



# AGENDA REPORT

**TO:** Steven Falk  
Interim City Administrator

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

**SUBJECT:** Code Enforcement  
Quarterly Report: FY 2022-23  
Quarter 3

**DATE:** April 24, 2023

City Administrator Approval

Date: May 11, 2023

## **RECOMMENDATION**

**Staff Recommends That The City Council Receive An Informational Report Regarding The FY 2022-23 Quarter 3 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); from January 1, 2023 through March 31, 2023 of Fiscal Year (FY) 2022-23. 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 types of code enforcement work being performed, the statistics related to those categorized types of enforcement, and key initiatives underway to improve the effectiveness of the overall 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 of occupants in and around structures. PBD responds to approximately 7000 complaints per calendar year.

CED Committee  
May 23, 2023

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 further in this report. The length of time to achieve compliance varies based upon several factors, such as the complexity 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 period. See slides 3 & 4 **Attachment A** for the quarterly complaints received.

Complaints are received in many ways (311, on-line, phone, email, etc.) and are usually received by 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 slides 5 & 6 **Attachment A** for the quarterly volume of First Inspections conducted.

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 Oakland Municipal Code (OMC). When 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, 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. They may be addressed through compliance plans and may entail 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 slides 7 to 10 **Attachment A** for the average case management duration, number of enforcement actions for compliance and abatement and total open and closed cases.

## **ANALYSIS AND POLICY ALTERNATIVES**

**The PBD Code Enforcement Program Quarterly report directly relates to the City priorities of 1) holistic community safety and 2) housing, economic, and cultural security by providing a means and methods to verify and correct violations of the Municipal Code as they relate to minimum maintenance standards for private property.**

### **Code Enforcement Categories**

**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 Chapters 8.24.050 and 8.10.110 of the OMC, 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 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.

Whereas 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, EWD 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, NOVs and enforcement noticing described under Building Maintenance to gain compliance.

**Abatement and Case Clearance Issues**

In Oakland during Quarter 3, Code Enforcement received 1,396 complaints. Slide 10 of **Attachment A** depicts the caseload in each category of complaint.

There is a tendency to think of Code Enforcement violations as a monolith, but each is different, and each requires different tools and processes to abate. **Table 1** provides just a small sample of the types of violations that come in as complaints.

**Table 1, Types of complaints by category**

<b>Building Maintenance</b> (OMC 15.08)	<b>Property Maintenance (Blight)</b> (OMC 8.24)	<b>(Minor) Zoning</b> (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

As further depicted in **Table 2**, open case volumes grew among all programs by about 6% in Quarter 3. Mitigating this growth in open cases is an identified focus area for PBD.

**Table 2, Growth of open cases by category**

<b>Building Maintenance</b>	<b>Property Maintenance (Blight)</b>	<b>(Minor) Zoning</b>
Cases grew by 6% in Quarter 3, going from 2,794 to 2,973 open cases.	Cases grew by 6% in Quarter 3, going from 2,824 open cases to 2,979 open cases.	Cases grew by 5%, going from 762 open cases to 798 open cases.
In terms of abatement, 559 new cases were opened, while 380 cases were abated and closed.	In terms of abatement, 670 cases were opened while 515 cases were abated and closed for blight cases.	In terms of abatement, 167 new cases were opened while 131 cases were abated and closed.

Vacancies and declining staff experience contribute to high caseloads and a disproportionate number of complex cases going to veteran Inspectors. Nearly half of the Inspector positions are vacant (8 out of 20). Some of those filled positions are new hires and much institutional memory and expertise has been lost. The complexity of some issues requires experience and institutional memory. A shortage of experienced building inspectors is a national problem and currently has a disproportionate impact on the Code Enforcement Division due to the fact that experience in the local context is required to most-efficiently solve the myriad problems that Code Enforcement Inspectors face.

Along with staffing shortages, there are continuous issues with property owners who fail to respond to notices in a timely manner and with the paperwork and administrative effort involved with bringing those properties into compliance is time consuming. Finally, the Cybersecurity Incident of February 8, 2023, impacted Code Enforcement processes. As of this writing, the Information Technology Department (ITD) has verified the full restoration of those IT systems. The combination of these staffing issues and longer compliance timeframes, often due to reliance on other agencies and entities, result in a growing backlog of cases. To address the backlog, PBD is conducting work to identify the validity of many of these cases. Internal data indicates that a large number of these cases are open due to having been transferred from Inspectors who no longer work at the city to current Inspectors who have only been able to focus on the constant addition of new cases. PBD is now working to determine how best to resolve these cases to better represent which cases have not been abated and prioritizing those cases accordingly. Preliminary data also indicates that hundreds of cases may have had their assignment impacted by the recent Cybersecurity Incident. Now that systems have been restored, as indicated earlier, the goal is to have this issue resolved by the next quarterly report.

## **FISCAL IMPACT**

### **Code Enforcement Fees**

Slide 11 of **Attachment A** reflects the volume of violations with associated fees. When compliance is not obtained, fees and penalties increase to encourage the property owner to mitigate code violations and to cover the cost of additional inspections and 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 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, and they are assessed incrementally to gradually disincentivize inaction.

## **PUBLIC OUTREACH / INTEREST**

### **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 1<sup>st</sup> Inspections/site visits performed, average turnaround from complaint to NOV abated, and Fees Assessed for Quarters 1-3 of FY 2022-23.

**Attachment B** displays the Geographic Distribution of Complaints by District for informational purposes and reference.

## **COORDINATION**

### **Key Initiatives**

The bullet points that follow represent a brief discussion of the: methods, partnerships, technical trainings, personnel changes, and newly implemented programs and standards that will impact the Enforcement Division's ability to reduce the numbers of open cases, addressed in Slide 10 of **Attachment A**, in future quarters.

For the most part, the bullet points can be broken down into programs that will increase Code Enforcement's caseload (in the short-term), and those that should decrease Code Enforcement's caseload. 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 an analysis of the previously affected IT datasets to update the numbers from Slide 10, we remain confident that future quarterly reports will provide more precise, and much lower numbers of open cases.

- **Staff Coordination and Training**

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, HCD to address effective and timely responses for complex cases.

The 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.

The Code Enforcement Division is also working with the City Administrator's Office (CAO) and other departments to enhance tools and processes to improve customer service and inter-departmental coordination, as part of the "Reimagining One-Stop Permitting" initiative.

Code Enforcement Inspectors are taking regular training to enhance knowledge and skills relative to their duties. For example, all Division staff will complete De-Escalation and Communication, Parts I and II, offered through NeoGov, by the end of June.

- **Recruitments**

During the last several quarters, the Code Enforcement Division has had 12 Inspectors and 8 vacancies. In November of 2022, the Department of Human Resource Management conducted an examination for the recruitment of Specialty Combination Inspectors. From that eligible list, two were offered positions and started in April. The recruitment for Specialty Combination Inspectors to fill vacancies within the Building Bureau remains continuous. At the end of April 2023, the Division will have 14 Inspectors with 6 vacancies.

- **Implementing New Laws and Regulations**

Code Enforcement operations are regularly impacted by the adoption of new or revised Municipal Codes. 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 or escalation certain violations may be given. In December 2022 there were two additional standards adopted into the Building Maintenance Code (OMC 15.08).

- 1) Lead Based Paint Hazard Abatement Standards; that 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.
- 2) Standards for Delayed Enforcement for Accessory Dwelling Units and Joint Live Work Quarters When Correction of Violations is Not Necessary for Health and Safety; which provides properties with non-compliant spaces to obtain a five-year delay of enforcement if the non-compliant elements are not related to necessary health and safety regulations, as required by state law.

Both additions to the Maintenance Code are being incorporated in the standard operating procedures and practices of the Code Enforcement Division.

- **Proactive Rental Inspection Program**

The Enforcement Division is working on a Proactive Rental Inspection Program (PRIP), which will be designed to conduct periodic inspections of residential rental units across the City to ensure the OMC-required levels of maintenance, safety, and habitability of such living spaces are met. Building Bureau staff are collaborating with the City Attorney's Office, Department of Race and Equity, Finance Department, HCD, and others to finalize a proposal. There will be significant coordination required to address the impacts due to the increased volume of case management, potential impacts on tenants during implementation of compliance plans, and the schedules for property owners to address their violations. One of the long-term outcomes should be a decrease the number of complaints that Code Enforcement receives in the future due to the proactive inspections that will eventually prevent conditions from descending to the level of becoming a violation. However, initially the program's implementation will generate significant additional cases due to the number of previously unidentified cases until the ensuing backlog of property corrections have been addressed across the City.

## **SUSTAINABLE OPPORTUNITIES**

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

**Race & Equity:** This is an informational report so there are no actions requested of the Council.

Code 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, BIPOC communities living in substandard housing may be reluctant to submit complaints and may need outside help to make their buildings safer.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council receive an Informational Report regarding the FY 2022-23 Quarter 3 update on the Planning and Building Department's Code Enforcement activities.

For questions regarding this report, please contact Chris Ragland, Chief Building Official, in the Planning and Building Department, at 510-238-6435 or at [cragland@oaklandca.gov](mailto:cragland@oaklandca.gov).

Respectfully submitted,



WILLIAM A. GILCHRIST  
Director, Planning and Building Department

Prepared by:  
Christopher Ragland, Chief Building Official  
Planning and Building Department

Attachments (2):

- A: Quarterly Code Enforcement Data and Statistics FY 2022-23, Quarter 3
- B: Geographic Distribution of Complaints by District





# Attachment A:

## Code Enforcement Summary Report

Quarter 3 (Jan – March 2023)

City of Oakland

Planning and Building Department (PBD)



City of Oakland  
Planning & Building Dept.

# Contents

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- I. Complaints Received by Category**
- II. Volume of Inspections**
- III. Case Management Duration**
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- V. Abated/Closed**
- VI. Total Open Cases**
- VII. Fees Assessed**
- VIII. Additional Information**



# Complaints Received by Category: FY 2022-23

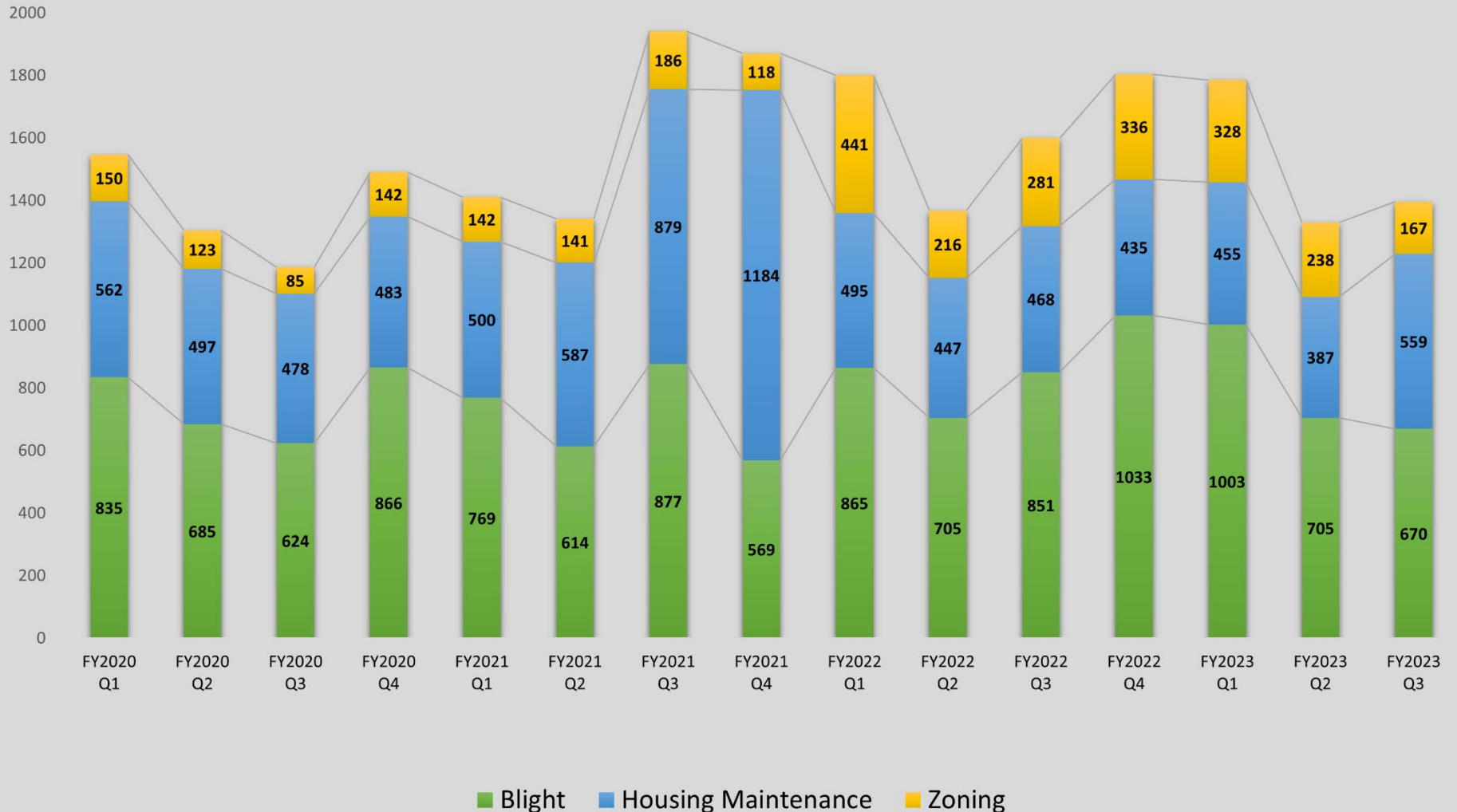
Received by phone, 311, on-line, email, etc.

Depending on the complaint, 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
Q3	670	559	167	<b>1,396</b>
Q2	705	387	238	<b>1,330</b>
Q1	1,003	455	328	<b>1,786</b>



# Complaints Received by Category FY 2020 Q1 – FY 2023 Q3



# Inspections/site visits

FY 2022-23 Q3 Jan – March 2023

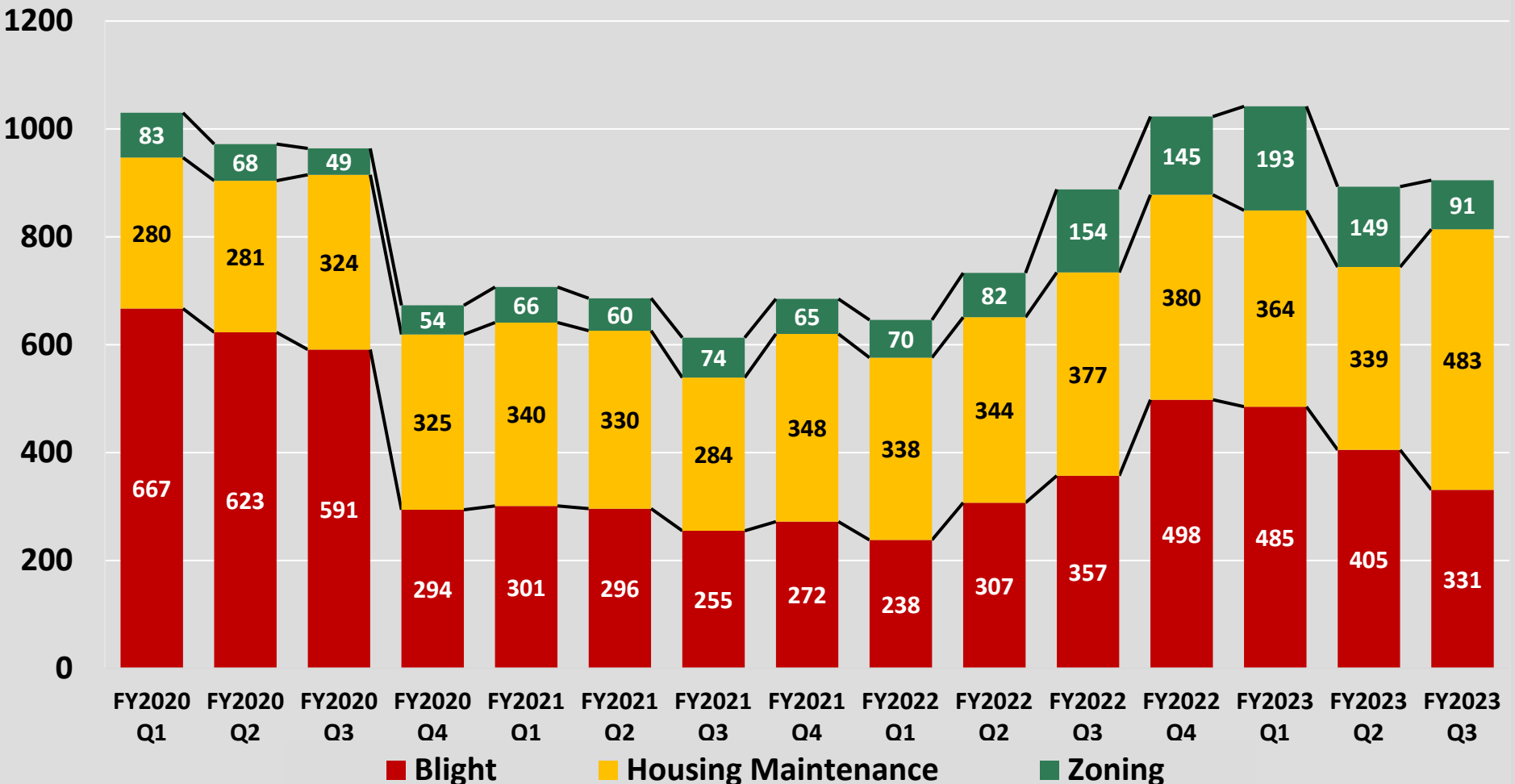
Enforcement Category	Blighted Property (Including graffiti)	Building Maintenance	Zoning (Including Noise)	Total
1 <sup>st</sup> Inspections	331	483	91	905
Re-Inspections & Monitoring Inspections	431	1000	146	1,577
<b>Total Inspections by Type</b>	<b>762</b>	<b>1,483</b>	<b>237</b>	<b>2,482</b>



# Volume of 1<sup>st</sup> Inspections

FY2020 Q1 – FY2023 Q3

The first step in **verifying** a complaint

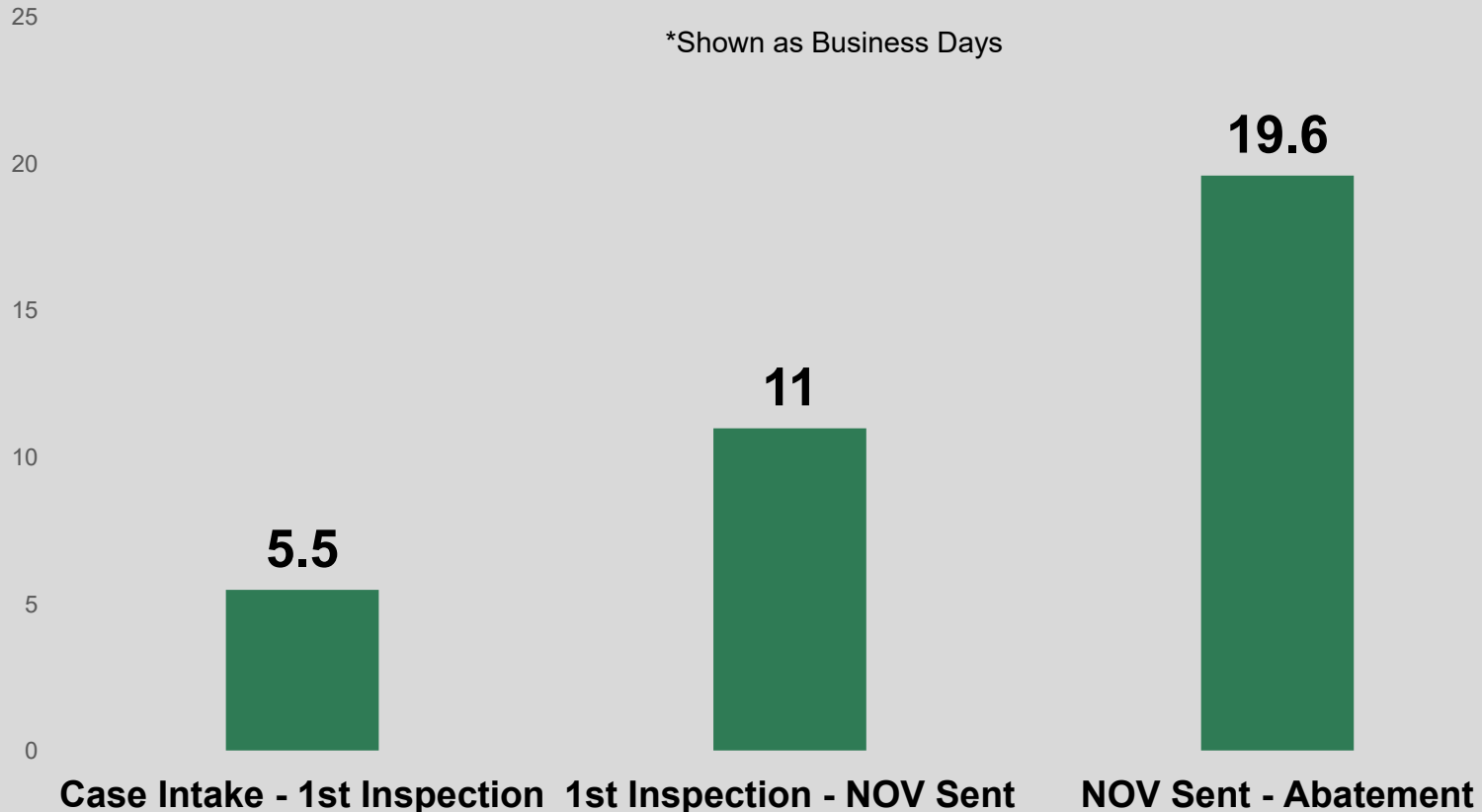


# Case Management Duration

## FY 2022-23 Q3 Jan – March 2023

This is the average turn around time from complaint received, 1<sup>st</sup> inspection performed, NOV Sent, and violation abated

Total of 36.1 days from complaint to violation corrected





# Enforcement Actions for Compliance or Abatement FY 2022-23 Q3 Jan – March 2023

<b>Enforcement Action</b>	<b>Definition</b>	<b>Cases Processed</b>
<b>Clean-up Contract</b>	An agreement to allow the City to Secure and/or Clean-up Blight on private property with the owner agreeing to pay the cost of the Clean-up.	<b>2</b>
<b>Notice of Repeat Violation</b>	The same or similar violation has been verified within 24 months. The property owner is immediately assessed a fee and allowed 10 days to correct the violations.	<b>1</b>
<b>Stop Work Order</b>	Stops unpermitted work or work beyond scope	<b>27</b>
<b>Compliance Plan</b>	Plan made with owner about fees and Abatement	<b>4</b>



# Abated & Closed\*

## FY 2022-23 Q3 Jan – March 2023

Q3	Total
Blight	515
Housing Maintenance	380
Zoning	131
<b>TOTAL</b>	<b>1,026</b>

Includes non-actionable and referred\*



# Total Open Cases

## FY 2022-23 Q3 Jan – March 2023

Type	Open Cases - Previous Quarter	New Cases Current Quarter	Abated & Closed	Open Cases - End of Quarter
Blight	2,824	670	515	2,979
Maintenance	2,794	559	380	2,973
Zoning	762	167	131	798
<b>Total</b>	<b>6,380</b>	<b>1,396</b>	<b>1,026</b>	<b>6,750</b>



# Enforcement Fees Assessed

## FY 2022-23 Q1 – Q3

Quarter	Cases Invoiced	Fees (Includes Bonds)	Bonds for Compliance Plan
Q3	166	\$273,440.50	\$7,008
Q2	235	\$358,602	\$16,500
Q1	194	\$305,624	\$3,000



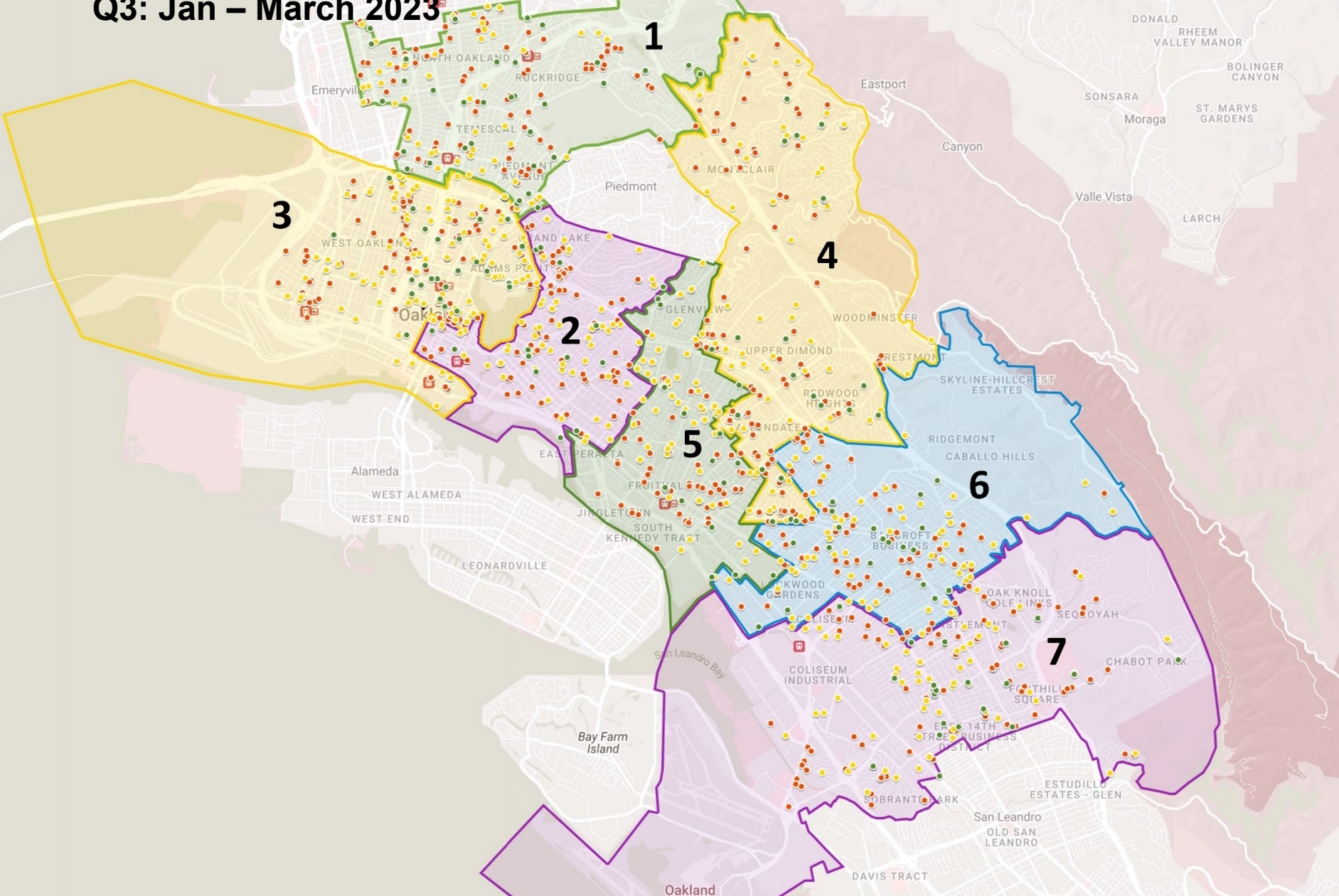
# Additional Information

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



# Code Enforcement Complaints by District

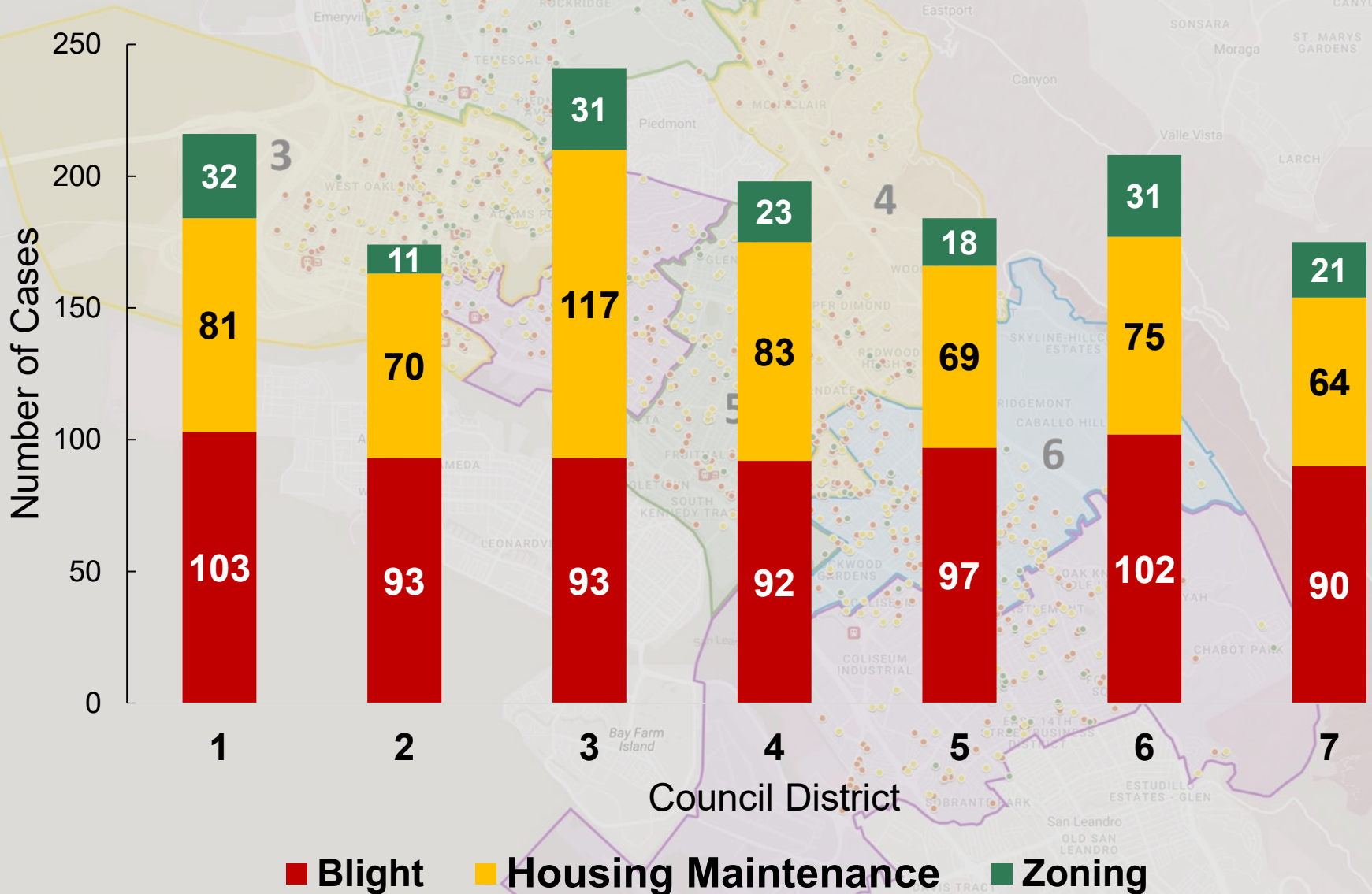
Q3: Jan – March 2023





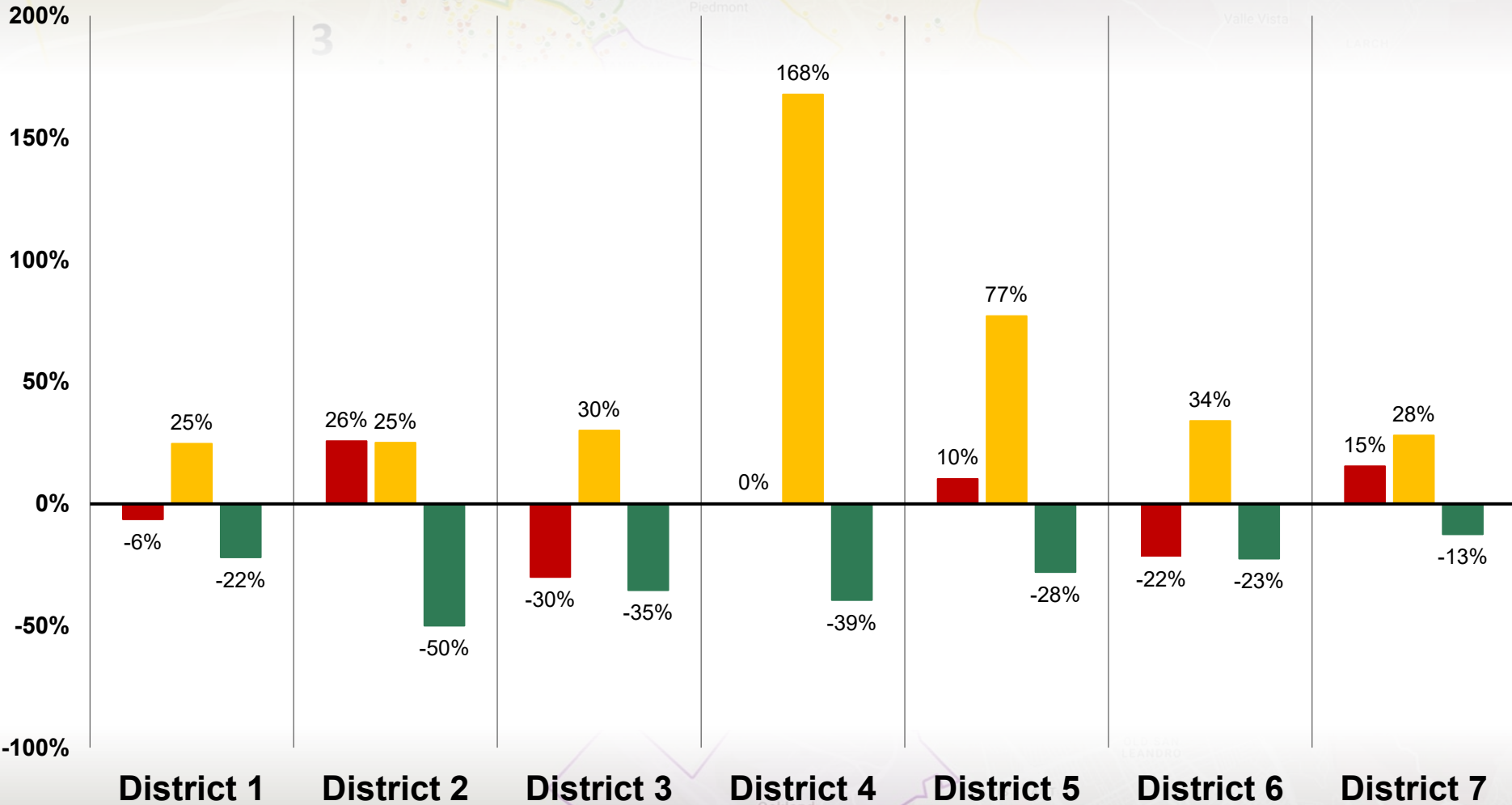
# Code Enforcement Complaints by District

Q3: Jan – March 2023



# PERCENTAGE CHANGE IN COMPLAINTS RECEIVED BY CATEGORY AND DISTRICT FROM Q2 TO Q3

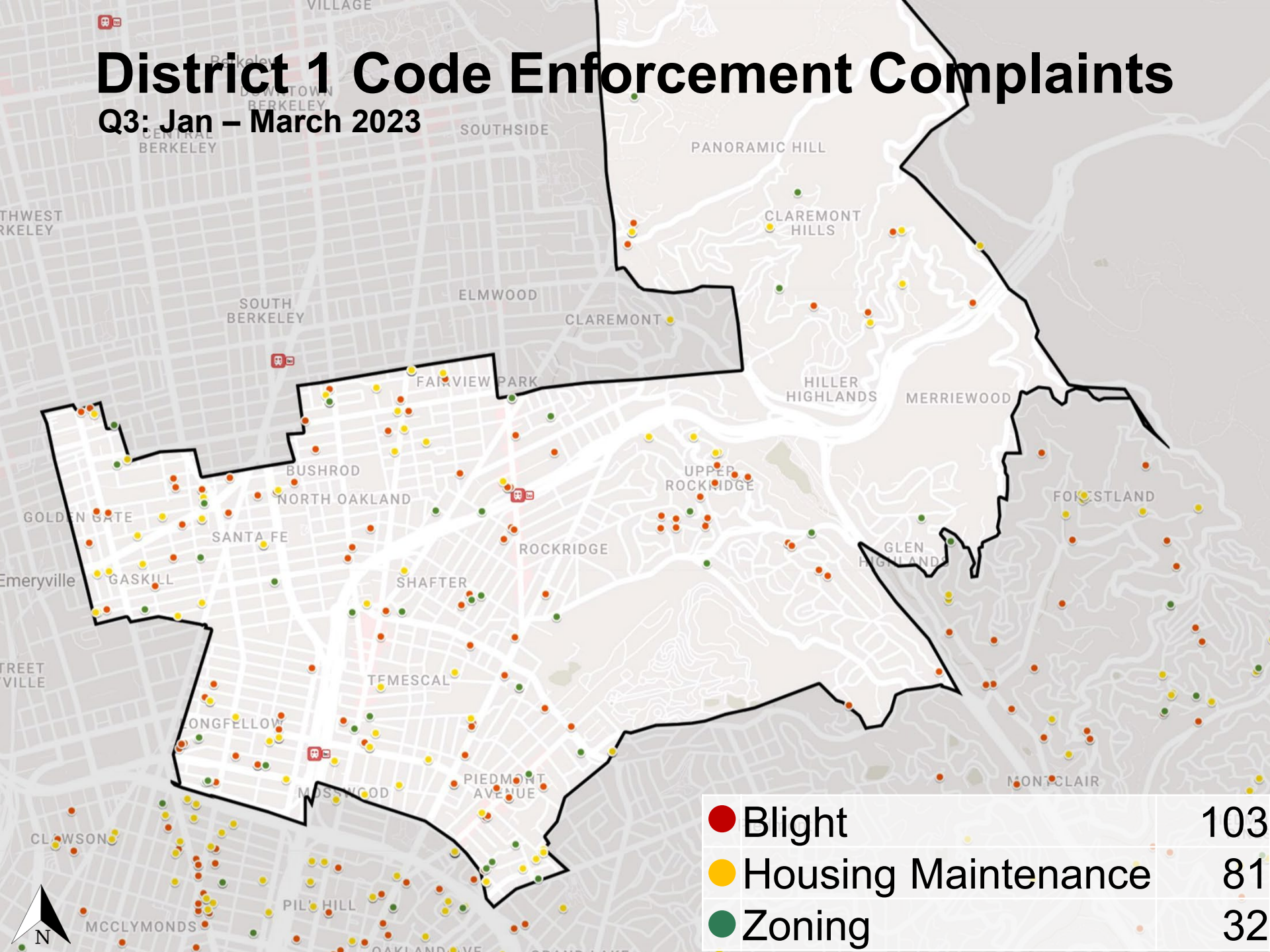
■ Blight ■ Housing Maintenance ■ Zoning





# District 1 Code Enforcement Complaints

Q3: Jan – March 2023

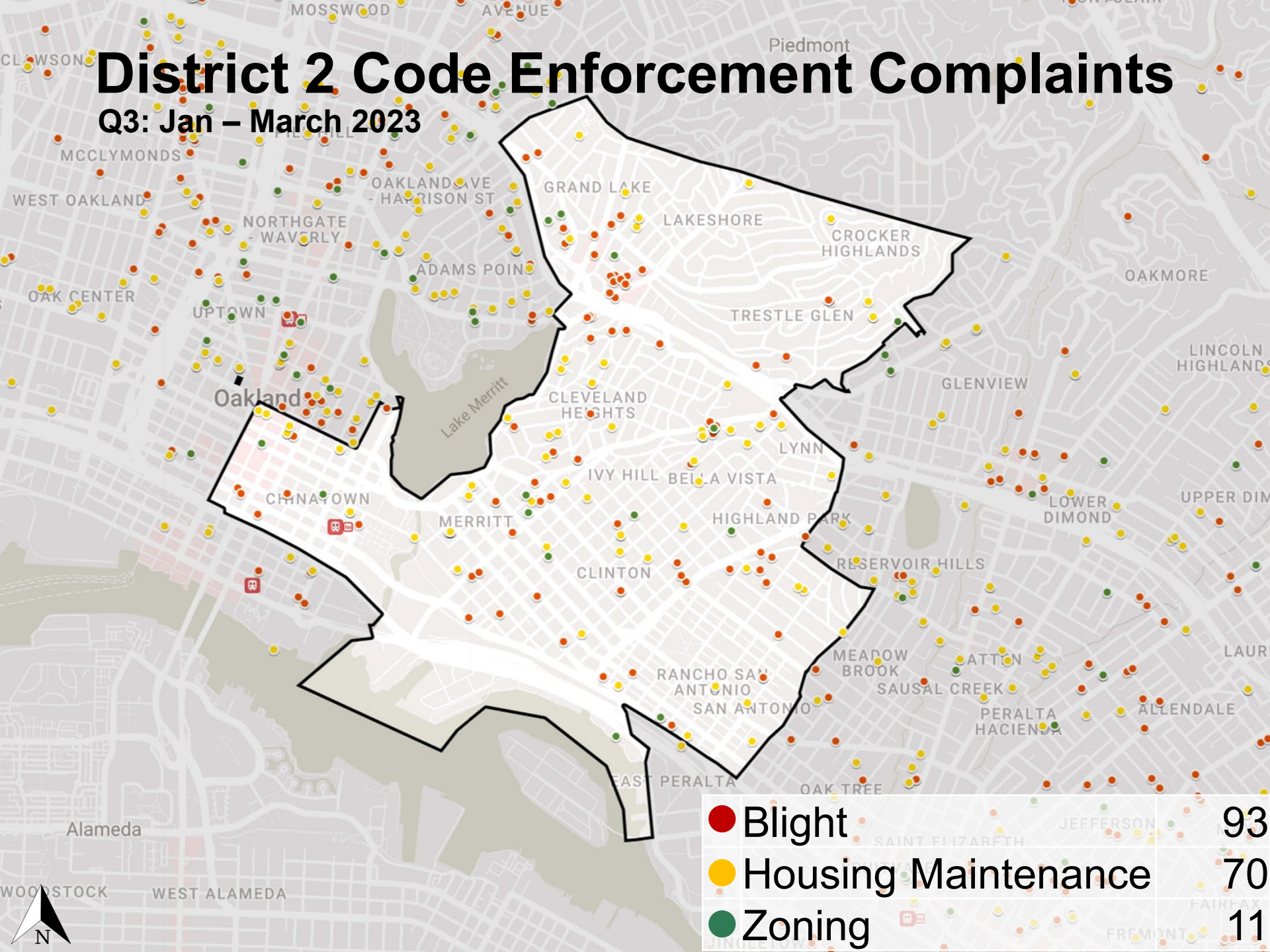


● Blight	103
● Housing Maintenance	81
● Zoning	32



# District 2 Code Enforcement Complaints

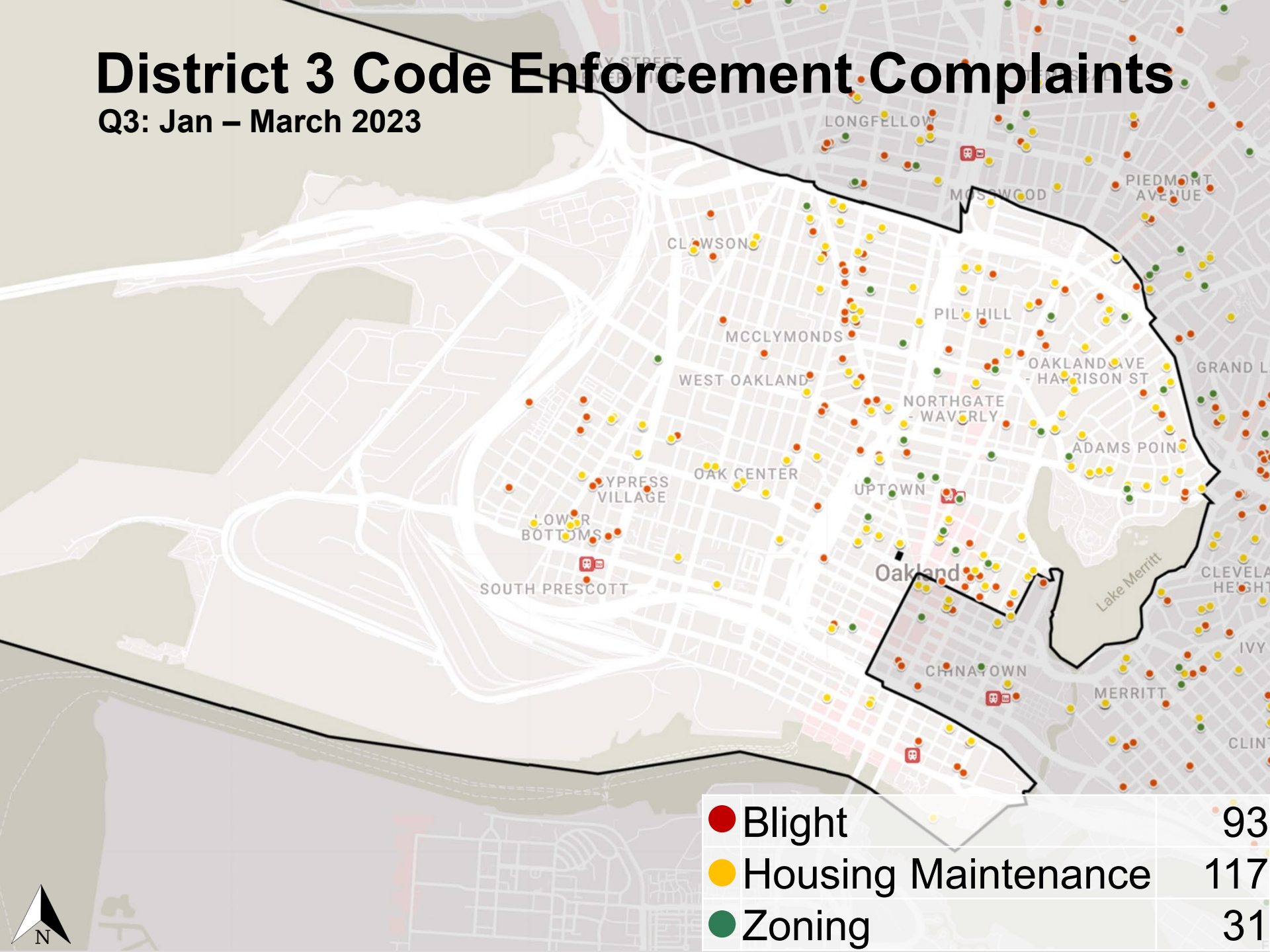
Q3: Jan – March 2023





# District 3 Code Enforcement Complaints

Q3: Jan – March 2023

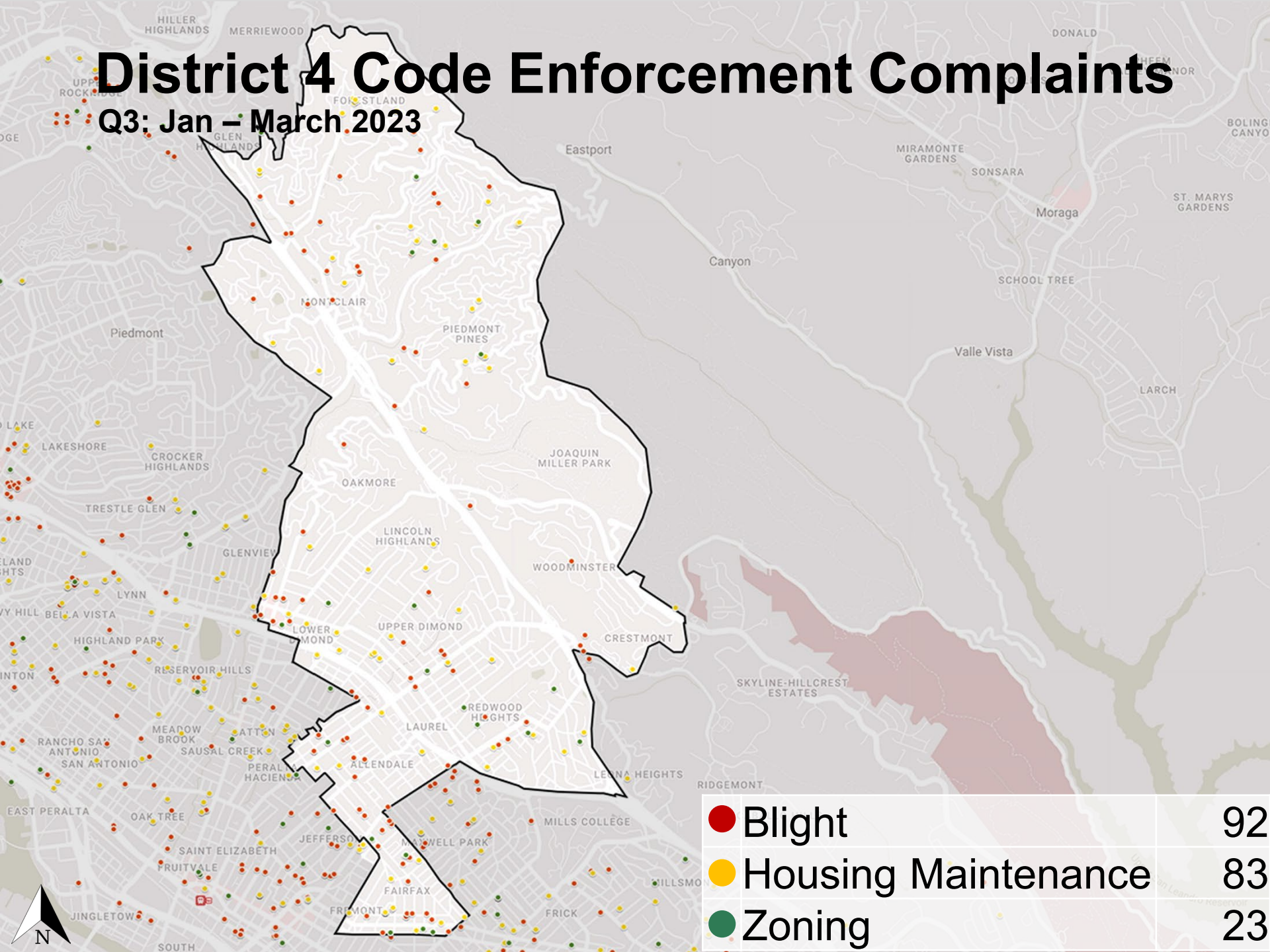





● Blight	93
● Housing Maintenance	117
● Zoning	31



# District 4 Code Enforcement Complaints

Q3: Jan – March 2023

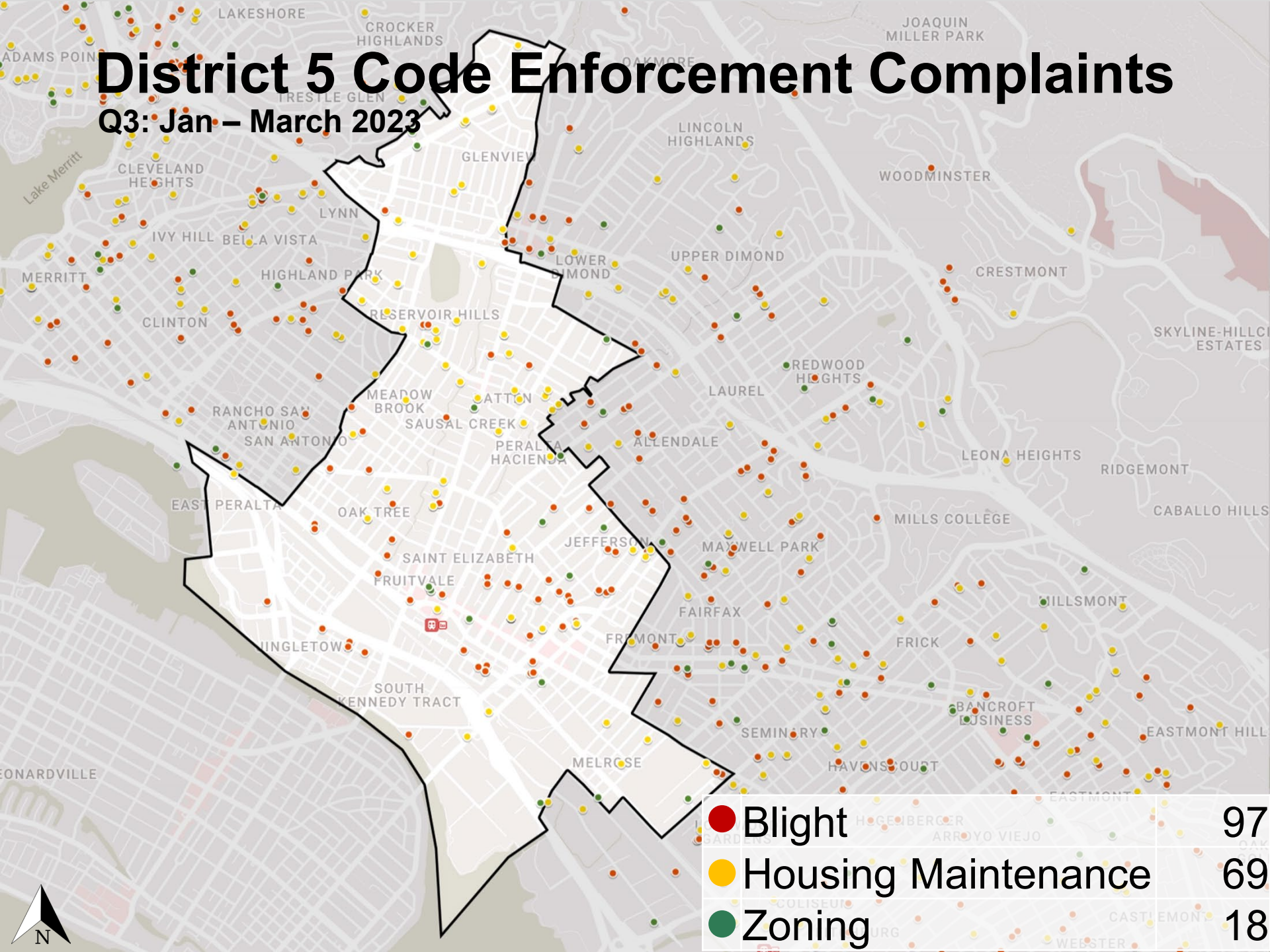


 Blight	92
 Housing Maintenance	83
 Zoning	23



# District 5 Code Enforcement Complaints

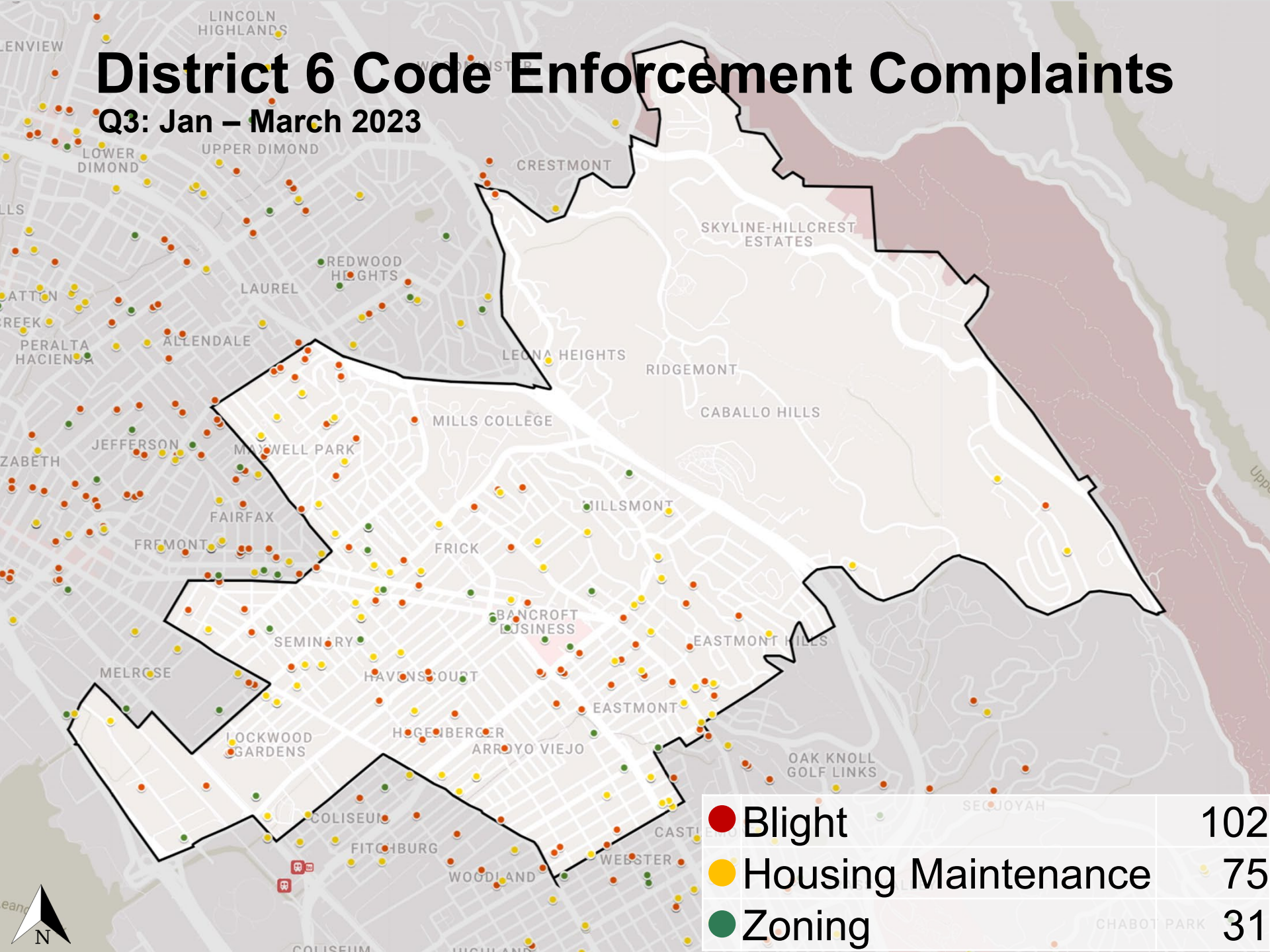
Q3: Jan – March 2023





# District 6 Code Enforcement Complaints

Q3: Jan – March 2023





# District 7 Code Enforcement Complaints

Q3: Jan – March 2023

