the City Council with current information on the code enforcement activities of the Planning and Building Department, including code enforcement data by quarter for FY 2016-17. The report also provides an update on work to enhance the code enforcement program that has occurred over the fourth quarter of FY 2016-2017: April 2017 – June 2017. The Planning and Building Department's Code Enforcement Services enforce compliance with building, housing, and zoning codes and regulations. It is important to note that although many departments of the City enforce property-related regulations, such as the City Administrator's Office, Public Works Department, Fire Department, and Police Department, the data and work activities described in this report only pertain to the Planning and Building Department.

BACKGROUND / LEGISLATIVE HISTORY

Purpose and Origin of Quarterly Code Enforcement Report

The City's FY 2015-17 Policy Budget contains a policy directive to provide an informational report on a quarterly basis to the City Council concerning the code enforcement activities of the Planning and Building Department. The purpose of the report is to update the Council on the amount and types of code enforcement work occurring, and the key initiatives underway to improve the effectiveness of the program.

Below are some of the key initiatives the Department has implemented since 2011:

- Staff Coordination – Weekly Code Enforcement staff meetings were initiated to discuss Department protocols and complex cases.

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- Staff Development – A training program was instituted to provide training to staff on a variety of topics including effective customer service and legal requirements.
- Enhanced Public Notices – Notices to property owners and the public were updated to provide clearer information using easier-to-understand language.
- Courtesy Notices – New courtesy notices and an owner self-certification procedure were instituted for minor blight violations.
- Fee Study and Adjustments – A study of Department fees was conducted by an outside consultant, and fees were adjusted to reflect reasonable costs incurred.
- Appeal Hearings – Outside hearing officers, instead of City employees, are now used for appeal hearings.
- Procedures Manual – A comprehensive code enforcement procedures manual was developed.
- Clean-Up Contractors – A formal process was established for selecting contractors to clean up property blight.
- Property Database – The Department's property database system has been upgraded to Accela, which provides enhanced access to information and facilitates better tracking of complaints and violations. Code enforcement inspectors can now access database information in the field via smart phones.
- Public Access – Accela provides online public access to code enforcement and permit records, and the public can submit complaints online. The Department also now has a new mobile app "Tell Us" that allows the public to easily submit complaints and check the status of complaints using a smart phone.

ANALYSIS

Code Enforcement Statistics

A primary goal of the City's code enforcement program is to facilitate correction of building, housing, and zoning code violations in a timely, effective, and efficient manner. The length of time to achieve compliance varies tremendously based on several factors such as the complexity of the violation and the cooperation of the property owner. The code enforcement program is primarily complaint-driven; the number of complaints received can vary over time.

Following are tables providing updated statistics for code enforcement activities for FY 2016-17.

Table 1: Complaints & Inspections by Quarter FY 2016-17

	1 st Quarter Jul 2016 – Sep 2016	2 nd Quarter Oct 2016 – Dec 2016	3 rd Quarter Jan 2017 – Mar 2017	4 th Quarter Apr 2017 – June 2017
<i>Property Blight</i>				
Complaints	670	453	565	586
Inspections	373	223	318	331
<i>Building Maintenance</i>				
Complaints	567	524	694	411
Inspections	445	434	584	333
<i>Zoning</i>				
Complaints	121	71	71	101
Inspections	102	61	63	53
<i>All Cases</i>				
Complaints	1,358	1,048	1,330	1098
Inspections	920	718	965	717

Table 2: Status of Complaints Received FY 2016-17

FY 2016-17 Jul 2016 – June 2017	
<i>Property Blight</i>	
Complaints	2,274
Cases Closed	1,807
Cases Open	467
<i>Building Maintenance</i>	
Complaints	2,196
Cases Closed	1,144
Cases Open	1,052
<i>Zoning</i>	
Complaints	364
Cases Closed	242
Cases Open	114
<i>All Cases</i>	
Complaints	5,134
Cases Closed	3,315
Cases Open	1,627

Ongoing Initiatives Toward Improved Operations

The Planning and Building Department continues to implement necessary steps toward enhancing code enforcement services. Notable actions include the following:

- Inspection and Anti-Displacement Protocols – The Department continues to update processes toward implementing the Mayor’s Executive Order No. 2017-1 (Improving Safety of Non-Permitted Spaces While Avoiding Displacement), and enhancing code enforcement activities. Major areas of work have included the following:
 - Enhanced communication systems with other departments through weekly meetings to discuss case status and to improve collaboration efforts;

- Developed standardized criteria for correcting imminent life safety hazards while minimizing displacement by allowing the property owner the opportunity to enter into a Compliance Plan within 60 days of issuing the enforcement notice; *and*
 - Improving communication systems with affected building tenants/occupants by adding additional posting, "Code Enforcement Action" that provides information for the tenant/occupant on how to get answers to any questions that they may have concerning the enforcement status.
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- Unpermitted Occupancies – The Department is leading a multi-department effort to track and coordinate compliance for known nonresidential buildings suspected of containing unpermitted residential occupancies. An original list of 18 properties has now grown to 25 properties. Compliance has been achieved in 11 of the 25 properties. Staff from multiple departments continue to address the remaining 14 properties.
 - Fire Safety Task Force – The Department is a member of the City's Fire Safety Task Force, which is improving fire safety inspection systems. Major areas of work include prioritizing inspections based on risk, improving shared data systems between departments, and identifying appropriate staffing levels and funding sources.
 - Weekly Building and Fire Inspections Meetings – The Building Bureau of the Department of Planning and Building and Fire Inspection Team of the Fire Department are meeting weekly to discuss cases and procedures for building inspections. The Building Bureau has shown Fire inspectors how Building Bureau's mobile app, "Tell Us," refers cases to the appropriate staff.
 - Zoning and Building Code Changes – The Department and the City Administration are exploring potential changes to the City's zoning and building codes that would provide pathways for nonpermitted live/work spaces to improve safety while preserving living and work space. The Department is working with architects and building owners/operators on this effort.

Future Initiatives

The Department is pursuing the following actions over current and future fiscal quarters to enhance the code enforcement program:

- A. Additional Staff – The heavy volume of code enforcement cases impacts the ability of Code Enforcement Services to be effective; it would be more effective with more staff. Code Enforcement Services recently promoted one inspector to a Senior Specialty Combination Inspector, and hired three new Building permit inspectors. The Division currently has ten inspectors, one Senior and one supervisor. In addition, the division is working on the hiring of administrative support positions. These new positions would be funded by the Development Services Fund (Fund 2415) and will greatly increase the effectiveness of Code Enforcement Services.

- B. Management Support** – On September 11, 2017 the City of Oakland's new Director of Planning and Building assumed office, and has initiated a review of operations within the department across both the Planning Bureau and the Building Bureau as well as a status assessment of the department's effectiveness in the adoption of recommendations from the Grand Jury, Management Partners, and the City Council. In addition to the review of these recommendations and their implementation, the Director is evaluating the best manner to address the designation of the permanent Deputy Director/Building Code Official for the Bureau of Building, and to establish management oversight of the bureau's operations.
- C. Additional Technical Support** – The City Administrator's Office hired an outside consulting firm to assist in developing improved communications and coordination between City departments concerning code enforcement activities, and to assist in developing standardized criteria for correcting imminent life safety hazards while minimizing displacement. The Department is participating in this effort.
- D. Proactive Rental Inspection Program** – The Department of Planning and Building is engaged with City Administration in a task force for Healthy Housing as well as reviewing the department's own code authority to determine its most effective role in the inspection and enforcement tasks associated with rental inspection. If a proactive rental inspection program is created, the Planning and Building Department will likely play either a lead or supporting role in the program.

FISCAL IMPACT

This is an informational report. No actions are requested so no fiscal impacts are anticipated.

PUBLIC OUTREACH / INTEREST

There is continued tremendous public interest in the City's code enforcement program. Department staff communicates regularly with property owners and building occupants to hear feedback on the program and discuss potential improvements. Staff has also met with the Oakland Warehouse Coalition regarding the Mayor's Executive Order and is meeting with community stakeholders about potential zoning and building code changes as discussed above.

COORDINATION

This report was prepared in coordination with the City Administrator's Office. The Department coordinates with many City departments concerning the work described in the report, including the City Administrator's Office, Fire Department, Police Department, Public Works Department, Housing and Community Development Department, and City Attorney's Office.

SUSTAINABLE OPPORTUNITIES

Economic: This is an informational report so there are no actions requested of the Council and no direct economic impacts. Code enforcement activities have economic benefits by preserving quality of life and ensuring safety for Oakland residents, business owners, and visitors.

Environmental: This is an informational report so there are no actions requested of the Council and no direct environmental impacts. Code enforcement activities have environmental benefits by enforcing codes designed to protect the environment.

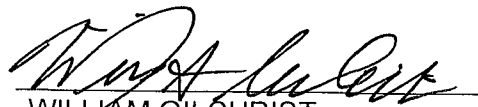
Social Equity: This is an informational report so there are no actions requested of the Council and no direct social equity impacts. Code enforcement activities can have social equity implications. For example, with the current complaint-based system, people with access to the system are more likely to submit complaints. Marginalized communities living in substandard housing may be reluctant to submit complaints. A proactive inspection system would address this issue, but safeguards are necessary to minimize displacement.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive this informational report on the code enforcement activities of the Planning and Building Department.

For questions regarding this report, please contact William Gilchrist, Director of Planning and Building, at (510) 238-2229.

Respectfully submitted,



WILLIAM GILCHRIST

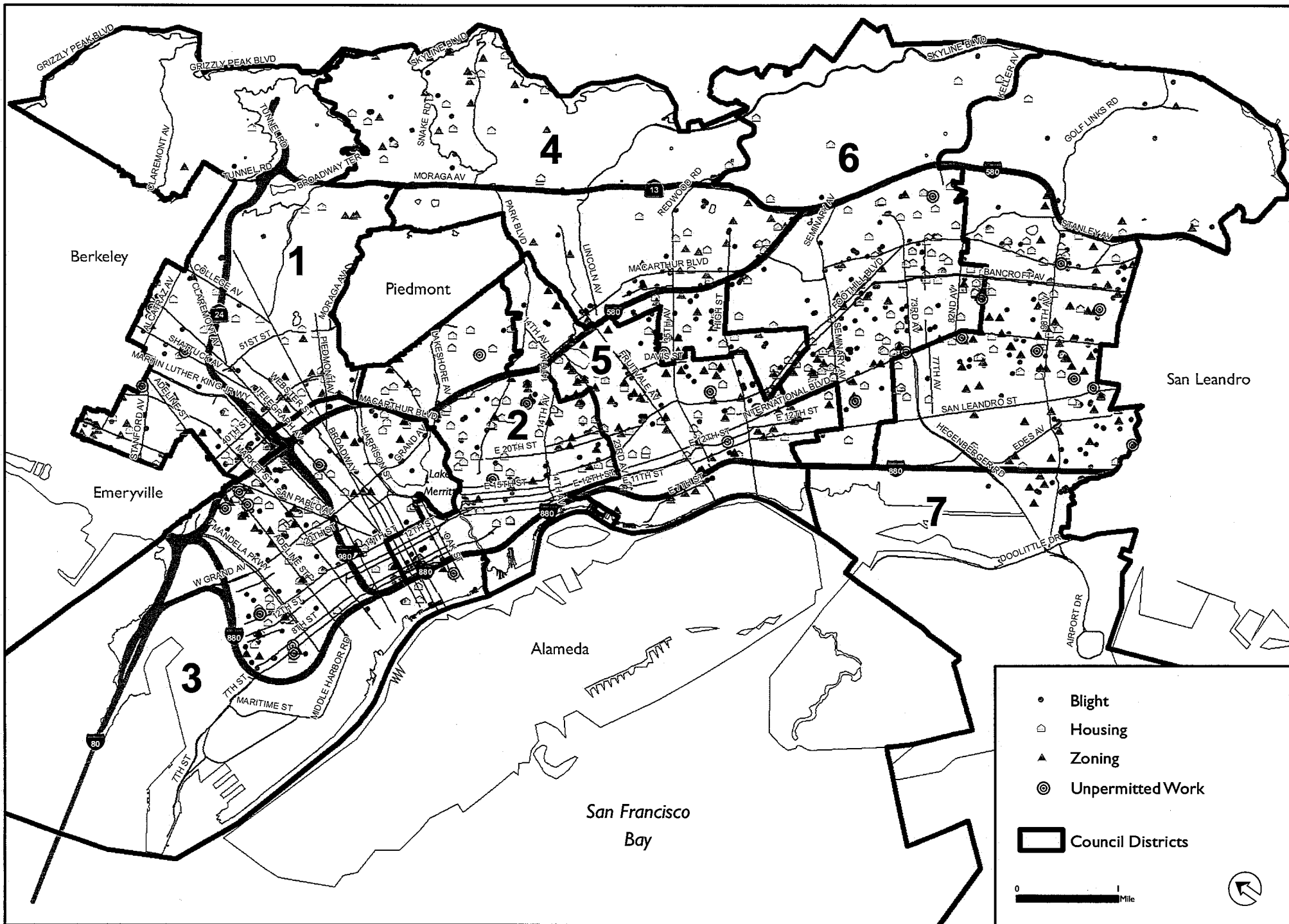
Director, Planning and Building Department

Attachments (4):

- A: All Complaints – 4th Quarter (2016-17)*
- B: Blight Complaints – 4th Quarter (2016-17)*
- C: Housing Complaints – 4th Quarter (2016-17)*
- D: Zoning Complaints – 4th Quarter (2016-17)*
- E: Unpermitted Work Complaints – 4th Quarter (2016-17)*

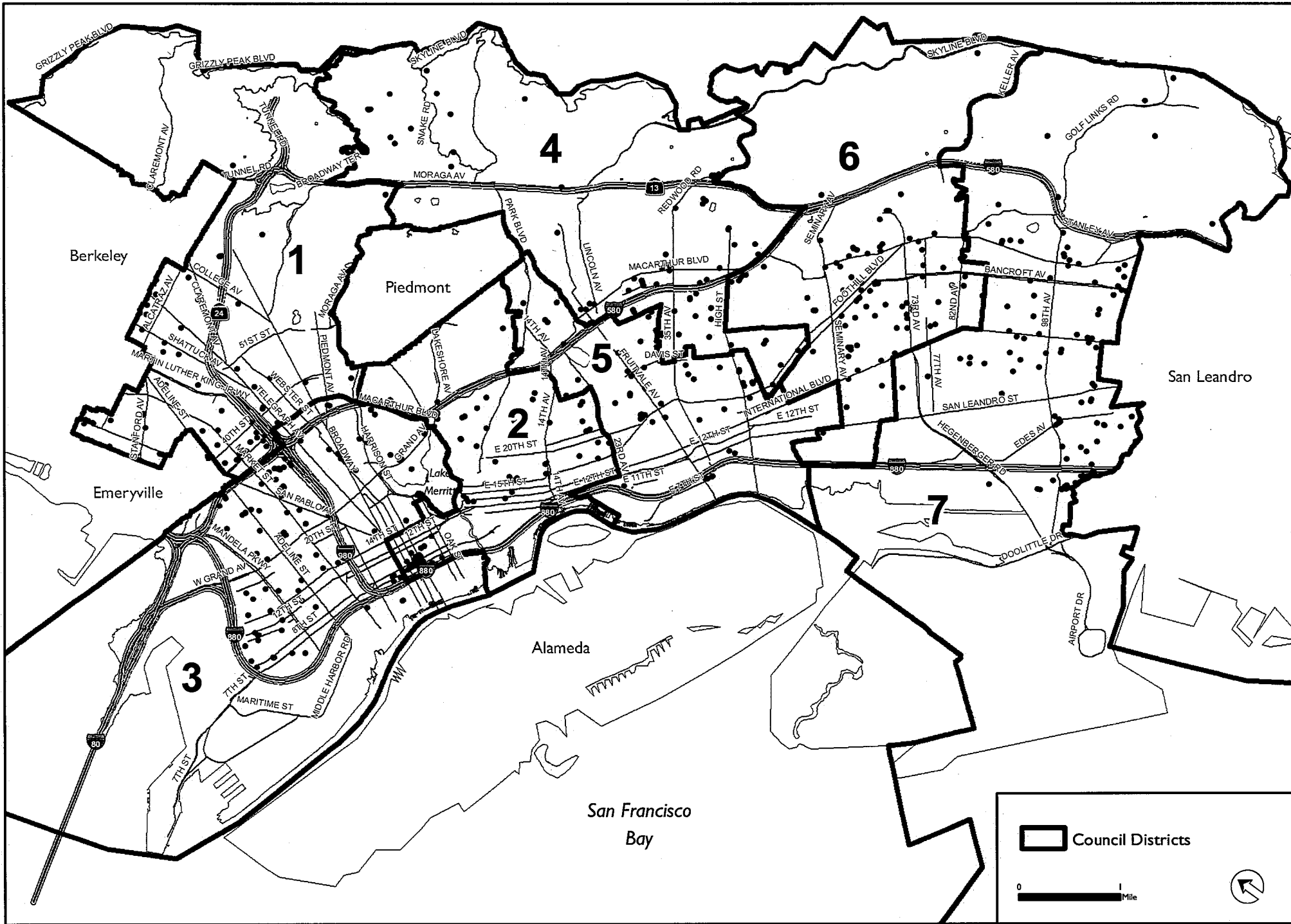
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**ATTACHMENT A:
ALL COMPLAINTS – 4TH QUARTER (2016-17)**



All Complaints - 4th Quarter (2016-17)

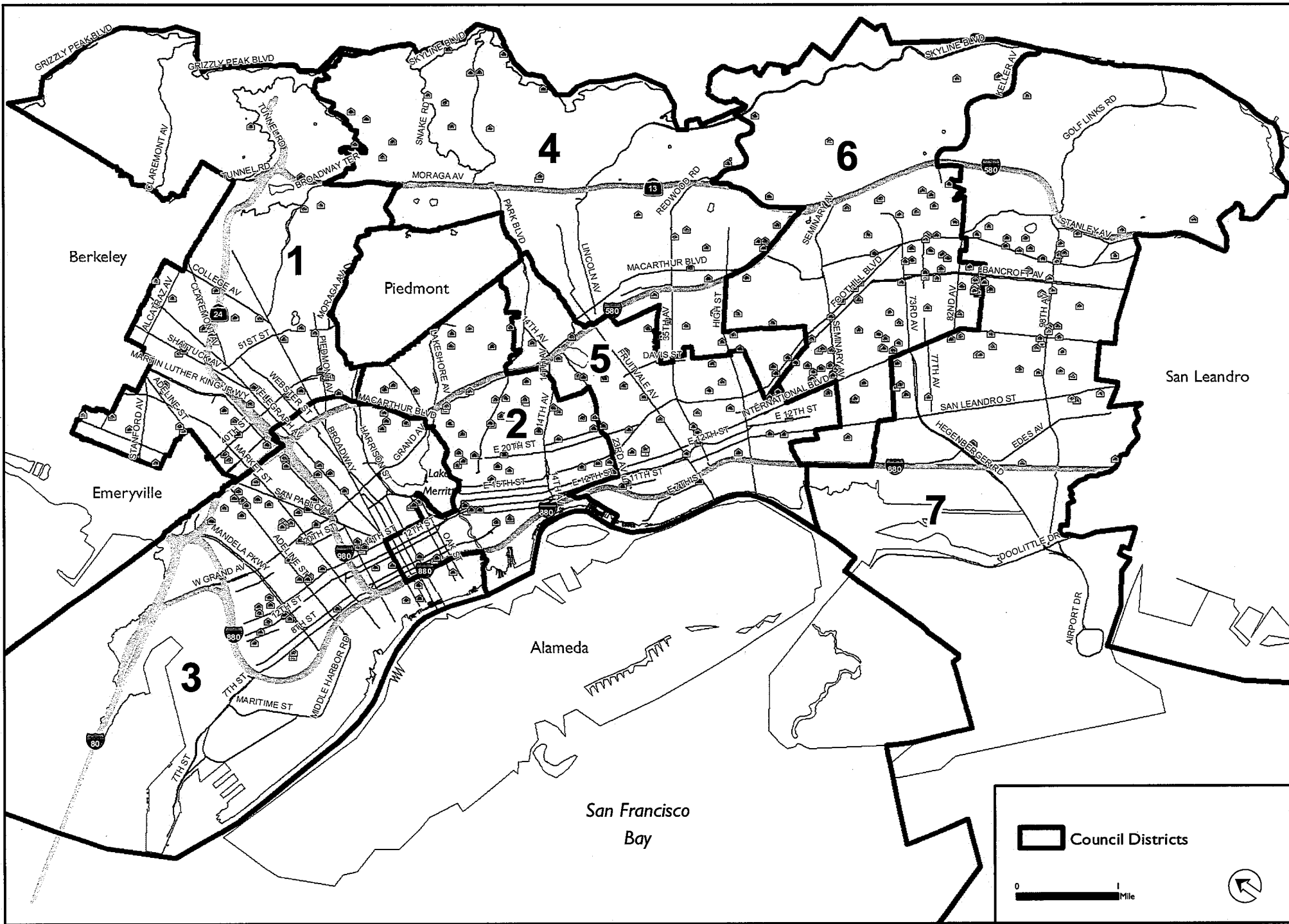
**ATTACHMENT B:
BLIGHT COMPLAINTS – 4TH QUARTER (2016-17)**






Blight Complaints - 4th Quarter (2016-17)



**ATTACHMENT C:
HOUSING COMPLAINTS – 4TH QUARTER (2016-17)**

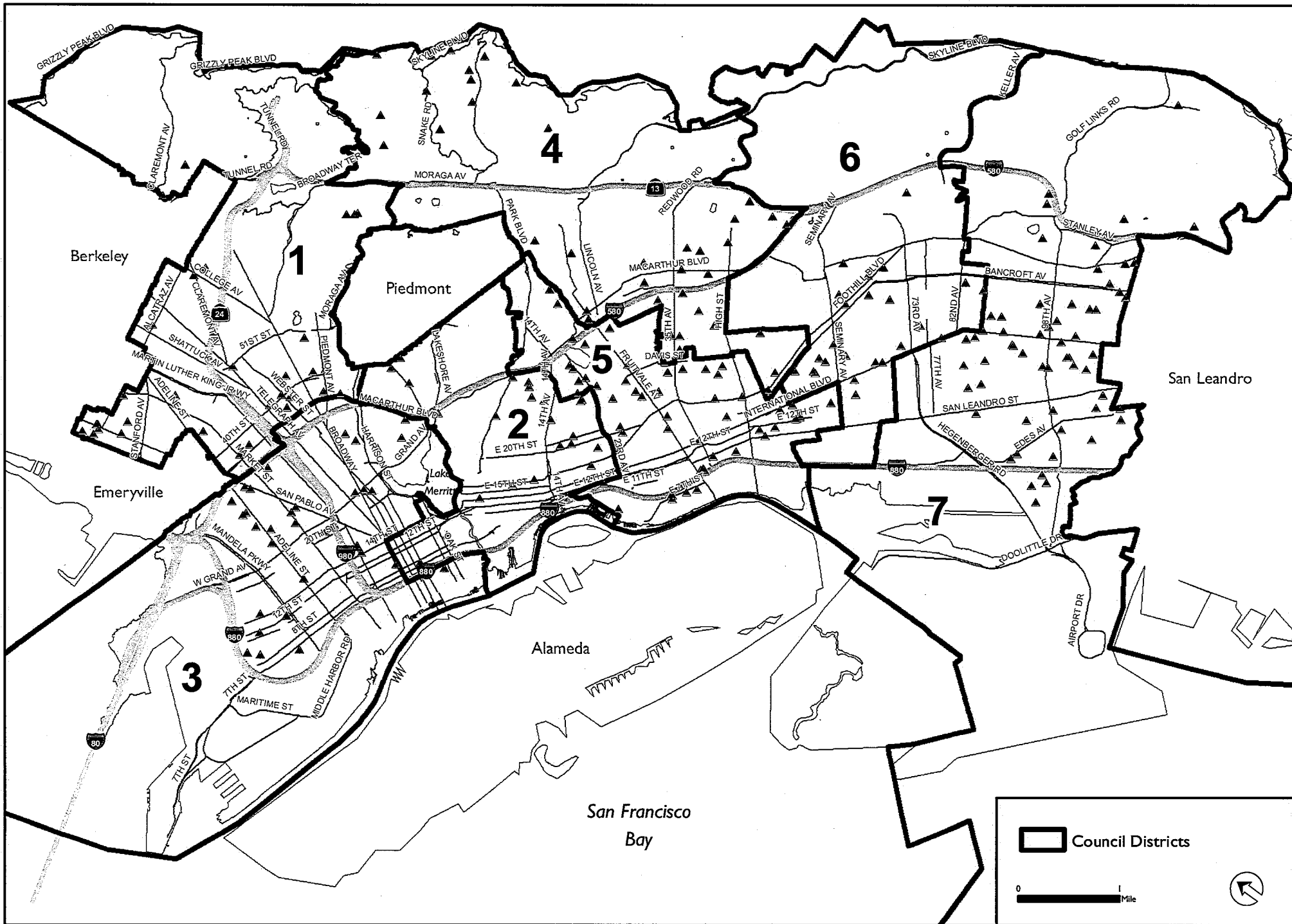


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Housing Complaints - 4th Quarter (2016-17)

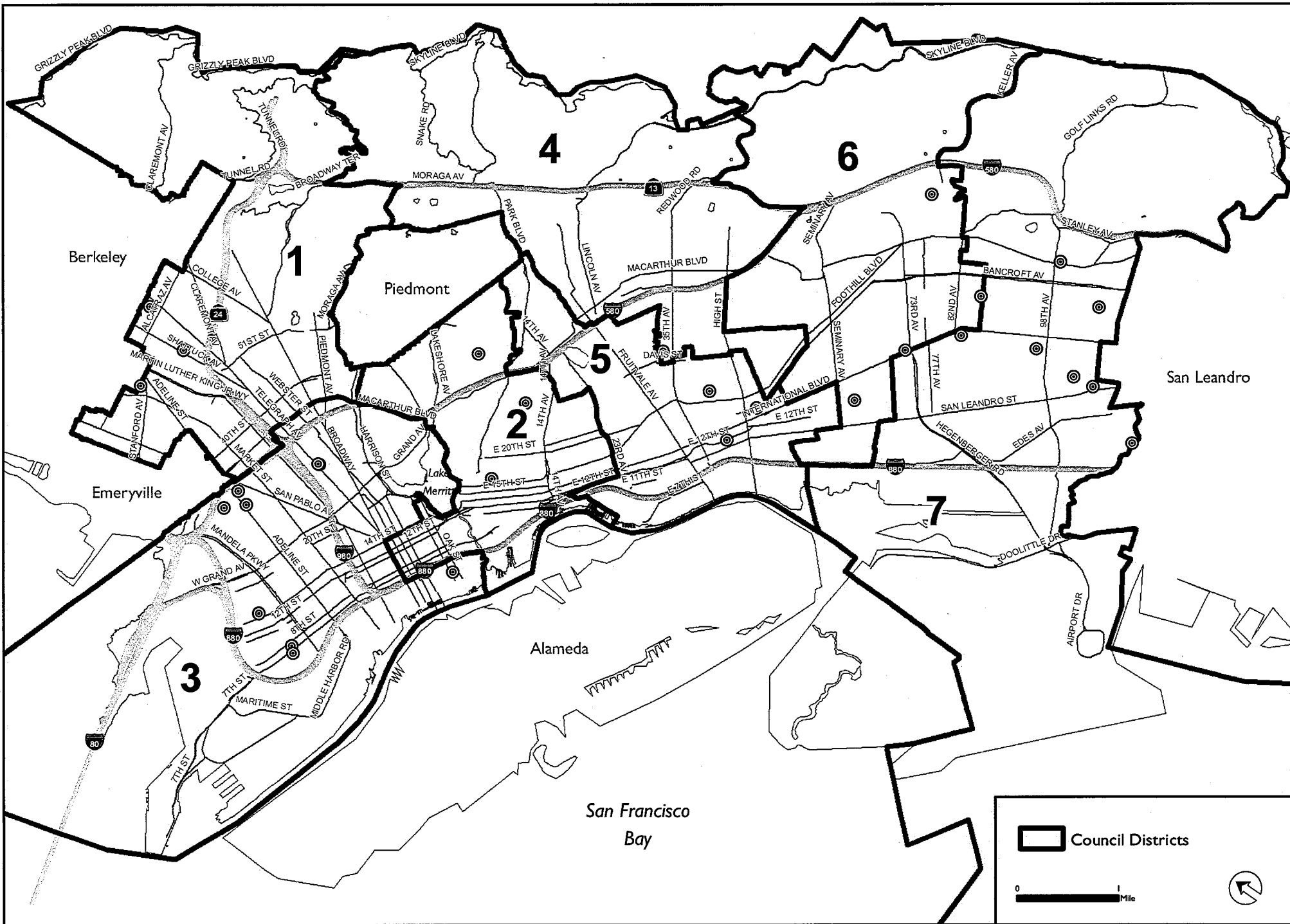
**ATTACHMENT D:
ZONING COMPLAINTS – 4TH QUARTER (2016-17)**



Zoning Complaints - 4th Quarter (2016-17)



ATTACHMENT E:
UNPERMITTED WORK COMPLAINTS – 4TH QUARTER (2016-17)



Unpermitted Work Complaints - 4th Quarter (2016-17)