



City of Oakland Mandatory “Soft Story” Retrofit Program

Frequently Asked Questions by Property Owners

1. What is a Soft Story building?

“Soft Story” is a term used to describe a type of collapse-prone building. The Oakland program defines a Soft Story building as one having all of the following characteristics:

- 1) designed or built prior to 1991,
- 2) with five or more dwelling units (apartment, condominium, hotel, etc.),
- 3) has a vulnerable lower story or crawl space.

The vulnerable lower story typically has large open areas, multiple garage doors for parking, or large windows for commercial storefronts. Built to outdated seismic standards, Soft Story buildings are prone to collapse in an earthquake and pose safety risks to tenants, financial risks to owners and tenants, and recovery risks to the community. (For technical reasons, the Oakland regulations refer to the vulnerable story itself as the “target story.”) OMC13516, Section 15.27.030 >

2. How do I know if my building is a Soft Story building?

If you received a notice from the City, it means that City and County records suggest your building is probably a Soft Story building subject to the program. You can also consider the three criteria (age, number of units, vulnerable lower story; see “What is a Soft Story building?”), consult with experts or with City staff.

3. What should I do if I received a notice from the City but I think my building is exempt from the program?

You may petition for an exemption using an online or paper form provided at the program website: <https://www.oaklandca.gov/services/apply-for-petition-of-exemption-mandatory-soft-story-retrofit> You might need to hire a licensed architect or engineer to complete the form. You do not need to hire an architect or engineer if the building is exempt because it has fewer than five units or because it was built after 1990. Please submit your petition form by February 21, 2020 following the instructions on the form.

If you have documentation from Oakland’s mandatory screening program of 2009-2012 showing an exemption approved by the City, you might not need to hire a design professional. Send or bring a copy of your documentation to the Bureau of Building, and Bureau staff will review it for you. Documentation from 2009-2010 does not guarantee exemption from the current program because the criteria of the two programs are different.

<OMC13516, Section 15.27.050A>

4. What is a Compliance Tier?

Each building in the Program is assigned to one of three Compliance Tiers, and each tier has its own set of deadlines. The Compliance Tiers are as follows:

- * **Compliance Tier 1-LB:** Buildings with 20 or more dwelling units
- * **Compliance Tier 1-NR:** Buildings whose owners failed to comply with the 2009 Soft Story Screening Program (OMC Section 15.26.230).
- * **Compliance Tier 2:** Buildings with 5-19 dwelling units.
- * **Compliance Tier 3:** Buildings where the Soft Story (or “target story”) contains residential or commercial space.

If you received a notice from the City, your building has been tentatively assigned to a Compliance Tier based on City and County records.

5. What should I do if I believe my building is eligible for a different Compliance Tier?

If you believe the building is eligible for a later tier (see “What is a Compliance Tier?”), you may petition for a change of Compliance Tier using a form provided at the program website: <https://www.oaklandca.gov/services/apply-for-petition-for-change-of-tier-mandatory-soft-story-retrofit> If your building is eligible for Tier 3 and you want to change to that tier, you will need to hire a licensed architect or engineer. If your building is eligible for Tier 2, you do not need to hire an architect or engineer. Please submit your petition form by February 21, 2020 following the instructions on the form. <OMC13516, Section 15.27.050B>

6. What if I did not receive a notice from the City but I think I have a Soft Story building?

Some buildings subject to the program might not be properly listed in City and County records. If your building is a Soft Story building, it is subject to the program even if you did not receive an official notice from the City (OMC Section 15.27.100). If you own a building you think might be a Soft Story building, but you did not receive a notice from the City, please see “List of Potential Subject Buildings” and “Official Notice to Property Owner” to confirm. You may also contact the program staff at MandatorySoftStoryRetrofit@Oaklandca.gov to confirm the status.

7. What are the deadlines for each Compliance Tier?

The deadlines for each Compliance Tier are given in the following table. For any building that is not exempt, there are variable deadlines for Step 3, Step 4, and Step 5.

Assigned Compliance Tier	STEP 1. Document that building is not a subject building	STEP 2. Document that building is eligible for a later compliance tier	STEP 3. Perform mandatory evaluation and submit initial affidavit of compliance	STEP 4. Obtain retrofit permit or submit Target Story evaluation report	STEP 5. Perform retrofit work and obtain approval on final inspection; submit final affidavit of compliance
Non-subject building	2/21/2020	NA	NA	NA	NA
Tier 1-LB or Tier 1-NR	2/21/2020	2/21/2020	2/21/2021	2/21/2022	2/21/2023
Tier 2	2/21/2020	2/21/2020	2/21/2022	2/21/2023	2/21/2024
Tier 3	2/21/2020	NA	2/21/2023	2/21/2024	2/21/2025

Table from OMC13516, Section 15.27.070

8. If my building is not exempt, what should I do next?

After confirming that your building is subject to the program (Step 1) and that it is assigned to the correct Compliance Tier (Step 2), you will need to hire an engineer or architect to evaluate the building (Step 3) and, in most cases, prepare a retrofit design (Step 4). In most cases, you will need to then hire a contractor to do the retrofit construction (Step 5).

9. How do I find and hire a qualified architect, engineer, or retrofit contractor?

Since the Cities of Berkeley and San Francisco have also implemented mandatory retrofit programs, Bay Area design professionals and contractors are familiar with these buildings and the necessary retrofit scope. The City cannot recommend specific architects, engineers or contractors. However, the following resources are available for guidance.

<Engineers>

[SEAONC Structural Engineer Referral List](https://www.seaonc.org/page/referrallist) - <https://www.seaonc.org/page/referrallist>

<Architect>

[AIA East Bay](http://aiaeb.org/find-an-architect/member-firms/) - <http://aiaeb.org/find-an-architect/member-firms/>

[AIA SF Search](https://www.aiaef.org/page/FindanArchitect) - <https://www.aiaef.org/page/FindanArchitect>

<Contractors>

[Contractors State License Board](http://www.cslb.ca.gov/) - <http://www.cslb.ca.gov/>

10. If my building is exempt, does that mean it's "earthquake safe"?

Not necessarily. The program is designed to find and retrofit many of the city's most collapse-prone residential buildings, but it is limited in scope. Buildings with masonry or concrete walls and buildings with only four dwelling units might have serious seismic deficiencies but are nevertheless exempt from the program. Similarly, if your engineer determines that your building does not have a wood frame target story, that does not necessarily mean it is without seismic deficiencies, even if the Bureau accepts your engineer's judgment and grants the exemption.

11. How much will this cost?

Retrofit design and construction costs will vary from project to project. For initial budgeting purposes, an owner should expect to spend between \$10,000 and \$25,000 on the retrofit design and related program requirements, depending on the building and site complexity and the availability of building records. In most cases, retrofit will be required and will typically cost between \$40,000 and \$200,000, again depending on the size and complexity of the site and the building.

12. What if I have already retrofitted my building?

If you have already completed a voluntary retrofit, you might be exempt from additional work under the new mandatory program. Have your architect or engineer complete [a Petition for Exemption form](#) and explain on the form why the building no longer has a wood frame target story. The Bureau cannot automatically make this assessment itself because until now, all retrofits have been voluntary and were therefore not reviewed for compliance with any particular standard.

13. How will this affect my tenants?

As your design professional prepares a retrofit design (Step 4), he or she should be able to advise you about whether the work will disrupt tenants or restrict the use of parts of the building during construction, and whether the completed work will create any permanent changes. Tenants in the ground story are most likely to be affected, but the retrofit design can often be tailored, and the construction can often be phased, to minimize impacts. If you have tenants in the ground story, consultation and coordination with them during the design phase (Step 3 and Step 4) is strongly recommended.

14. May I increase rents to help cover the costs?

Property owners must petition the Rent Adjustment Program to increase rents for capital improvement costs. Mandatory soft story retrofit may be considered a Capital Improvement cost. Capital Improvements are those improvements which materially add to the value of the property, appreciably prolong its useful life or adapt it to new building codes, and primarily benefit the tenants rather than the landlord. 70% of actual costs may be passed on to the tenants over 25 years. (Regs §8.22.020; also Regs, Appendix A, §10.2.3) The rent increase cannot exceed 10% per a 12-month period or 30% per 5 years for a particular unit. Any grants or reimbursements the owner receives for the project will be deducted from the actual cost of the project when calculating the pass-through. (OMC13516, Section 15.27.190C/ Regs

§8.22.020; also Regs, Appendix A, §10.2.3.) For more information, please contact the Rent Adjustment Program at (510) 238-3721.

15. What is the procedure for increasing rents?

- After completing construction, passing final inspection, and making all payments for the project, you must file a [petition](#) with supporting documents (copies of finalized permits, invoices, proof of payment reflecting the cost of the project, etc.). The petition must be filed within 24 months after the work is completed and paid.
- Once a petition is received and reviewed, RAP will notify all tenants and schedule a hearing, at which you may present your evidence. Tenants are allowed to participate in the hearing.
- After the hearing, a Hearing Decision and Decision Summary will be issued and mailed to all parties to indicate granting or denying the requested rent increase.
- After the appeal period passes, you must notify the tenants of the rent increase by serving tenants the 30-day Rent Increase Notice with Decision Summary.

For more information, please contact the Rent Adjustment Program at (510) 238-3721.

16. Must I compensate tenants for disruption due to the retrofit?

In general, yes: If tenants are temporarily displaced for code compliance, the owner must pay for their temporary housing costs. For permanent loss of the parking or storage spaces, tenants may petition the Rent Adjustment Program for compensation for a decrease in housing services. For more information, please contact the Rent Adjustment Program at (510) 238-3721.

17. What other assistance is the City providing?

If you need assistance for temporary relocation of your tenants during the construction, please contact Housing Resources Center at (510) 238-6182.

City of Oakland Mandatory “Soft Story” Retrofit Program

Frequently Asked Questions by Tenants

1. How do I know if my building is in the program?

To find out if your building is subject to the program, please see the list of [Potential Subject Buildings](#) on our website. If your building is not listed, but you think it should be subject to the program, please contact the program staff at MandatorySoftStoryRetrofit@Oaklandca.gov to confirm the status.

2. Will I receive a notice for this program?

The Bureau of Building only sends notices to property owners. The owners must inform the tenants of the project scope, timeline, duration and any other crucial information related to the project and its effect on tenant’s housing services including parking, storage, etc.

3. Will this affect my unit (or parking space, etc.) during construction?

Every building is different; it will depend on the retrofit design. Once the design is approved, owners will know which parts of the building will be affected by the retrofit construction. In most cases, the work will impact only the ground story. If the ground story is occupied, those residential or commercial tenants might experience some disruption. Even if the ground story is not occupied, there might be impact on the availability of parking, storage, laundry, or other common areas. For more information, please contact the Rent Adjustment Program.

4. Will this affect my housing services such as parking space once the work is done?

If your parking or storage spaces included in your rent prior to the construction are permanently lost after construction is completed and compensation is not provided, you may file a tenant petition for decreased housing services online or download a [form](#) on the Rent Adjustment Program website. For more information, please contact the Rent Adjustment Program at (510) 238-3721.

5. Will this affect my rent?

Your property owner may file a petition to increase your rent. In general, the seismic retrofit work within the scope of this ordinance allows the owner to pass through some of the costs to tenants. You may participate in a hearing to understand how your rent will be affected by the pass-through. After construction is finalized, property owners must go through a process to adjust your rent. The Rent Adjustment Program will notify all tenants of a hearing when it receives an application submitted by the owner. For more information, please contact the Rent Adjustment Program.

6. Is the Building exempt from rent control after completing the program?

Mandatory Soft Story Seismic Program FAQ's

No, the building will not be exempt from jurisdiction of the Rent Adjustment Program and will continue to be subject to the Rent Adjustment Ordinance.

7. What other assistance is the City providing?

For assistance and more detail regarding tenants right, decrease of housing service, increase of rent, please visit Rent Adjustment Program website: <https://www.oaklandca.gov/rap>

Contact Us

For Questions regarding compliance with the Mandatory Ordinance Requirements:

City of Oakland
Building Department
250 Frank H. Ogawa Plaza 2nd Floor
Oakland, CA 94612
Phone: (510) 238-3344
Email: MandatorySoftStoryRetrofit@Oaklandca.gov
Website: <http://Oaklandca.gov/topics/ssretrofit>

For Questions regarding rent control as it relates to the Mandatory Ordinance:

City of Oakland
Rent Adjustment Program
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
Phone: (510)-238-3721
Website: <https://www.oaklandca.gov/rap>