



CITY OF OAKLAND

AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: William A. Gilchrist,
Director, Planning &
Building Department

SUBJECT: FY 2023-24 Quarter 2 Update on
Code Enforcement Activities

DATE: February 26, 2024

City Administrator Approval


Jestin Johnson (Mar 13, 2024 18:05 PDT)

Date: Mar 13, 2024

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report Regarding The Fiscal Year 2023-24 Quarter 2 Update On The Planning and Building Department's Code Enforcement Activities.

EXECUTIVE SUMMARY

This Informational Report provides current information on the code enforcement activities of the Planning and Building Department (PBD) for the second quarter of Fiscal Year (FY) 2023-24 (October 1, 2023, through December 31, 2023). The PBD's Code Enforcement Division enforces compliance with building, housing, and zoning codes and regulations. It is important to note that although many other departments within the City of Oakland (City) enforce property-related regulations, such as Economic Workforce and Development Department (EWDD), Oakland Public Works Department (OPW), Fire Department (OFD), and Police Department (OPD), the data and work activities described in this report only pertain to PBD's enforcement activities under the Oakland Municipal Code (OMC).

BACKGROUND / LEGISLATIVE HISTORY

Purpose and Origin of Quarterly Code Enforcement Report

The City's FY 2015-17 Policy Budget contains a directive to provide an informational report on a quarterly basis to the City Council concerning the code enforcement activities of PBD. The purpose of the report is to update the City Council and the public on the range of code enforcement work being performed, the statistics related to those categories of enforcement, and key initiatives underway to improve the effectiveness of Code Enforcement Services. The Code Enforcement division of PBD pursues the enhancement of livability in the community through the facilitation of neighborhood revitalization projects, focus on the reduction of blighted properties, and ensuring the health and safety of occupants in and around structures. Recently,

CED Committee
March 26, 2024

Code Enforcement has been a partner in the Neighborhood Enhanced Services Team (NEST) work in East, West, and Central Oakland to improve the quality of life in Oakland's High Priority Equity communities. These interdisciplinary teams address multiple issues to create positive change. Code Enforcement's current role is to focus on several problem properties within identified service areas. Additionally, Code Enforcement works with the Abandoned Auto Task Force to address illegal businesses that may be tied to vehicle thefts and vehicle stripping in Oakland; specifically, determining whether those business operations constitute a public nuisance and working to clean up Oakland's streets through addressing a cause of the epidemic of stripped vehicles found within city limits. PBD has received an average of 1,563 complaints each Quarter over the last 4 fiscal years. The lowest was in in FY 2019-20 Quarter 2, where 1,305 complaints were received and the highest was in FY 2020-21 Quarter 3, where 1,942 complaints were received.

A primary goal of the City's Code Enforcement program is to resolve property maintenance, building maintenance and zoning code violations in a timely, effective, and efficient manner. The requirements and process for each are discussed in this report. The length of time to achieve compliance varies based upon several factors, such as the complexity or extent of the violation, cooperation of the property owner, or the extent to which the property owner pursues appeals of code enforcement determinations. The code enforcement program is primarily complaint-driven, and the number of complaints received vary over any given period. See Slides 4 & 5 of **Attachment A** for the volume of quarterly complaints received: Slide 4 is a graph depicting the categorized complaints for each quarter from Quarter 2 of FY 2020-21 through Quarter 2 of FY 2023-24; and Slide 5 depicts this quarter, as well as the last four quarters.

Complaint Submittal and Processing

Complaints are received in various ways (Oak311, via the Accela Online Permit Center, phone, email, etc.) and are referred to Code Enforcement administrative staff, who examine the reported complaint and initiate its routing through the enforcement process. Depending on the nature of the complaint, the property owner may be sent a Courtesy Notice or staff will conduct a site visit, such as a first inspection, which may lead to the issuance of a Notice of Violation (NOV). See Slide 6 of **Attachment A** for Quarter 2's volume of First Inspections, Re-inspections, and Monitoring Inspections. See Slide 7 for volume of first inspections from Quarter 2 of FY 2020-21 to the current quarter, Quarter 2 of FY 2023-24.

A Courtesy Notice is sent for initial reports of minor violations of blight and nuisance complaints, such as noise abatement, trash and debris left in the public view, and other non-hazardous conditions. No inspection of the property is conducted. The property owner has twenty-one days to respond to the notice and may certify that the violations are unfounded or have been corrected by returning the *Property Owner Certification* form with corroborating photographs.

The first inspection is the initial visit to the site once a complaint has been received. The purpose of this inspection is to verify whether the conditions reported through the complaint violate the OMC. Whenever a violation is verified through a site visit, an NOV is issued that includes a list of the violations and of the corrections that must be made. NOV's are issued for a variety of reasons, such as: work performed without permits, deteriorated and unsecured empty buildings, graffiti, hazardous and unsafe conditions on private property, and for repeated violations that have not been corrected.

If the case does not constitute an imminent hazard, then the City allows corrective action to be taken without the assessment of fees for a 30-day period (plus five extra days for mailing) from the date of the NOV. For persistent non-compliance, the City initiates and continues to apply fines until abatement of the violation is achieved. The City will record the NOV with the County to alert potential interested parties to the existing violations. Properties that contain substandard conditions as defined by OMC 15.08.340 will escalate towards an Order to Abate or to a Declaration of Substandard and Public Nuisance.

These actions carry substantial assessments and consequences, such as demolition of a structure or when there is unpermitted construction of a residential dwelling unit that may result in temporary or permanent relocation of occupants, depending on the extent of the correction and its impact on habitability during construction. Receivers of an NOV are given the right to appeal the violations. Such appeals must be filed within 21 days (plus five extra for mailing) from the issuance of the NOV. See **Attachment A** Slides: 8 for the *Average Case Management Duration*; 9 and 10 for the *Number of Enforcement Actions for Compliance and Abatement*; and 11 for *Total Open and Abated/Closed Cases*.

ANALYSIS AND POLICY ALTERNATIVES

The PBD Code Enforcement Program directly relates to the Citywide priorities of **1) holistic community safety** and **2) housing, economic, and cultural security** by providing the means and methods to verify and correct violations of the OMC as they relate to minimum maintenance standards for private property under the categories of property blight and graffiti, building maintenance, and zoning, as discussed below.

Code Enforcement Categories

Before describing Code Enforcement categories, it is necessary to discuss issues that do not fall under Code Enforcement's jurisdiction. Issues that arise on public property do not involve Code Enforcement. For instance, a box spring left in the driveway of a private residence can be reported to Code Enforcement for abatement. That same box spring, if dumped on public property, such as in a park or on a sidewalk, is not reportable to Code Enforcement. Instead it falls under the enforcement responsibility of Oakland Public Works (OPW). The same thing holds with graffiti and other issues on public property. Following is a discussion of Code Enforcement categories as they concern *private property*.

Property Blight and Graffiti: It is unlawful for any person or corporation whether as owner or occupant in possession of the property to maintain any property in a blighted condition per OMC Chapter 8.24. A blighted property (i.e., residential, commercial, or industrial properties) is one that exhibits a lack of maintenance, livability, and appearance that does not promote the health, safety, and general welfare of the community. Blight includes: abandoned or unsecured buildings and structures; abandoned construction projects; dilapidated, deteriorated buildings; broken or missing windows, doors, fencing, signs, retaining walls; defaced buildings; overgrown vegetation; trash and debris; unclean, unsanitary property; garbage bins left in public view; open storage; property that creates a dangerous condition (i.e., erosion controls); unstable soil conditions; parking and storage of trailers, campers, recreational vehicles, boats, unregistered, inoperative vehicles, appliances, furniture, etc. Per OMC Chapters 8.24.050 and 8.10.110, complaints regarding blight and graffiti on residential, industrial, or commercial properties, as

well as privately-owned vacant lots are inspected and issued an enforcement notice to abate. Note: that illegal dumping of items on the street and sidewalk is commonly reported to Code Enforcement Services of PBD, but it falls under the enforcement responsibility of the OPW and as such a referral is made to OPW. Graffiti on public property also falls under the enforcement responsibility of OPW.

Building Maintenance: It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, structure, portion thereof, or real property or cause or allow the same to be done in violation of this Chapter 15.08 of the OMC. The provisions of the Code apply to real property and to all residential and non-residential buildings used, or designed or intended to be used, for human occupancy and habitation and all accessory buildings and structures on the same lot or parcel. Such occupancies in existing buildings may continue as provided in the Oakland Building Construction Code, except where the Building Official has issued an order to vacate after such structures are found to be substandard and public nuisance as defined in this Chapter, 15.08.030 of the OMC.

While enforcement of blight is commonly straight-forward, building maintenance issues may require extensive investigation and research, as well as coordination with other departments like OFD, EWDD and Housing and Community Development (HCD) and guidance from the City Attorney to confirm the City's options under a range of enforcement scenarios. The City Attorney is an essential partner in the successful enforcement and resolution of our cases.

Zoning: It is unlawful to establish, substitute, expand, construct, alter, move, paint, maintain or otherwise change any structure, or create or change lot lines, except in conformity with the Oakland General Plan per Chapter 17 of the OMC (Section 17.010.3). Regulations related to compliance and use for residential, commercial, and industrial zone designations include unpermitted business in residential areas, excessive signage/advertising signage, fencing height, construction noise, persistent noise, and other unapproved activity. Enforcement includes the issuance of Courtesy Notices, NOV's and enforcement noticing described under Building Maintenance to gain compliance.

Here are the most common complaints in each of the preceding categories:

Property Maintenance and Graffiti:

1. Trash/Debris
2. Graffiti
3. Overgrown vegetation
4. Trash and recycling bins left curbside past collection day/time
5. Use of gas-powered leaf blower

Building Maintenance:

1. Mold
2. Leaks (inside plumbing and outside weather coming in)
3. Electrical defects
4. No heat
5. Unpermitted work (inside renovations & outside structures like sheds and ADUs)

Zoning:

1. Business in residential zone
2. Fencing height
3. Construction noise outside of permitted hours
4. Equipment setback
5. Livestock, e.g. roosters

Abatement and Case Clearance Issues

During FY 2023-24 Quarter 2, Code Enforcement received 1,541 complaints. Slide 12 of **Attachment A** depicts the caseload in each category of complaint and shows open cases at the end of the previous quarter, new cases opened in Quarter 2, cases abated and closed in Quarter 2, as well as open cases at the end of Quarter 2. There is a tendency to think of Code Enforcement violations as monolithic, but each violation is different, and each requires different approaches and processes to abate. **Table 1** provides a small sample of the types of violations that come in as complaints.

Table 1, Types of complaints by category, with examples

Building Maintenance (OMC 15.08)	Property Maintenance (Blight) (OMC 8.24)	(Minor) Zoning (OMC Title 17)
Unpermitted work	Trash	Unpermitted window
Lack of adequate heat	Debris	Roofing changes
Lack of adequate water	Overgrown vegetation	Fencing height
Landslides	Graffiti	Unpermitted expansions
General dilapidation	Open storage of recyclables	Commercial vehicle parking

As further depicted in **Table 2**, open case volumes grew by 3 percent within the Building Maintenance and Property Maintenance categories, while case volume fell 4 percent in the Zoning category. Mitigating growth in open cases is an identified focus area.

Table 2, Growth of open cases by category

Building Maintenance	Property Maintenance (Blight)	(Minor) Zoning
<p>Open Cases grew by 3 percent in Quarter 2 from the prior quarter, going from 3,265 to 3,376 open cases.</p> <p>In terms of abatement, 514 new cases were opened, while 403 cases were abated and closed.</p>	<p>Open Cases grew by 3 percent in Quarter 2 from the prior quarter, going from 3,479 open cases to 3,578 open cases.</p> <p>In terms of abatement, 827 cases were opened while 728 cases were abated and closed for blight cases.</p>	<p>Open Cases decreased by 4 percent in Quarter 2 going from 802 open cases to 770 open cases.</p> <p>In terms of abatement, 200 new cases were opened while 232 cases were abated and closed.</p>

While some headway has been made in filling open positions, vacancies and low staffing levels significantly contribute to the number of open cases. There are 11 Inspectors with 19 total budgeted positions. A shortage of experienced building inspectors is a national problem and continues to have a disproportionate impact on the Code Enforcement Division’s ability to manage the workload. As indicated in the last report, 3 contract Inspectors have recently been hired to assist with this workload and allow some of the Inspectors to focus on resolving complex past cases. To provide more context on staffing shortages, it was not long ago that PBD functioned with 6 Public Service Representatives (PSRs) and 6 Office Assistants. At present there are no PSRs and 1 Administrative Analyst. Code Enforcement currently has two vacancies for PSR and two vacancies for Administrative Assistant I. While we continue to staff up, there is a service gap that we are diligently working to close due to those vacant positions as noted under the “Staff Coordination, Training and Hiring” section of this report.

Along with staffing shortages, there are continuous issues with property owners who fail to respond to notices in a timely manner with the paperwork and administrative effort involved with bringing those properties into compliance being a time-consuming process. Finally, the Cybersecurity Incident of February 8, 2023, had an extended impact on Code Enforcement processes and cases. The combination of staffing issues and longer compliance timeframes, often due to reliance on other agencies and entities, results in a slowly growing backlog of blight and building maintenance cases.

To address overall backlog of open cases, we are currently hiring more administrative support staff and intent on filling the vacant inspector positions with the current open continuous recruitment. All of these open cases, as shown on Slide 12 of **Attachment A**, received courtesy notices or field inspections so that owners were made aware of reported issues. Internal data indicates that many of these cases are open due to having been transferred from former Inspectors, who no longer work at the City, to current Inspectors who are primarily focused on the constant addition of new cases and the administrative support and tasks that surround each case.

The more staff that are available to address the workload from current complaints, the more time experienced staff can be assigned to research and work towards resolving cases that were opened prior to last quarter, Quarter 1 of FY 2023-24. For example, even one additional PSR, once trained, should be able to help process about 200 cases quarterly. With 2 PSRs to be hired, Code Enforcement could have the capacity to process 400 more cases per quarter than it is currently able. This estimate assumes that complaints will not dramatically increase in future quarters. In line with seasonal variation in the number of complaints received, complaints in Quarter 2 of FY 2023-24 are down 20 percent from Quarter 1 of FY 2023-24. Slide 12 of **Attachment A** shows that open cases grew by 178 from the end of Quarter 1 of FY 2023-24 to the end of Quarter 2 of FY 2023-24, with which this report is concerned. This represents a near 50 percent reduction, from the previous quarter, in total growth of open cases.

Code Enforcement staff were able to examine a sample of open cases at the end of Quarter 4 of FY 2022-23. Specifically, Code Enforcement researched final dispositions on 380 Courtesy Notices that were sent to property owners during that quarter, and 311 of those notices concerned Blight, 59 were for Zoning, and 10 were for Property Maintenance.

Based upon the analysis of those notices:

- 182 were still considered “open” cases.
- 96 were recorded as “abated” meaning Code Enforcement received photos and confirmation that violations were rectified.
- 75 were recorded as “closed” when the property owner certified violations did not or no longer exist.
- 25 were recorded as “no response” meaning Code Enforcement received no report from the property owner by the deadline to respond.
- 2 were considered “referred”, which means closed and transferred to an existing open case.
- 13 property owners who received courtesy notices had their cases escalated (with an inspection scheduled) due to Code Enforcement’s receipt of another, similar, complaint regarding the property.

Code Enforcement Fees

Slide 13 of **Attachment A** reflects the volume of violations that necessitated enforcement and associated fees for enforcement. As depicted in that same slide, enforcement actions and related fees increased as the Code Enforcement Division’s capacity increased. When compliance is not obtained from property owners, fees and penalties increase to encourage property owners to abate code violations and to cover the cost of additional inspections as well as administrative services provided.

The City recovers the administrative and logistical costs of bringing property owners into compliance via these fees, ensuring a safer and more resilient City in the process. Time spent conducting field inspections, sending letters and notices to property owners, issuing fines, and abating properties that will not otherwise come into compliance can be laborious. When fees are applied, Code Enforcement has already made attempts to communicate with the property owner and to exhaust the administrative process. It is an unfortunate reality that some property owners would not make needed changes and/or repairs without the imposition of fees and penalties. On the other hand, to protect property owners, there are statutory limits to fees, fees are assessed

incrementally to gradually disincentivize inaction, and there are appeal processes in place to dispute fees and notices.

Code Enforcement Statistics

Attachment A includes volume of Complaints received by Category (Categories described above) and volume of Inspections performed, which includes the number of First Inspections/site visits performed, types of enforcement actions, the current average Quarter 2 turnaround from complaint to NOV abated, and Fees Assessed for Quarter 2 of FY 2023-24 and for each of the previous quarters going back to Quarter 2 of FY 2022-23.

Code Enforcement Identified Trends:

Below are some comparable data between Quarter 2 of FY 2023-24 and the four previous quarters, taken from **Attachment A** and a review of all FY 2022-23 Quarterly Reports on Code Enforcement activity.

Trends in Complaints

Blight: Quarter 2 of FY 2023-24 (fall and winter) features 827 blight complaints. Last year, blight complaints during Quarter 2 of FY 2022-23 were at 705. In Quarter 3 of FY 2022-23, however, blight complaints totaled 670. Alternatively, Quarter 1 of FY 2023-24 and Quarter 4 of FY 2022-23 (spring and summer) had more than 1,000 blight complaints each; at 1,048 and 1,069, respectively. Consistent with patterns identified in previous reports, fall and winter feature a noticeably smaller number of blight complaints, whereas the spring and summer months feature more complaints. One identified factor in this pattern is that vegetation tends to grow and overgrow in the Spring and Summer months.

Building Maintenance: Quarter 3 of FY 2022-23 featured the lowest number of complaints. Quarter 2 of FY 2023-24, the current quarter, had 514 building maintenance complaints which is generally in line with numbers from the previous three quarters; being between 500 and 600 complaints received of this type.

Zoning: Quarter 2 of FY 2023-24 recorded 73 fewer zoning complaints than the previous quarter. That previous quarter, Quarter 1 of FY 2023-24, had the largest number of zoning complaints in at least one year. 73 fewer zoning complaints represents the largest quarter-to-quarter difference in the 5 quarters of data under review, as shown in **Attachment A**.

Trends in Interventions and Fees:

The number of First Inspections, shown in Slides 6 and 7 of **Attachment A** shows that first inspections, on the whole and on a quarterly basis, are generally trending up, as compared to the lows seen during the height of the Covid-19 pandemic; representing increases in staffing and efficiency. Of the 17 quarters reviewed on Slide 7, Quarter 2 of FY 2023-24 has a higher number of 1st inspections than 10 of the previous quarters shown further, Quarter 2 of FY 2023-24 has a higher number of first inspections than have occurred in any Quarter 2 of the past four fiscal years.

In terms of the re-inspection and monitoring Inspections on Slide 6, Quarter 2 numbers of these types of inspections are lower than the previous quarters. However, the previous quarter (Quarter 1 of FY 2023-24) featured a number of re-inspections and monitoring inspections that had been higher than they had been in each quarter of the previous FY.

The number of total inspections by type fell in Quarter 2 from the previous quarter by about 20 percent. This could be attributable to inclement weather during the Fall and Winter as well as staff unavailability resulting from vacation and other personal time taken during the holiday season.

In Slide 8 of **Attachment A**, the average number of business days at each point (case intake to first inspection, first inspection to NOV sent, and NOV sent to violation abatement) of the process decreased from the previous quarter. The most dramatic change between Quarter 2 of FY 2023-24 from the previous quarter was in the number of days it took between the first inspection of a violation and the sending of a NOV, which decreased by more than 5 days on average.

In looking at the assessment of Enforcement Fees on Slide 13 of **Attachment A**, Quarter 2 has the highest number of cases invoiced and fees assessed in more than one year of quarterly data. Quarter 2 and the previous two quarters show that cases and fees assessed are increasing due to realized efficiencies that had been discussed and formulated in previous reports.

Key Initiatives

The bullet points that follow represent a brief discussion of the key initiatives, including methods, partnerships, technical trainings, personnel changes, and newly implemented programs and standards that will impact the Code Enforcement Division's ability to reduce the numbers of open cases, addressed in Slide 12 of **Attachment A**.

These bullet points include programs that will increase Code Enforcement's caseload (in the short-term) and those that are expected to reduce the number of complaints in the future. For example, successful recruitment of new inspectors decreases collective caseloads, while enforcing new Building Maintenance Code standards around lead-based paint are expected to increase caseloads. Nevertheless, with increased recruitment, tighter interdepartmental coordination, and a forthcoming analysis of the previously affected IT datasets to update the numbers from Slide 12 of **Attachment A**; we remain confident that future quarterly reports will provide more precise and lower numbers of open cases. Having more Inspectors is critical. In this regard, the Planning and Building Department remains prioritized for additional hiring support from the Human Resources Department through a continuous recruitment of candidates to fill Inspector positions. The goal is to reduce the number of vacant positions and increase staffing in Code Enforcement and generally increase departmental capacity.

Staff Coordination, Training and Hiring

- The Code Enforcement Division holds weekly internal staff meetings and facilitates a scheduled bi-weekly meeting with other City departments including OFD's Fire Prevention Bureau, City Attorney's Office, EWDD, and HCD to address effective and timely responses for complex cases.

- The Code Enforcement Division's Principal Inspection Supervisor and Senior Inspectors also attend numerous topic or case specific meetings joined by the Building Official, Principal Civil Engineer, and other staff on a continuous basis to consult with the City Attorney's Office, OPW, and other departments and divisions to clarify the action plan for compliance or escalation of enforcement depending on the issues involved.
- Code Enforcement Inspectors are also taking regular training to enhance knowledge and skills relative to their duties. This quarter they have taken in house trainings for best management practices for construction job sites and Inspection reporting software application.
- To increase efficiency while responding to changes in staffing, Inspectors are being cross trained in other focus areas and, in some instances, reassigned to different units (i.e. Residential Inspections, Code Enforcement, or Commercial Inspections).
- The recruitment for Specialty Combination Inspectors to fill vacancies within the Building Bureau is now a continuous job posting until all positions are filled. One inspector was hired in Quarter 2 of FY 2022-23.
- Additional Continuous recruitment for the Specialty Combination Inspectors will significantly impact the Code Enforcement Division's ability to manage current complaints and address unresolved open cases.
- At present there are no Public Service Representatives and 1 Administrative Analyst. Recruitment for two PSR and two Administrative Assistant I positions is ongoing with interviews to fill positions in the Inspection Administration section expected for next quarter. Filling these two positions will increase Code Enforcement's capacity to close out open cases by taking some of the load off existing administrative staff.
- **Digital Enhancements**
 - Inspections App: The Code Enforcement Division continues its work in collaboration with PBD Digital Division in the development of the code enforcement inspector app which will improve delivery of services, allow for easier field documentation of violations and automate the creation of the NOV. Currently, the NOV is manually created in the office by inspectors, resulting in an average of 40 percent of inspectors' time spent in the office. The automation will reduce the time inspectors spend in the office typing notices, reduce notification time to property owners and will allow for increased field inspection capacity. During the last quarter, beta testing has taken place with half of code enforcement inspectors who have used the app as their daily inspection app. The beta testing informed us of additional bugs and modifications that have been addressed throughout this quarter. The alpha version of the code enforcement inspector app was completed at end of this quarter and will be used exclusively for the Graffiti Abatement pilot program in the next quarter, with full roll out as the daily app for all code enforcement complaints in the coming months.
 - Ability to create an NOV instantaneously upon resulting inspection in the field.
 - Checklist based violation documentation based on OMC with specific violation images and corrective action for each violation identified.

- Ability to create favorites for common notes for staff to copy and paste their most used inspection results and streamlined process to easily result the inspection in the field.
- Ability for emergency structural assessment responders dispatched by Oakland Fire to easily document and create cases in the field during their response.

- **Implementing New Laws and Regulations**

Code Enforcement operations are regularly impacted by the adoption of new or revised Municipal Codes or by new State or Federal laws and programs. This can lead to adjustments in how complaints are processed, how many complaints are received, the manner in which inspections are performed, and the level of urgency, legal escalation, or penalties certain violations may incur. New laws and programs include:

- Lead Based Paint Hazard Abatement Standards adopted into the OMC in December 2022: require all residential properties built before 1978 to obtain permits to confirm practices consistent with federal and state regulations are followed when presumed lead-based paint is disturbed due to painting and or construction activities.
- Standards for Delayed Enforcement for Accessory Dwelling Units and Joint Live/Work Quarters (JLWQ) adopted into the OMC in December 2022: when correction of violations is not necessary for health and safety, this Delay of Enforcement provides properties with non-compliant spaces to obtain a five-year period to bring the property into full compliance as long as minimum health and safety regulations are in place, as required by state law.
- Proactive Rental Inspection Program: As recommended in the report titled, “Racial Equity Impact Analysis: Eliminating Lead Paint Hazards in Oakland and Alameda County”, authored by the Department of Race and Equity (DRE) and EJ Solutions, HCD will release a Request for Proposals for an Equitable Lead Hazard Abatement Program (ELHAP). The ELHAP will better coordinate City-County lead abatement efforts. Additionally, the ELHAP will help determine how to distribute lead-based paint settlement funds across departments, including related to PRIP inspections that find lead-based paint. The ELHAP will also help leverage additional funding to sustain City-County joint lead abatement efforts. Additionally, the Building Bureau is working on implementing AB 548, which was signed into law in October 2023. AB 548 requires that. When an inspector responds to a complaint in multi-family housing and finds that the substandard condition could possibly be affecting adjacent units or all units, then the inspector can inform the property owner that additional units need to be inspected. The Building Bureau will have internal policies and procedures in place by January 1, 2025. Taken together, these two actions represent the first stage of development of the PRIP

FISCAL IMPACT

There is no fiscal impact associated with the preparation of this Informational Report.

PUBLIC OUTREACH / INTEREST

No public outreach has been conducted for this informational report beyond the required posting to the City's website.

COORDINATION

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

SUSTAINABLE OPPORTUNITIES

This is an informational report, so there are no actions requested of the Council. The following areas of impact and opportunity are noted for further consideration.

Economic: Code enforcement activities have economic benefits by preserving quality of life and ensuring safety for Oakland residents, business owners, and visitors.

Environmental: Code enforcement activities have environmental benefits by enforcing codes designed to protect the environment and residents from adverse environmental impacts.

Race & Equity: Enforcement activities can have equity implications. For example, with the current complaint-based system, people with access to the system are more likely to submit complaints. Conversely, historically marginalized communities living in substandard conditions may be reluctant to submit complaints and may need outside assistance to make their buildings safer. With AB 548, PBD will take an incremental step towards proactive inspection to supplement the current complaint-based system to better achieve equity in safe, affordable, and healthy housing.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive an Informational Report regarding the FY 2023-24 Quarter 2 update on the Planning and Building Department's Code Enforcement activities.

For questions regarding this report, please contact Chris Ragland, Chief Building Official, at 510-238-6435.

Respectfully submitted,



WILLIAM A. GHILCHRIST
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Attachments (1):

A: Quarterly Code Enforcement Data and Statistics FY 2023-24, Quarter 2

Attachment A

Code Enforcement Quarterly Report: Quarter 2 of FY 2023-24

Chris Ragland
Chief Building Official
Planning and Building Department



CITY OF
OAKLAND



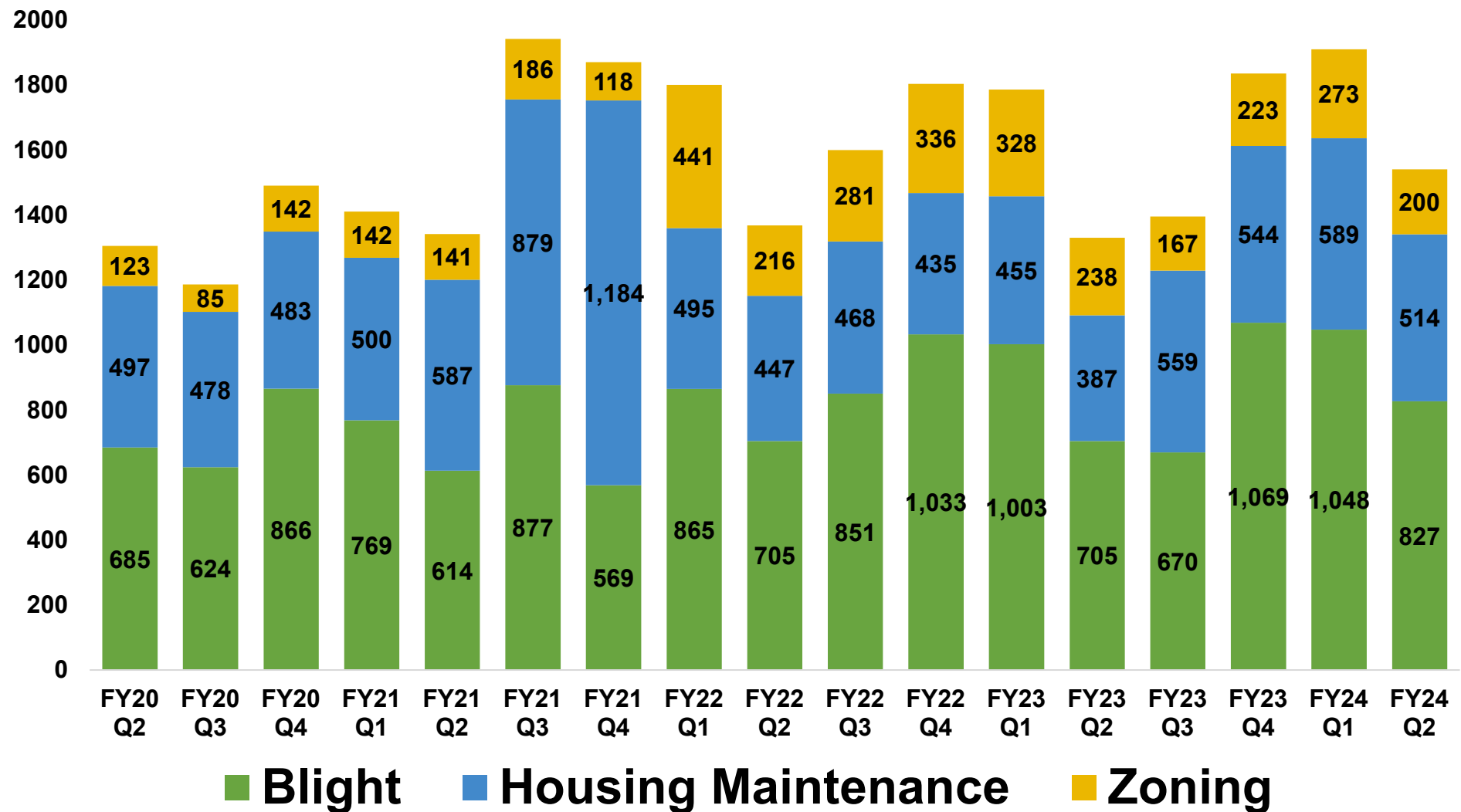
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- **First Inspections from Quarter 2 of FY 20-21 to the Present Quarter**
- **Case Management Duration (FY 23-24 Quarter 2)**
- **Enforcement Actions (FY 23-24 Quarter 2)**
- **1 Year of Data on Abated/Closed Cases.**
- **Total Open Cases at the End of Quarter 2**
- **1 Year of Data on Enforcement Fees Assessed.**
- **Additional Online Resources**

Types of Complaints by Category

Property Maintenance (Blight) [OMC 8.24]	Building / Housing Maintenance [OMC 15.08]	Zoning [OMC Title 17]
Trash / Debris	Unpermitted work	Business in residential zone
Graffiti	Mold	Fencing height
Overgrown vegetation	Lack of adequate heat	Construction noise outside of permitted hours
Trash and recycling bins left curbside past collection day/time	Plumbing issues	Equipment setback
Use of gas-powered leaf blower	Electrical issues	Livestock, e.g. roosters

Complaints Received by Category FY 2020 Q2 – FY 2024 Q2



Complaints Received by Category

Received by phone, 311, on-line, email, etc... Depending on the complaint the property owner may be sent a Courtesy Notice or staff will conduct a site visit which may lead to issuing a Notice of (NOV).

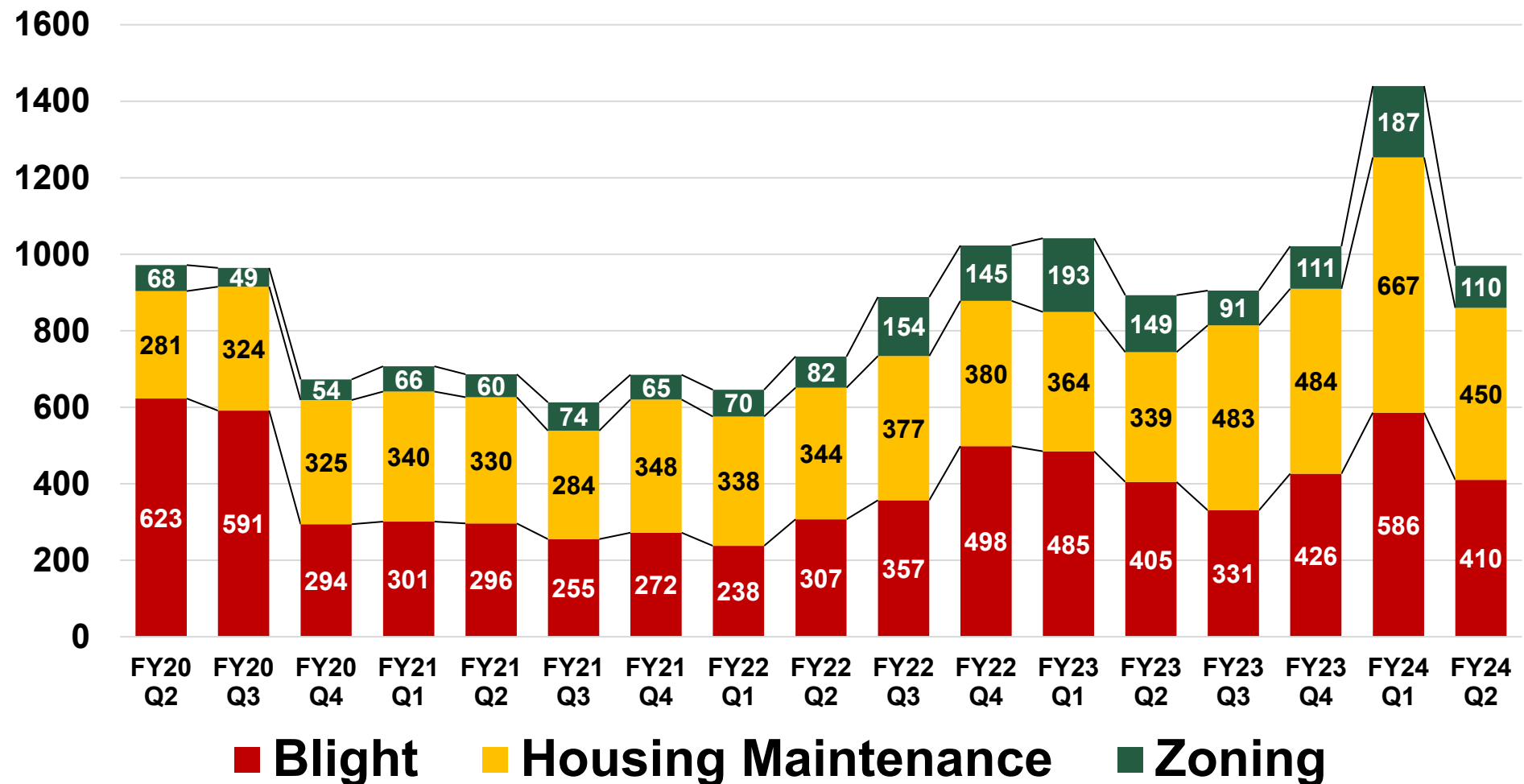
Quarter	Blight (Including graffiti)	Housing Maintenance	Zoning (Including Noise)	Total
FY24 Q2	827	514	200	1,541
FY24 Q1	1,048	589	273	1,910
FY23 Q4	1,069	544	223	1,836
FY23 Q3	670	559	167	1,396
FY23 Q2	705	387	238	1,330

First Inspections/site visits Q2 Oct – Dec 2023

Enforcement Category	Blighted Property (Including graffiti)	Housing Maintenance	Zoning (Including Noise)	Total
1st Inspections	410	450	110	970
Re-Inspections & Monitoring Inspections	753	1,477	280	2,510
Total Inspections by Type	1,163	1,927	390	3,480

Volume of First Inspections

The first step in verifying a complaint

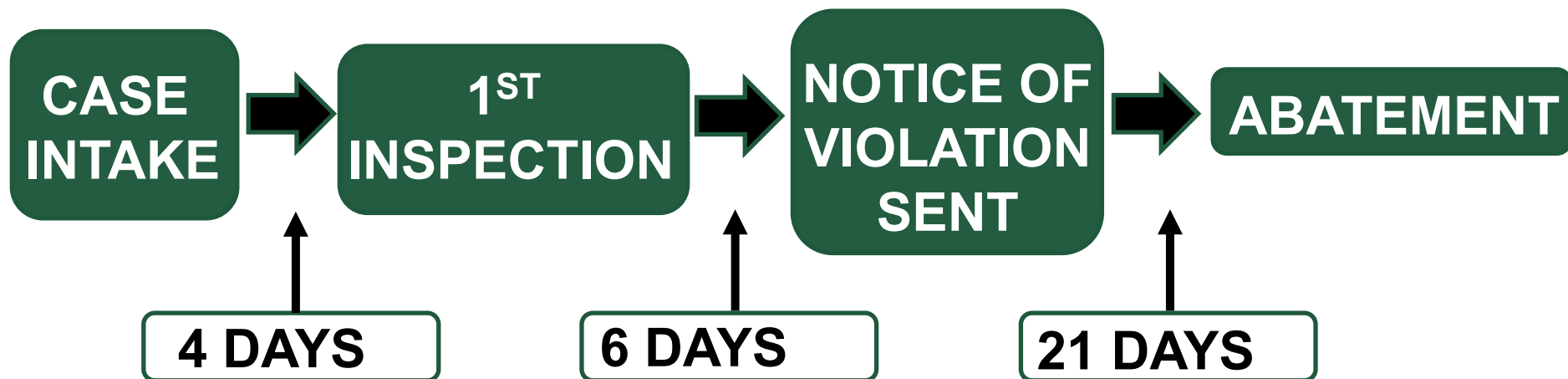


Case Management Duration

Q2 Oct – Dec 2023

The average time from complaint received; first inspection performed; NOV Sent; and violation abated within Q2 is:

31 Business Days



This compares to 40.4 Business Days for Q1

Enforcement Actions for Compliance or Abatement

Q2 Oct – Dec 2023

Enforcement Action	Definition	Cases
Clean-up Contract	An agreement with the owner agreeing to pay the cost of City-facilitated clean-up.	4
Notice of Repeat Violation	The same or similar violation has been verified within 24 months.	0
Stop Work Order	Stops unpermitted work or work beyond scope	43
Compliance Plan	Plan made with owner about fees and Abatement	3

Abated & Closed*

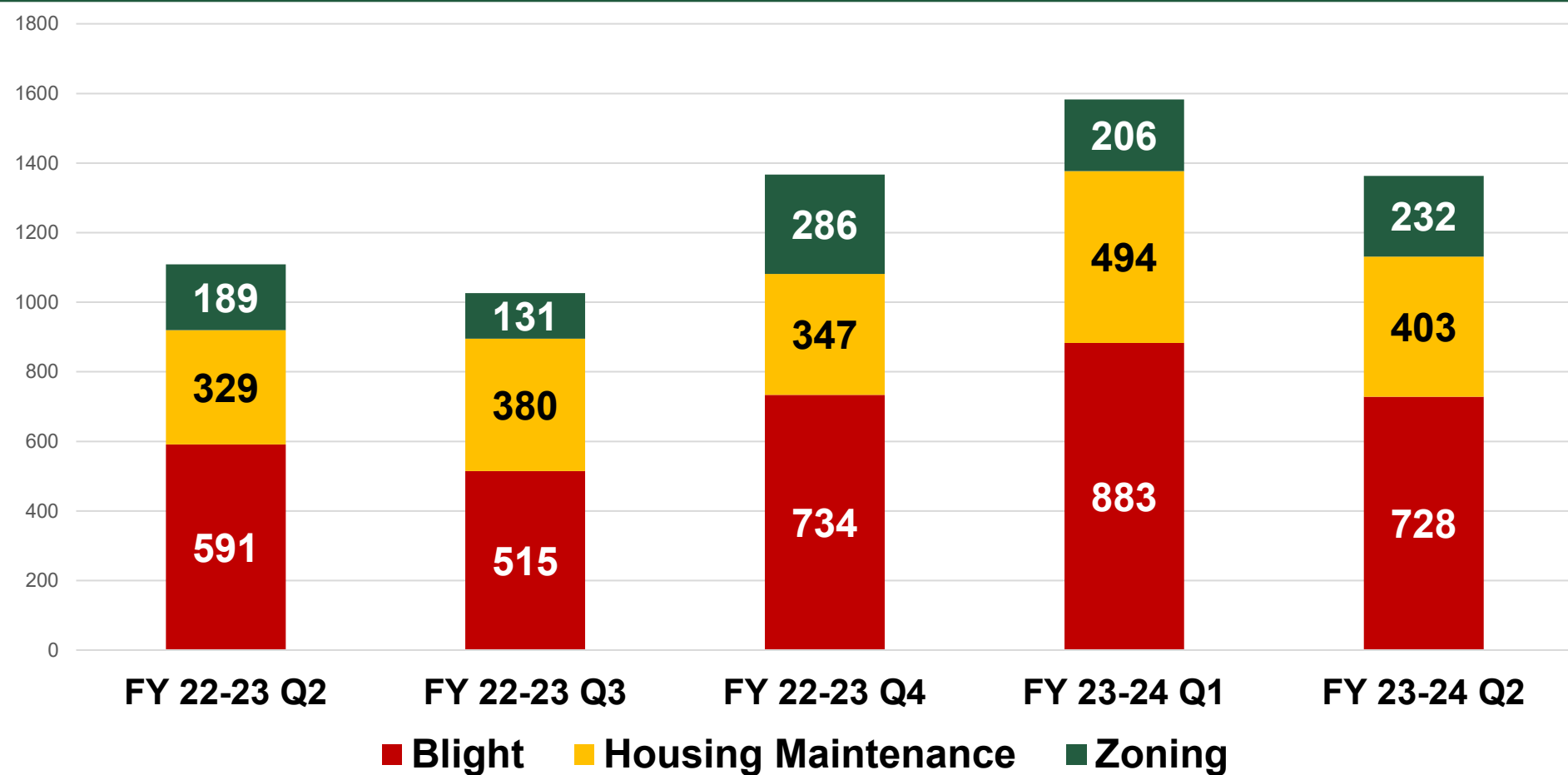
FY 2023 Q2 – FY 2024 Q2

Quarter	Blight	Housing Maintenance	Zoning	TOTAL
FY24 Q2	728	403	232	1,363
FY24 Q1	883	494	206	1,583
FY23 Q4	734	347	286	1,367
FY23 Q3	515	380	131	1,026
FY23 Q2	591	329	189	1,109

Includes non-actionable and referred*

Abated & Closed*

FY 2023 Q2 – FY 2024 Q2



Includes non-actionable and referred*

Total Open Cases

Q2 Oct – Dec 2023

Type	Open Cases - Previous Quarter	New Cases Current Quarter	Abated & Closed	Open Cases - End of Quarter
Blight	3,479	827	728	3,578
Maintenance	3,265	514	403	3,376
Zoning	802	200	232	770
Total	7,546	1,541	1,363	7,724

Enforcement Fees Assessed

FY 2023 Q2 – FY 2024 Q2

Quarter	Cases Invoiced	Fees (Includes Bonds)	Bonds for Compliance Plan
FY24 Q2	299	\$390,741	\$17,500
FY24 Q1	263	\$351,531	\$30,500
FY23 Q4	216	\$273,694	\$9,000
FY23 Q3	166	\$273,440.50	\$7,008
FY23 Q2	235	\$358,602	\$16,500

Additional Information

- Notice of Violations available to public at <https://aca.accela.com/OAKLAND/Cap/CapHome.aspx?module=Enforcement&TabName=Enforcement>
- Previous Code Enforcement Reports are available at <https://www.oaklandca.gov/documents/city-of-oakland-quarterly-building-code-enforcement-reports>

