



DISTRIBUTION DATE: November 17, 2022

MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: William A. Gilchrist
Director, Planning & Building

SUBJECT: Summary Code Enforcement
Quarterly Report: FY 2022-23
Quarter 1

DATE: October 27, 2022

City Administrator
Approval

Date: Nov 17, 2022

SUMMARY

This memo provides current information on the code enforcement activities of the Planning and Building Department (PBD), from July 2022 through September 2022 of Fiscal Year (FY) 2022-23. PBD's Code Enforcement Division enforces compliance with building, housing, and zoning codes and regulations. It is important to note that although many departments within the City of Oakland (City) enforce property-related regulations, such as Economic Workforce and Development Department (EWDD) 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. PBD is publishing this informational memo now for the sake of keeping the Council and public informed in a timely manner, however, PBD is available to bring this report to a Community and Economic Development Committee meeting for further discussion, if so desired by Committee members.

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 PBD. The purpose of the report is to update the City Council and public on the types of code enforcement work, the statistics related to enforcement on each, and the key initiatives underway to improve the effectiveness of the program.

The Code Enforcement division of PBD continues to pursue 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 for occupants of structures. In January of 2021, PBD has added the enforcement of nuisance noise abatement to our detail. PBD responds to over 7000 complaints per calendar year.

A primary goal of the City's code enforcement program is to facilitate correction of property maintenance, building maintenance and zoning code violations in a timely, effective, and efficient manner. The requirements and process for each are discussed below. The length of time to achieve compliance varies based upon several factors, such as the complexity of the violation or the cooperation of the property owner. The code enforcement program is primarily complaint-driven, and the number of complaints received can vary over any period. However, PBD is also developing a Proactive Rental Inspection Program, as reported in the Quarterly Code Enforcement Information Memo dated June 3, 2021.

The intake of complaints from the several means of filing (311, on-line, phone, email, etc.) are done by Code Enforcement administrative staff, who examine the reported problems and route for Courtesy Notice or field inspection/ investigation, as appropriate. Based on staffing changes through FY 2022-23, inspections are currently assigned over two areas of the City:

- Area one contains Council Districts 1 through 3
- Area two contains Council Districts 4 through 7

These areas were determined by a review of data available that indicated the concentration of the volume of complaints received during the period covered. PBD will continue to re-assess this information for any appropriate modifications as caseloads may redistribute.

PBD has a range of tools for code enforcement, including registrations of foreclosed properties and investor-owned properties. As noted previously, the Planning and Building Department employs Courtesy Notices for minor blight and have adopted the same approach for nuisance noise abatement. These allow an offender to self-abate the violation. The City's Notice of Violation (NOV) is the most common starting point for all violations.

Addressing blight is rather straight-forward, however building maintenance issues may involve a large amount of investigation and research, as well as guidance from our City Attorney to confirm our options under a range of enforcement cases. The City Attorney is an essential partner in the successful enforcement and resolution of our cases.

If the case does not constitute an imminent hazard, the City allows corrective action to be taken, without the assessment of fees, for a 30-day, plus five days period for mail, from the date of the NOV. For persistent non-compliance, the City initiates and continues to apply fines until abatement of the violations 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 Oakland Municipal Code (OMC) 15.08.340 will escalate our action towards an Order to Abate and further, to a Declaration of Substandard and Public Nuisance. These actions carry substantial assessments and consequences. They may be addressed through compliance plans and may entail temporary or permanent relocation depending on the extent of the correction and its impact on habitability during construction.

Receivers of an NOV from the City are given the right to appeal the violations. Such appeal must be filed within 21 days from the issuance of the NOV. In Quarter 1, there were 8 appeals filed: 2 were resolved, one was denied, and five are pending. Appeals that are denied

administratively are given an opportunity to be heard before an impartial, third-party Hearing Officer.

Code Enforcement Categories

Property Blight: 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. Note: 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.

Per Chapter 8.24 of the OMC, Courtesy Notices may be issued for minor violations such as trash, debris, garbage bins left in public view and other non-hazardous conditions. Complaints related to excessive trash, debris, overgrowth, dilapidated, deteriorated and unsecured buildings are inspected and if violations are verified, a NOV is issued to allow the property owner 30 days to comply or if the site has received the same or similar violation within two years of filing a Repeat Violation notice is issued and immediate fees assessed. If compliance is not obtained after the issuance of the NOV and at the time of re-inspection fees are assessed and actions taken can include obtaining Inspection Warrants to access the property and post bids for approved contractors to perform Emergency Nuisance Abatement to clean and secure the site.

Graffiti: It is unlawful and a violation of the OMC Chapter 8.10 for any person owning property to permit or allow any Graffiti to remain on any walls, temporary or permanent structures, places, or other surfaces located on such property when the Graffiti is visible from the street or other public or private property.

Per Chapter 8.10 of the OMC, complaints regarding graffiti on residential, commercial, and vacant lots are inspected and issued an Enforcement notice to abate within 10 days for Private Property, 15 days for vacant property or lots and 3 days for Retailers of alcoholic beverages. Generally, graffiti complaints that include additional blight conditions i.e., overgrown vegetation, trash, debris, unsecured property will follow the OMC Chapter 8.24 (discussed above) allowing for compliance within 30 days of issuance of the enforcement notice.

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 or portions thereof 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.

Per Chapter 15.08 of the OMC, controlling the use, occupancy, locations, and maintenance of all residential and non-residential buildings, structures, portions thereof and real property are enforced through inspections that can may include the issuance of Stop Work Orders and increased permit fees; enforcement noticing, including NOV's as described under Property Maintenance above; Order to Abate – Habitability, typically a vacant premise where habitable conditions are deteriorated to an extent that the health, safety and welfare of (potential) occupants and the public is jeopardized by these hazards. A Compliance Plan must be in place within 30 days of the issuance of this notice; Substandard Public Nuisance premises which are substandard because of failure to keep them in a proper state of repair, or lack of proper sanitary facilities, or lack of adequate lighting or ventilation, or improper management, or any combination of these factors, has resulted in such buildings becoming so deteriorate, so dilapidated, so neglected, so overcrowded with occupants, or so unsanitary as to jeopardize or be detrimental to the health, safety, or general welfare and the comfortable enjoyment of living. Additional compliance actions may include a Compliance Agreement and Rehabilitation Plan to abate violations; tenant relocation per Chapter 15.60 may be required when living conditions are deemed Substandard Public Nuisance and tenants must be immediately relocated; and Receivership – a court order whereby all the property subject to dispute in a legal action is placed under the dominion and control of an independent person known as a Receiver established through the City Attorney's office.

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 17.010.30. 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.

Code Enforcement Statistics

The attached slide deck (*Attachment A*) provides data on Complaints and Inspections, Volume of Inspections, Enforcement Actions for Compliance and Abatement, and Fees Assessed for Quarter 1 of FY 2022-23. The unit had one inspector resignation during Quarter 1.

Key Initiatives

Below are some of the key initiatives that PBD has implemented.

- **Staff Coordination**

The Code Enforcement Division continues to participate in ongoing bi-weekly meetings with other City departments including OFD's Fire Prevention Bureau, City Attorney's Office, EWDD, Housing and Community Development Department (HCDD), and PBD's Planning Bureau to address effective and timely responses for complex cases. The Code Enforcement Division is working with the City Administrator's Office (CAO) and other departments to develop and implement enhanced tools and processes to improve customer services and inter-departmental coordination, as part of the "Reimagining One-Stop Permitting" initiative. During the reporting period we begin work to improve public signage on permitting and other city services provided at 250 Frank Ogawa Plaza. We also began work on universal User Agreement for Accela registration and we began work to add Department of Transportation (DOT) permitting notifications to the Contractor and Owner Declarations required for permit issuance.

- **Recruitments**

The Code Enforcement Division has 12 Specialty Combination Inspectors positions filled and 8 vacancies. The Human Resources Department is conducting a Specialty Combination Inspector exam during the first week of November of 2022. PBD is in the process of interviewing candidates for all positions where a candidate list exists.

- **Proactive Rental Inspection Program**

The Proactive Rental Inspection Program (PRIP) is a program to conduct unsolicited multi-year inspections of Rental Units across the city to identify Code violations. PBD continues to pursue hiring for addition of Code Enforcement Inspectors and the PRIP. The test for eligible interview candidates is being scheduled for November 2022. The PRIP is targeted to initiate by mid-2023.

Respectfully submitted,



WILLIAM A. GILCHRIST

Director, Planning and Building Department

For questions, please contact David Miles, 510-238-6214.

Attachment (1):

A: Quarterly Code Enforcement Report FY 2022-23 Quarter 1



Code Enforcement Summary Report

Quarter 1 (July – Sept 2022)

City of Oakland
Planning and Building Department (PBD)



City of Oakland
Planning & Building Dept.

Contents

- I. Fiscal Year (FY) 2022 – 2023 Quarter 1 (Q1) Statistics
Complaints v. Inspections
- II. Volume of 1st Inspections FY 2022-23 Q1
- III. Complaint Maps by District Q1
- IV. Enforcement Actions
- V. Fees Assessed
- VI. Additional Information



Complaints

Q1 July – Sep 2022

Quarter	Blight	Housing Maintenance	Zoning	Total
Q1	1,003	455	328	1,786



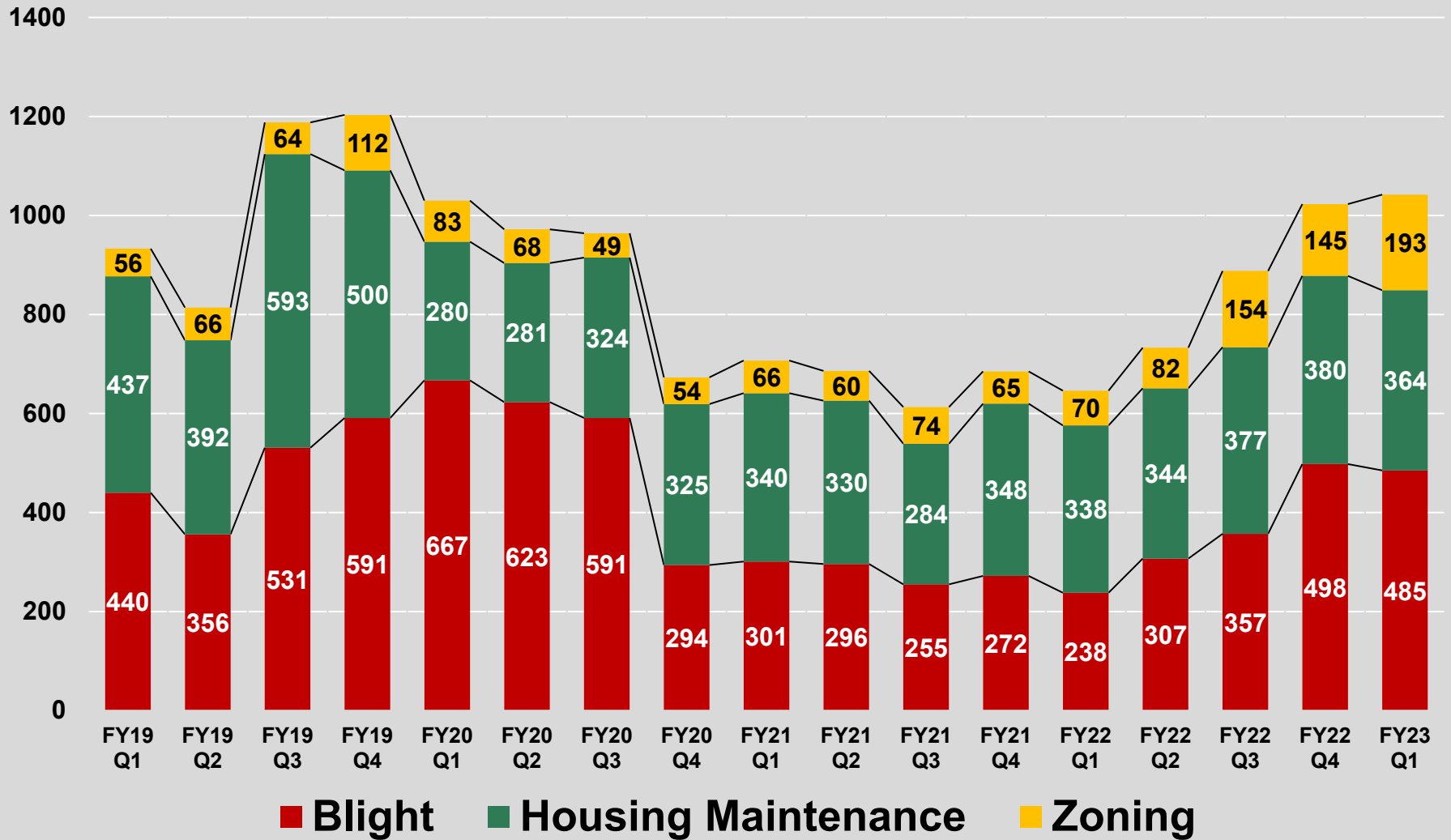
Inspections

Q1 July – Sep 2022

Type	Blighted Property	Housing Maintenance	Zoning	Total
1 st Inspection	485	364	193	1,042
Follow-up/Monitoring Inspection	529	1,065	158	1,752
Total Inspections by Type	1014	1,429	351	2,794

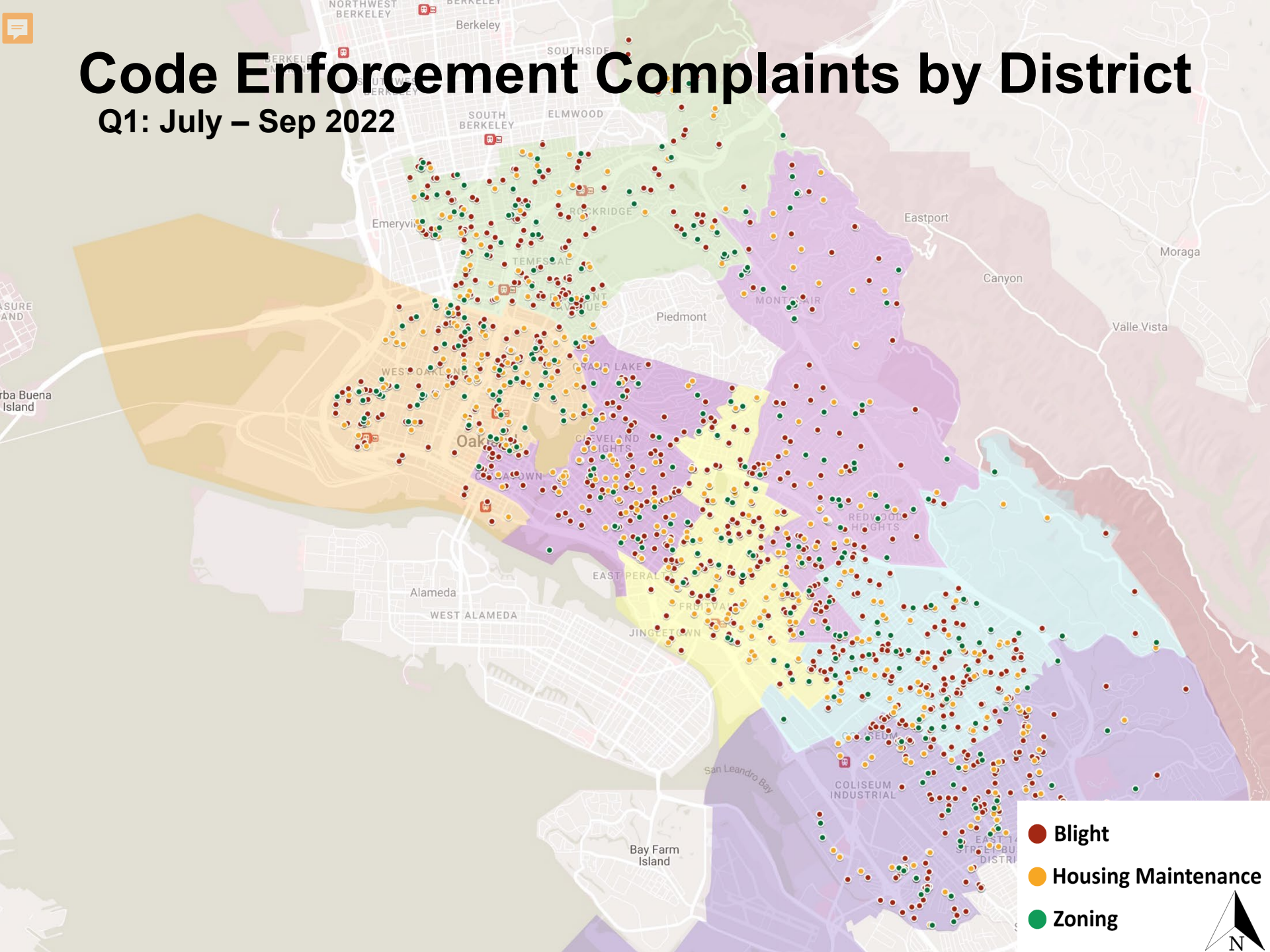


Volume of 1st Inspections FY2019 Q1 – FY2023 Q1



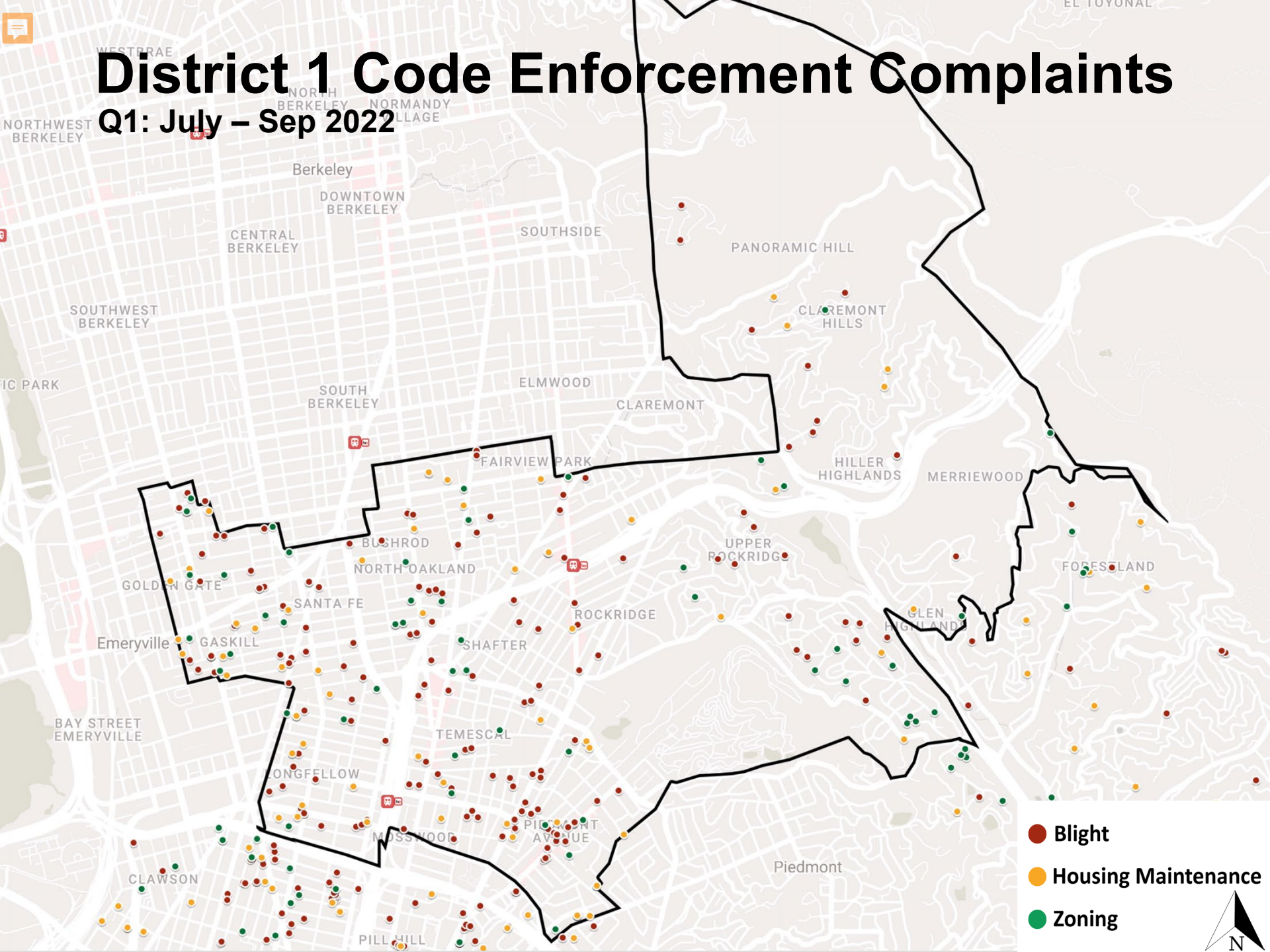
Code Enforcement Complaints by District

Q1: July – Sep 2022



District 1 Code Enforcement Complaints

Q1: July – Sep 2022

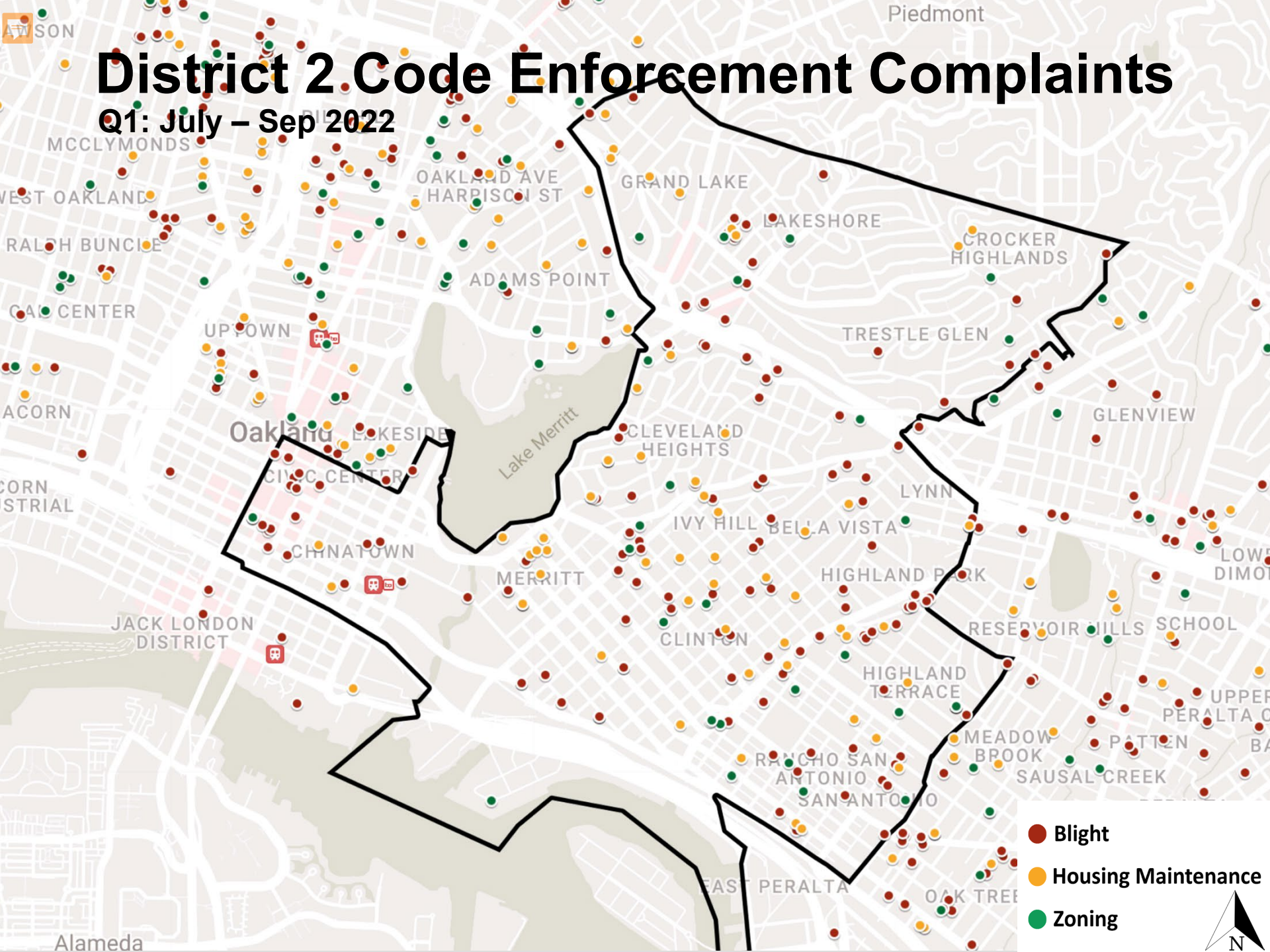


- Blight
- Housing Maintenance
- Zoning



District 2 Code Enforcement Complaints

Q1: July – Sep 2022

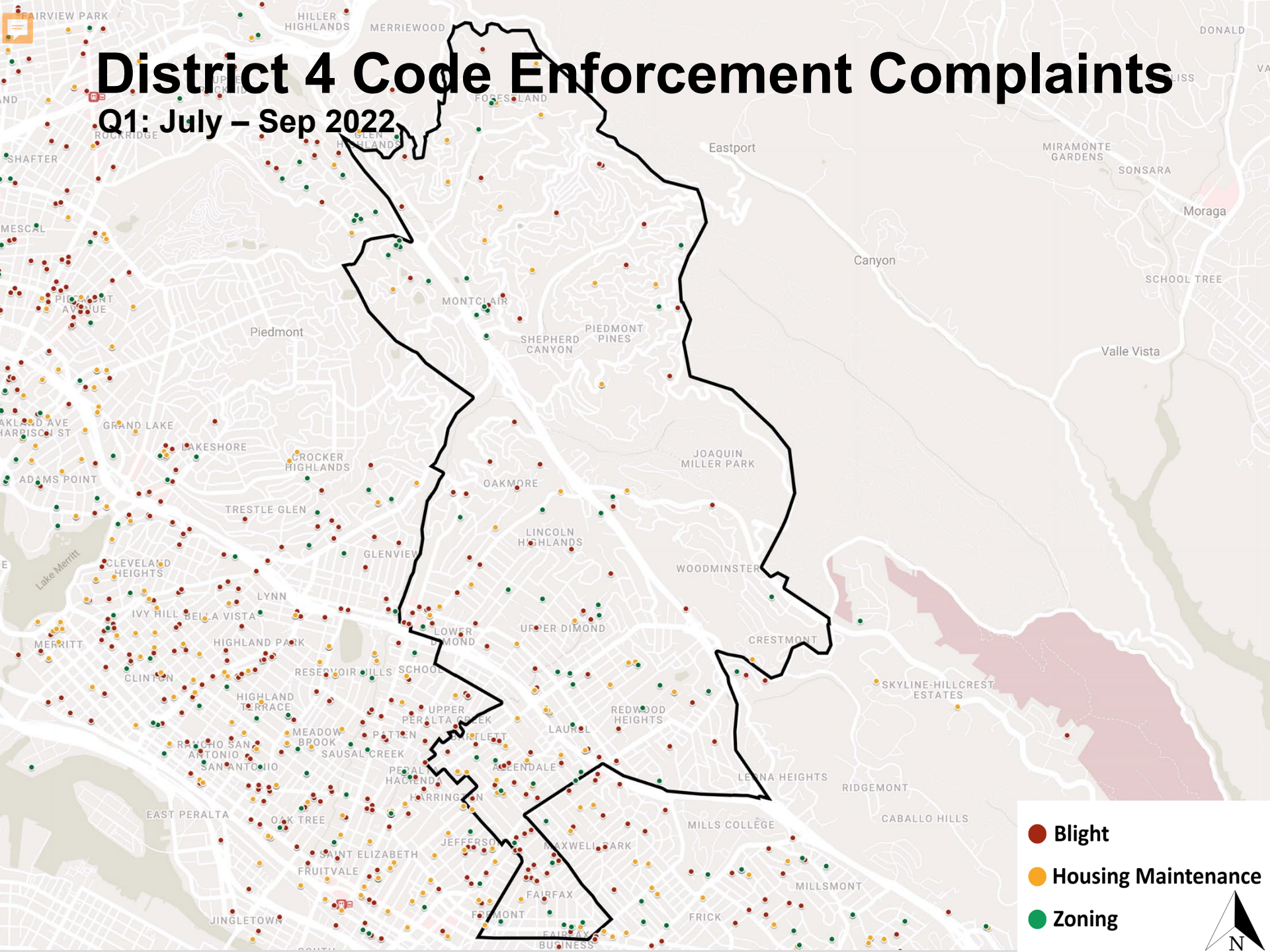


- Blight
- Housing Maintenance
- Zoning



District 4 Code Enforcement Complaints

Q1: July – Sep 2022

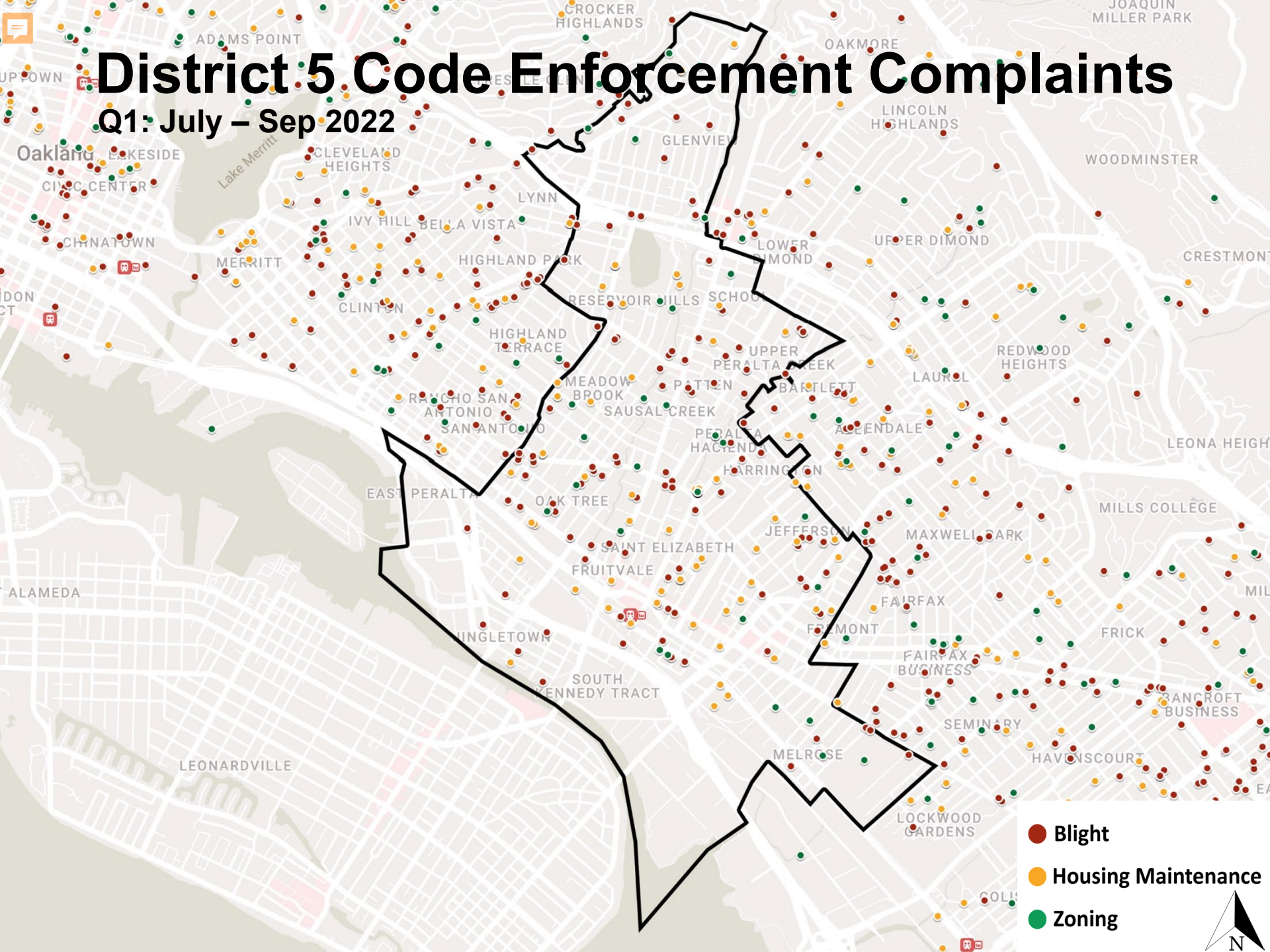


- Blight
- Housing Maintenance
- Zoning



District 5 Code Enforcement Complaints

Q1: July – Sep 2022

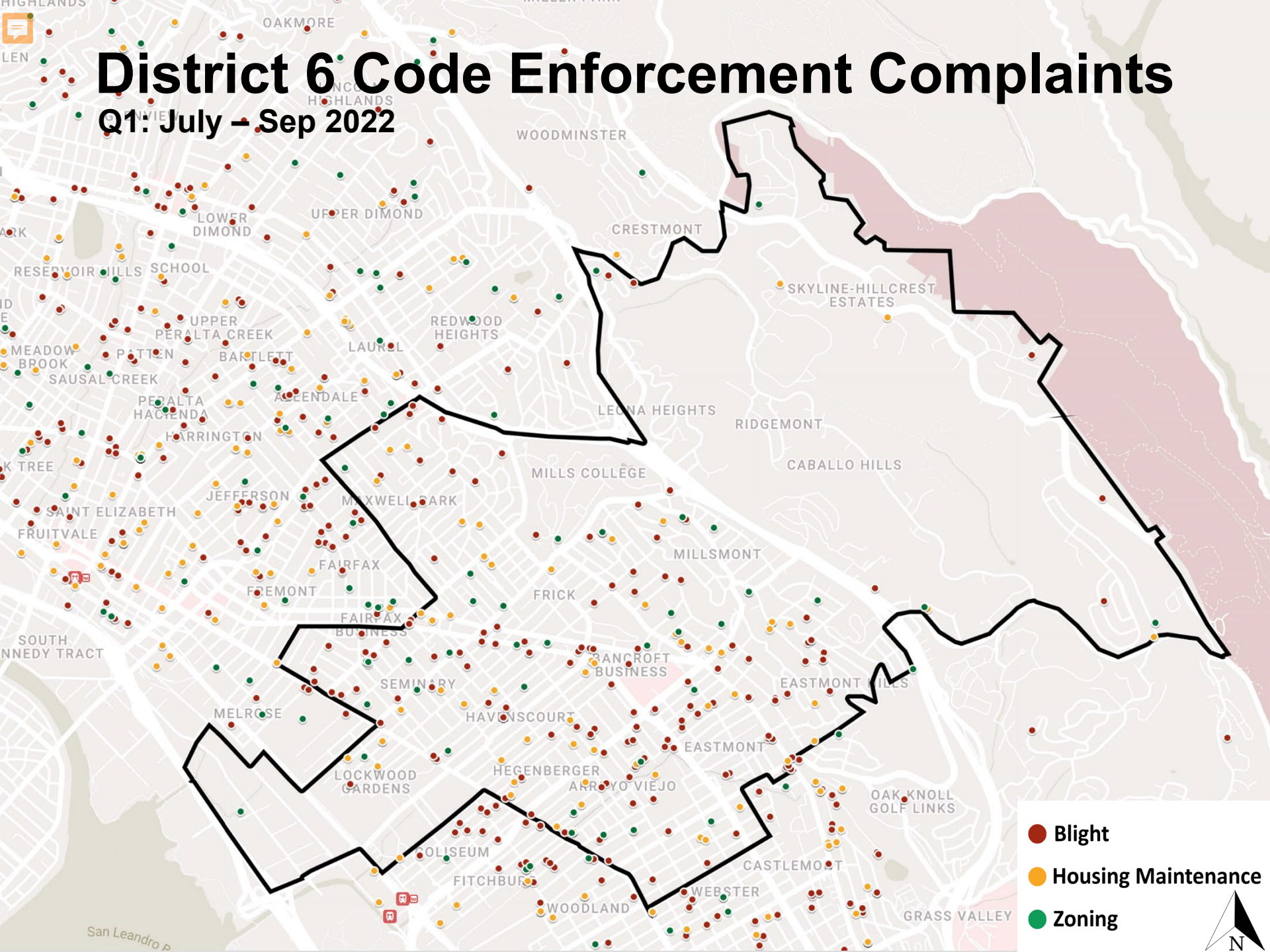


- Blight
- Housing Maintenance
- Zoning



District 6 Code Enforcement Complaints

Q1: July - Sep 2022

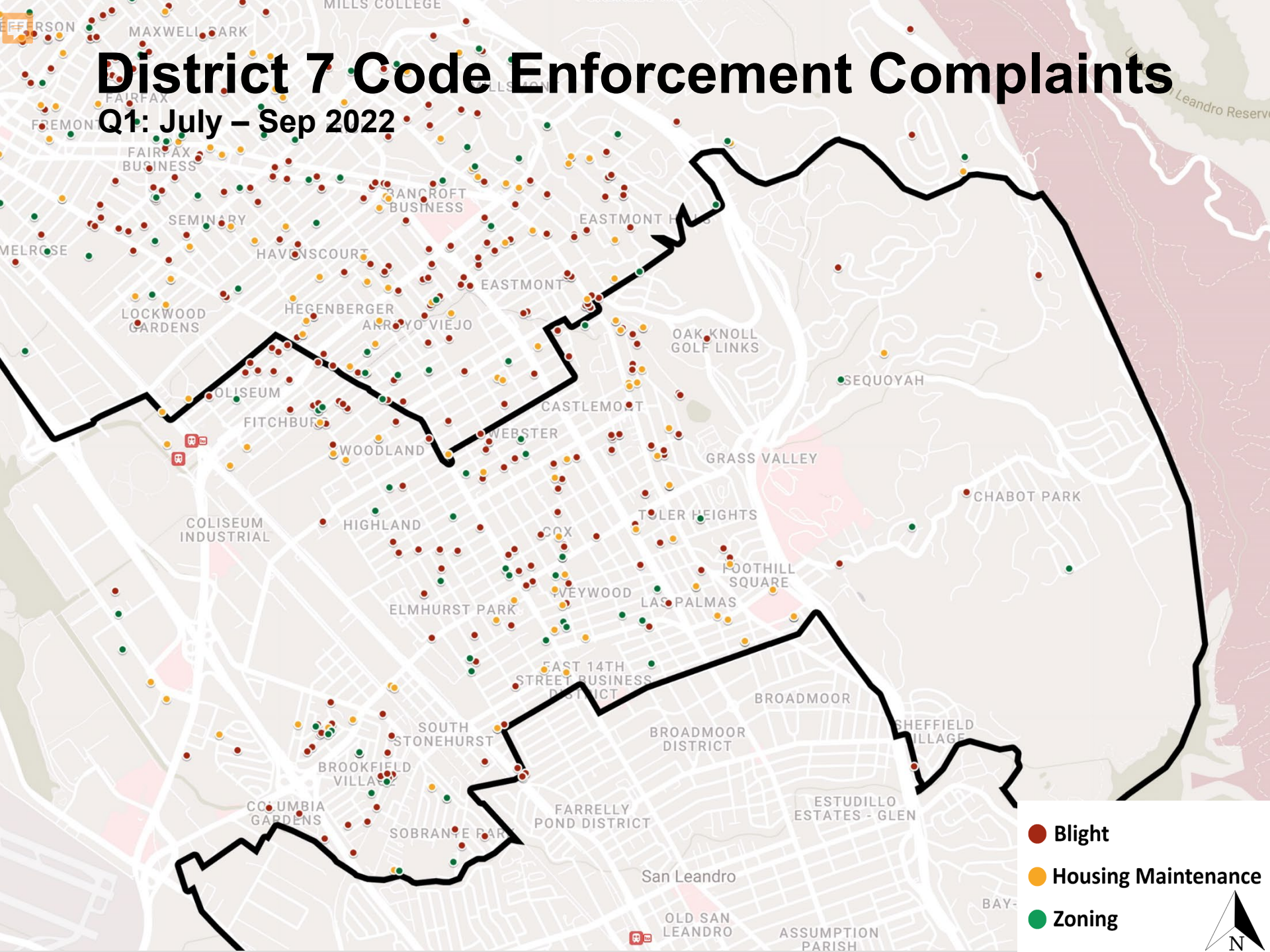


- Blight
- Housing Maintenance
- Zoning



District 7 Code Enforcement Complaints

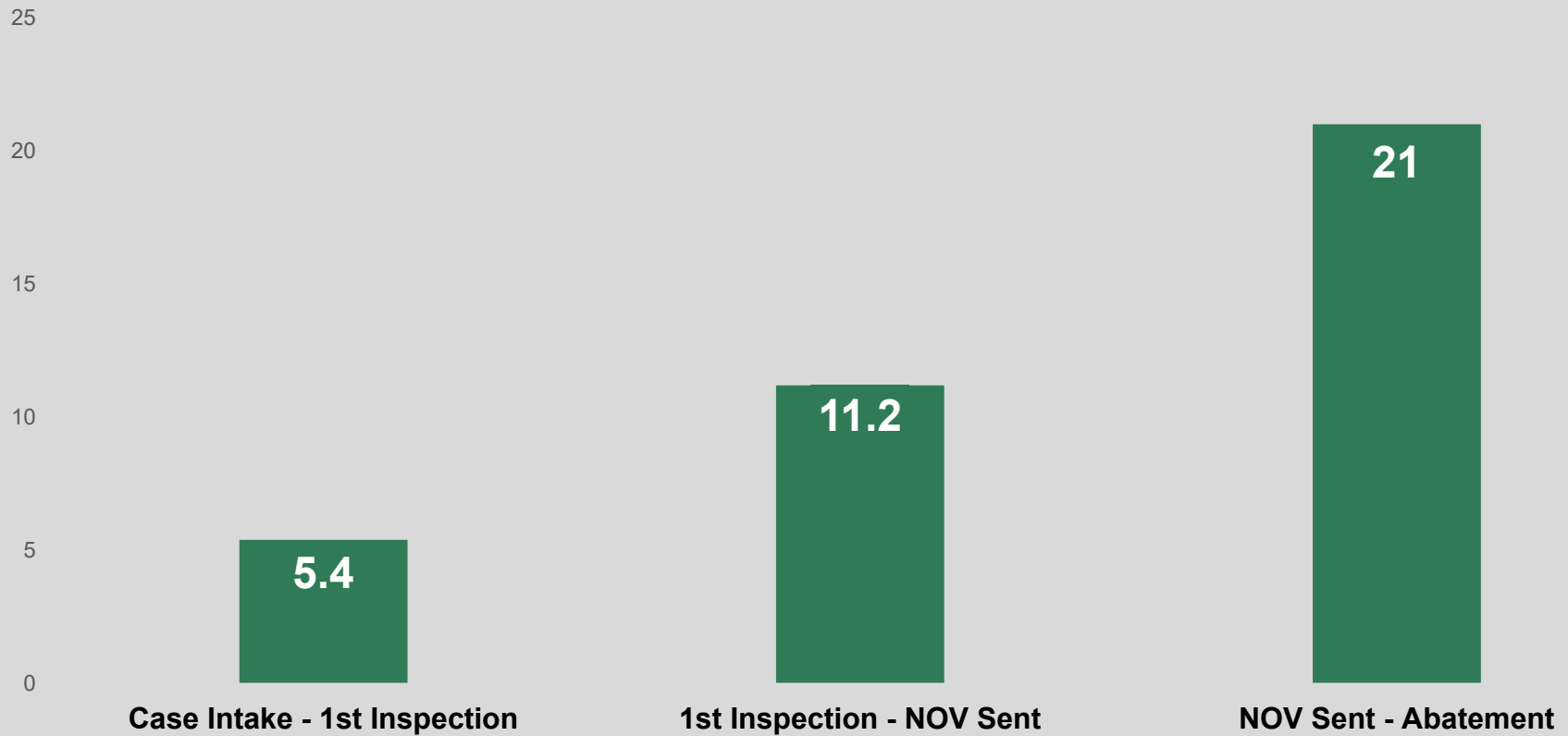
Q1: July – Sep 2022



Case Management Duration

Q1 July – Sep 2022

Shown as Business Days



Enforcement Actions for Compliance or Abatement

Q1 July – Sep 2022

Quarter	Clean-up Contract	Repeat Violators	Stop Work Order	Compliance Plan
Q1	4	7	48	1



Abated & Closed

Q1 July – Sep 2022

Q1	Total
Blight	708
Housing Maintenance	341
Zoning	255
TOTAL	1,304

*Includes non-actionable and referred



Total Open Cases

Q1 July – Sep 2022

Type	Open Cases - Previous Quarter	New Cases Current Quarter	Abated & Closed	Open Cases - End of Quarter
Blight	2,415	1,003	708	2,710
Maintenance	2,622	455	341	2,736
Zoning	640	328	255	713
Total	5,677	1,786	1,304	6,159



Fees Assessed

Q1 July – Sep 2022

Quarter	Cases Invoiced	Fees (Includes Bonds)	Bonds for Compliance Plan
Q1	194	\$305,624	\$3,000



Additional Information

- Notice of Violations available to public at <https://aca.accela.com/OAKLAND/Cap/CapHome.aspx?module=Enforcement&TabName=Enforcement>
- Detailed source data reports to search by Council District are available at <https://www.oaklandca.gov/documents/city-of-oakland-quarterly-building-code-enforcement-reports>

