



DISTRIBUTION DATE: May 10, 2022

MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: William A. Gilchrist
Director, Planning & Building

SUBJECT: Summary Code Enforcement
Quarterly Report

DATE: April 27, 2022

City Administrator
Approval

Date:

May 10, 2022

SUMMARY

This memo provides current information on the code enforcement activities of the Planning and Building Department (PBD), including code enforcement data by quarter from July 2021 through December 2021 of Fiscal Year (FY) 2021-22. 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 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 July of 2021, we have added the enforcement of nuisance noise abatement to our detail. With a staff of one supervisor, three senior inspectors, thirteen inspectors, and several administrative operatives, we respond to over 7000 complaints per calendar year, while also creating a proactive

rental inspection program, as further as reported in the Quarterly Code Enforcement Information Memo dated June 3, 2021.

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 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. Inspections are assigned over three areas of the City:

- Area one contains Council Districts 1 and 3
- Area two contains Council Districts 2 and 5
- Area three contains Council Districts 4, 6, and 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 by Quarter (Q1). We will continue to re-assess this information.

To address the myriad of conditions we must enforce, we have many tools at our disposal, such as registrations of foreclosed properties and investor-owned properties. We employ Courtesy Notices for minor blight and have adopted the same approach for nuisance noise abatement. These allow an offender to self-abate the violation. Our Notice of Violation (NOV) is our 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, we allow 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, we initiate and continue to apply fines until abatement of the violations is achieved. We will record the NOV with the County to alert potential interested parties to the existing violations. Properties that contain substandard conditions will escalate our action towards an Order to Abate and further to a Declaration of Substandard and Public Nuisance. These actions carry heavy assessments and consequences. They may be addressed through compliance plans and may entail temporary or permanent relocation.

Receivers of our NOVs are always given the right to appeal the violations. Such appeal must be filed within 21 days from the issuance of the Notice. In Q1 of fiscal year 2021 to 2022 there were 10 appeals filed. Five were withdrawn, 2 were resolved, one was denied, and two are pending. In Quarter 2 (Q2), 6 appeals were filed. One was approved, one was denied, two were

resolved, and two are still 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 Oakland Municipal Code (OMC) Section 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 (e.g., overgrown vegetation, trash, debris, unsecured property) will follow the OMC 8.24 for blight (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 a public nuisance as defined in this Chapter 15.08.030 of the OMC.

Per Chapter 15.08 of the OMC, regulations controlling the use, occupancy, locations, and maintenance of all residential and non-residential property are enforced through inspections and violations may result in the issuance of Stop Work Orders, Notices of Violation, and Orders to Abate. Compliance actions include a Compliance Plan, which must be in place within 30 days of the issuance of an Order to Abate. Additional compliance actions may include a Compliance Agreement and Rehabilitation Plan to abate violations; tenant relocation per OMC Chapter 15.60 may be required when living conditions are deemed a Substandard Public Nuisance; 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: Per OMC Section 17.010.30, no activities or facilities shall be established, substituted, expanded, constructed, altered, moved, painted, maintained, or otherwise changed, and no lot lines shall be created or changed, except in conformity with the Oakland General Plan. Zoning regulations delegate to code enforcement against unpermitted businesses in residential areas, excessive signage/advertising signage, excessive fence height, construction noise from operations exceeding allowed limits, and unapproved activities within land-use designations. 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 Q1-Q2 of FY 2021-22. The addition of three inspectors during Q1 increased the number of inspectors per district.

Key Initiatives

Below are some of the key initiatives that PBD has implemented since the last Quarterly Code Enforcement Information Memo for FY 2020-21:

- **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.

- **Recruitments**

The Code Enforcement Division has 16 inspectors, 5 vacancies. PBD hired three new Specialty Combination Inspector (SCI) during Q1 of the reporting period. The eligibility list is exhausted and we have begun work on the new recruitment with anticipated posting of the position within three months.

Respectfully submitted,



WILLIAM A. GILCHRIST
Director, Planning and Building Department

For questions, please contact Rich Fielding, 510-238-6202.

Attachment (1): A: Quarterly Code Enforcement Report FY 2021-22 Quarters 1 - 2



Code Enforcement Summary Report

Quarter 1 (July – Sep 2021)
Quarter 2 (Oct – Dec 2021)

City of Oakland
Planning and Building Department (PBD)



Contents

- I. Fiscal Year (FY) 2021 – 2022 Q1 & Q2 Statistics Complaints v. Inspections Q1 & Q2

- I. Volume of 1st Inspections FY2021-22 Q1 & Q2

- I. Complaint Maps by District Q1 & Q2

- I. Enforcement Actions

- I. Fees Assessed

- I. Current Code Enforcement Initiatives

- I. Additional Information



Complaints

Q1 July 2021 – Sep 2021
Q2 Oct 2021 – Dec 2021

Quarter	Blight	Building Maintenance	Zoning	Total
Q1	865	495	441	1,801
Q2	705	447	216	1,368



Inspections

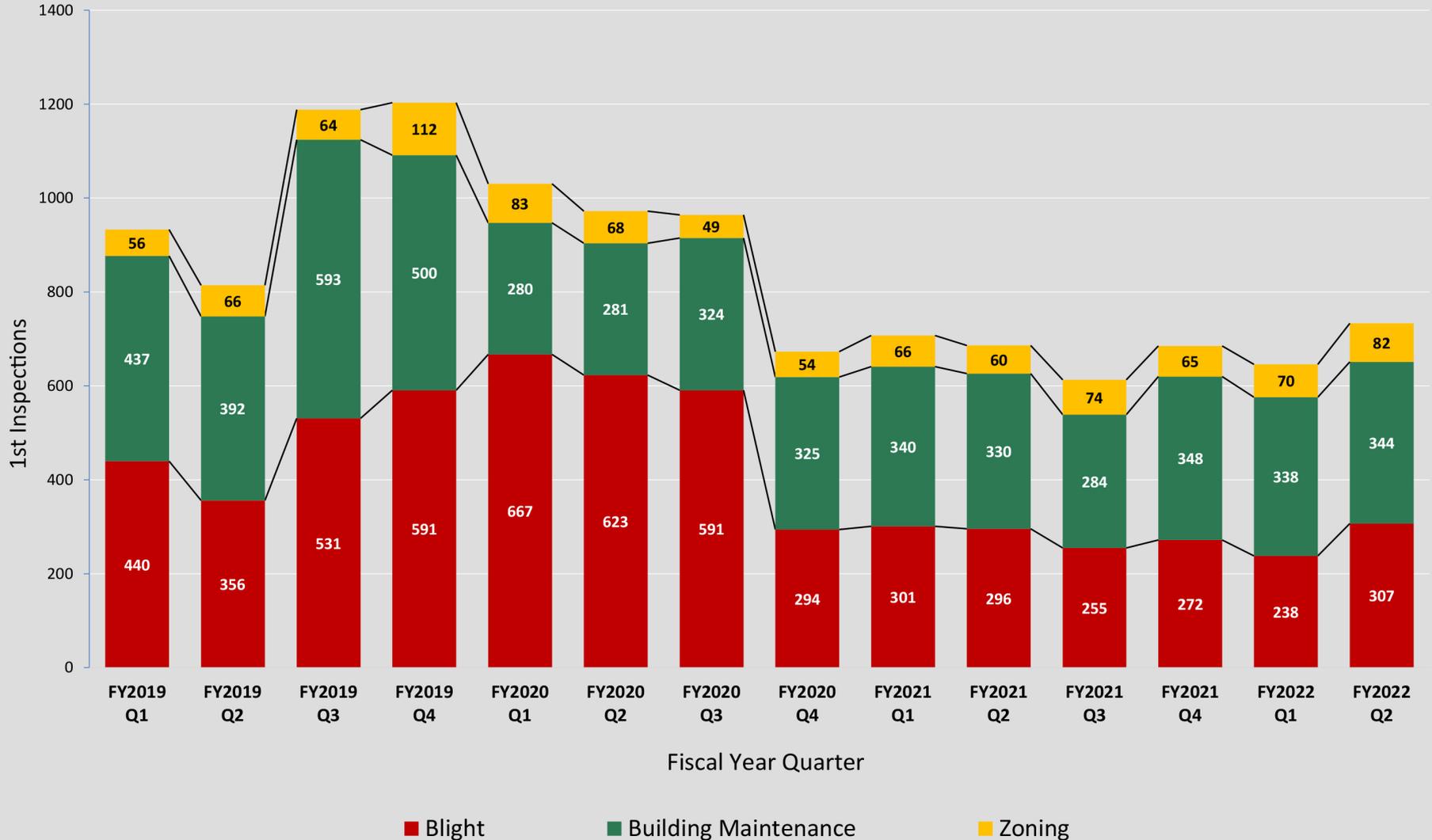
Q1 July – Sep 2021 & Q2 Oct – Dec 2021

1st Inspection	Blighted Property	Building Maintenance	Zoning	Total
Q1	238	338	70	646
Q2	307	344	82	733
Follow up/ Monitoring	Blighted Property	Building Maintenance	Zoning	Total
Q1	257	820	68	1,145
Q2	329	881	85	1,295
Total Inspections	Blighted Property	Building Maintenance	Zoning	Total
Q1	495	1,158	138	1,791
Q2	636	1,225	167	2,028

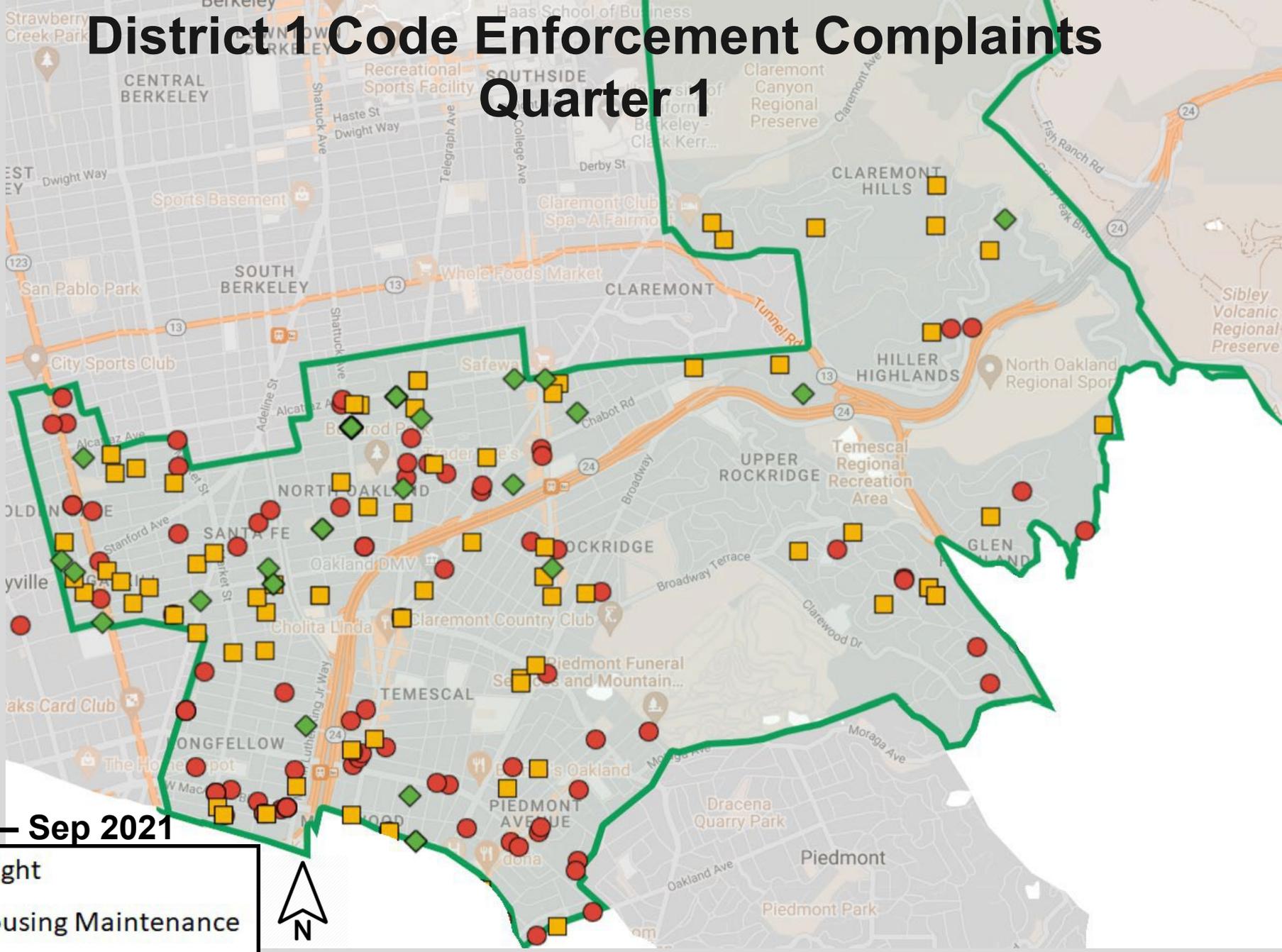


Volume of 1st Inspections

FY2019 Q1 – FY2022 Q2



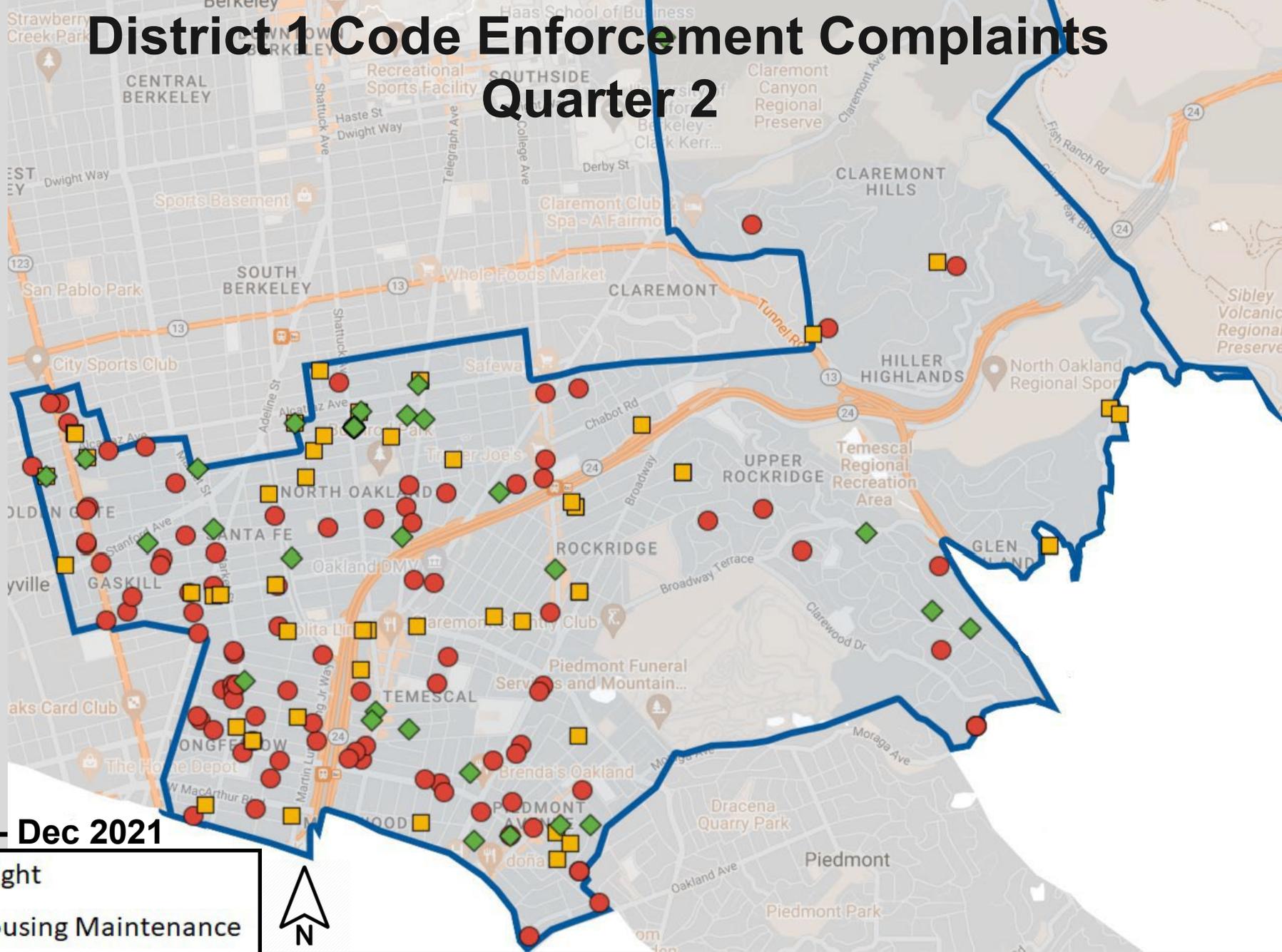
District 1 Code Enforcement Complaints Quarter 1



- July – Sep 2021**
- Blight
 - Housing Maintenance
 - ◆ Zoning



District 1 Code Enforcement Complaints Quarter 2

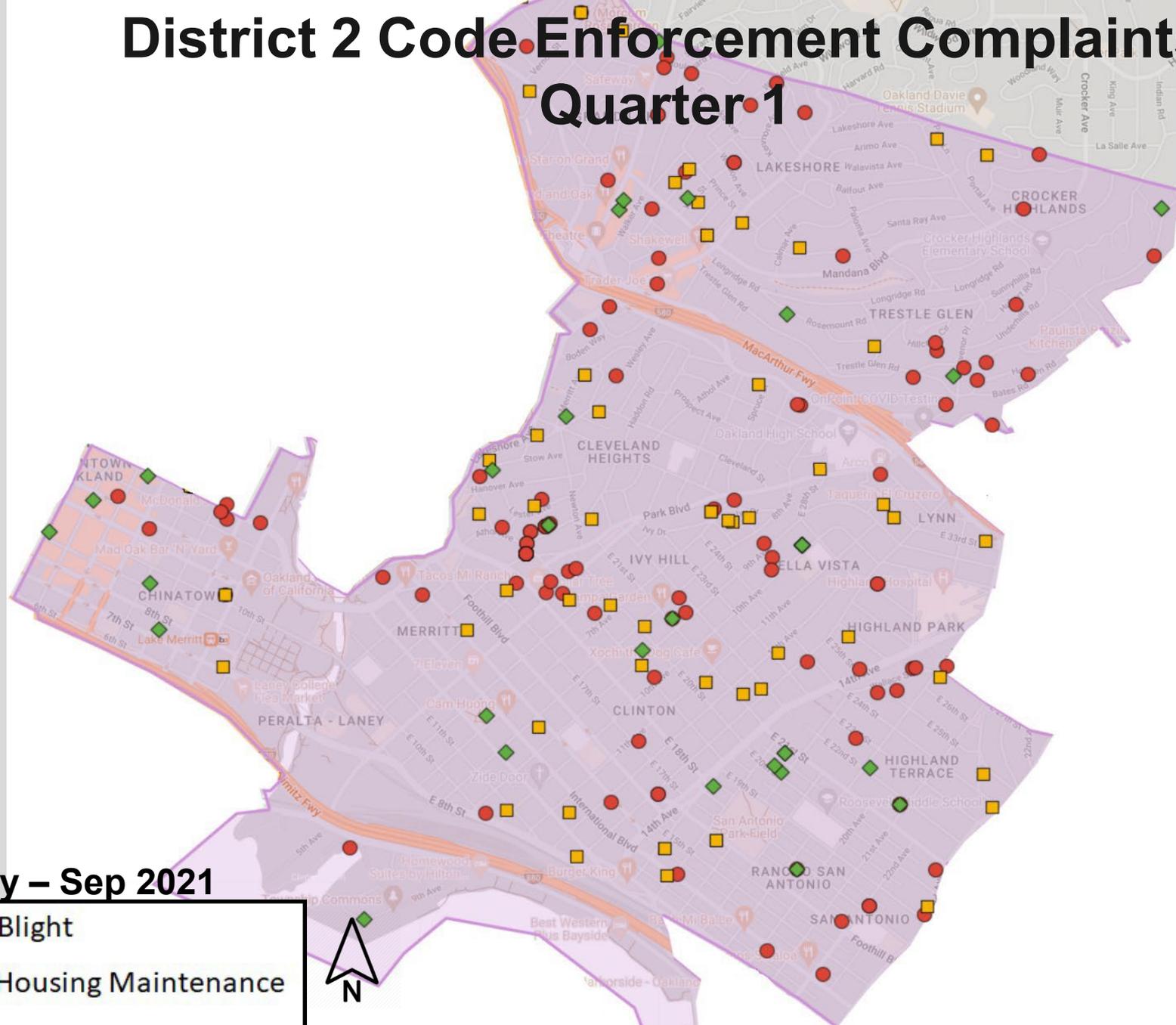


Oct – Dec 2021

- Blight
- Housing Maintenance
- ◆ Zoning



District 2 Code Enforcement Complaints Quarter 1

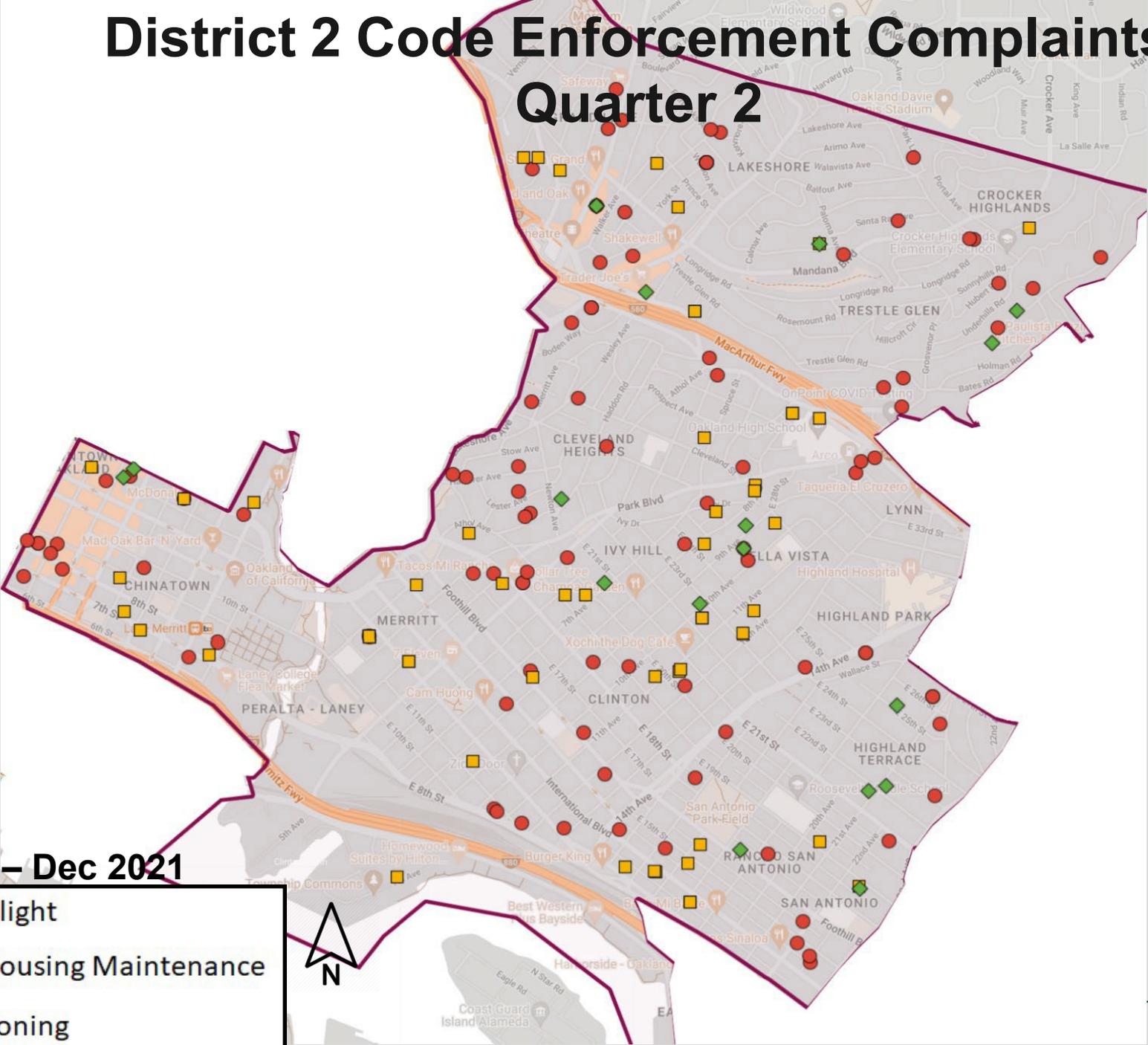


July – Sep 2021

- Blight
- Housing Maintenance
- ◆ Zoning



District 2 Code Enforcement Complaints Quarter 2

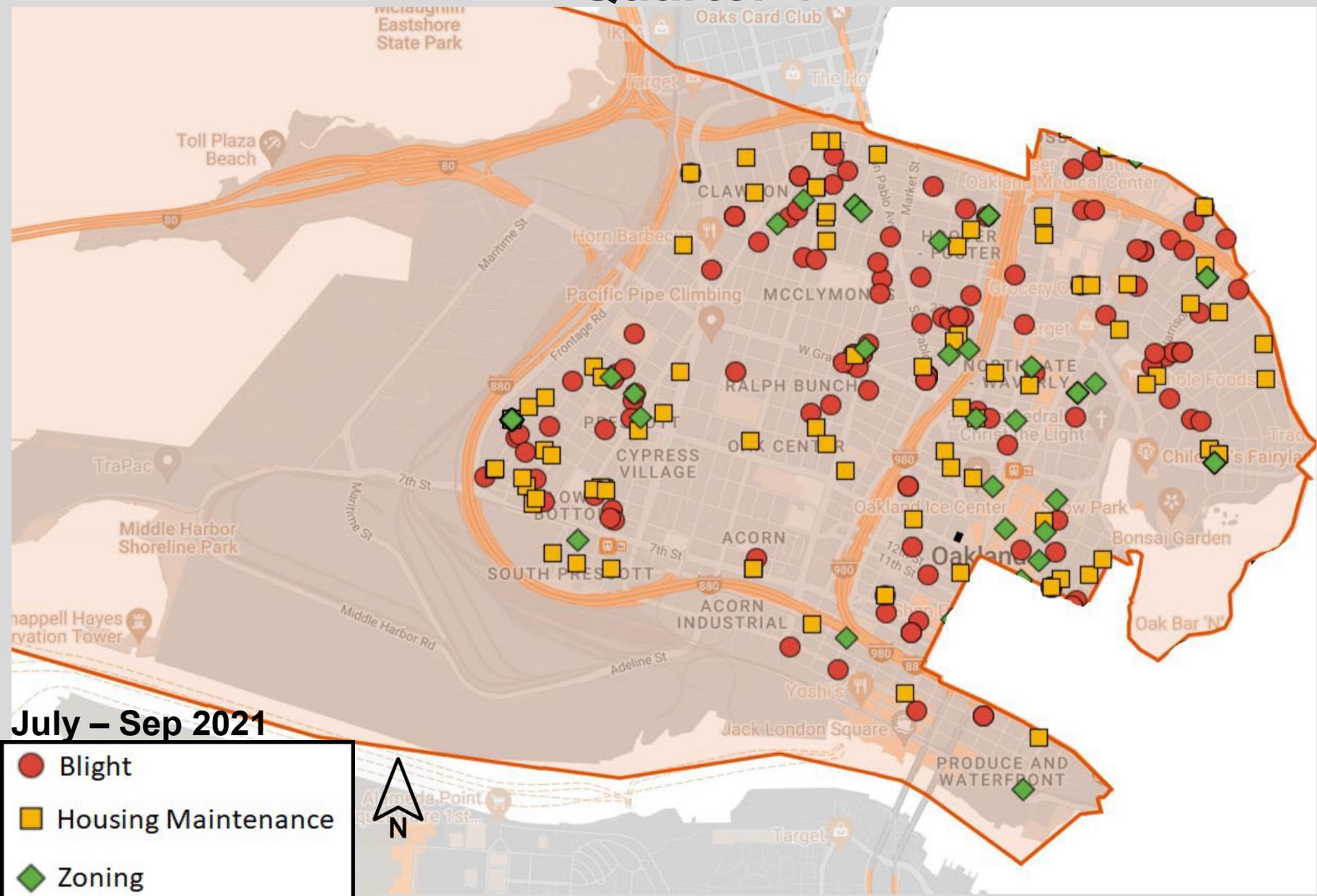


Oct – Dec 2021

- Blight
- Housing Maintenance
- ◆ Zoning

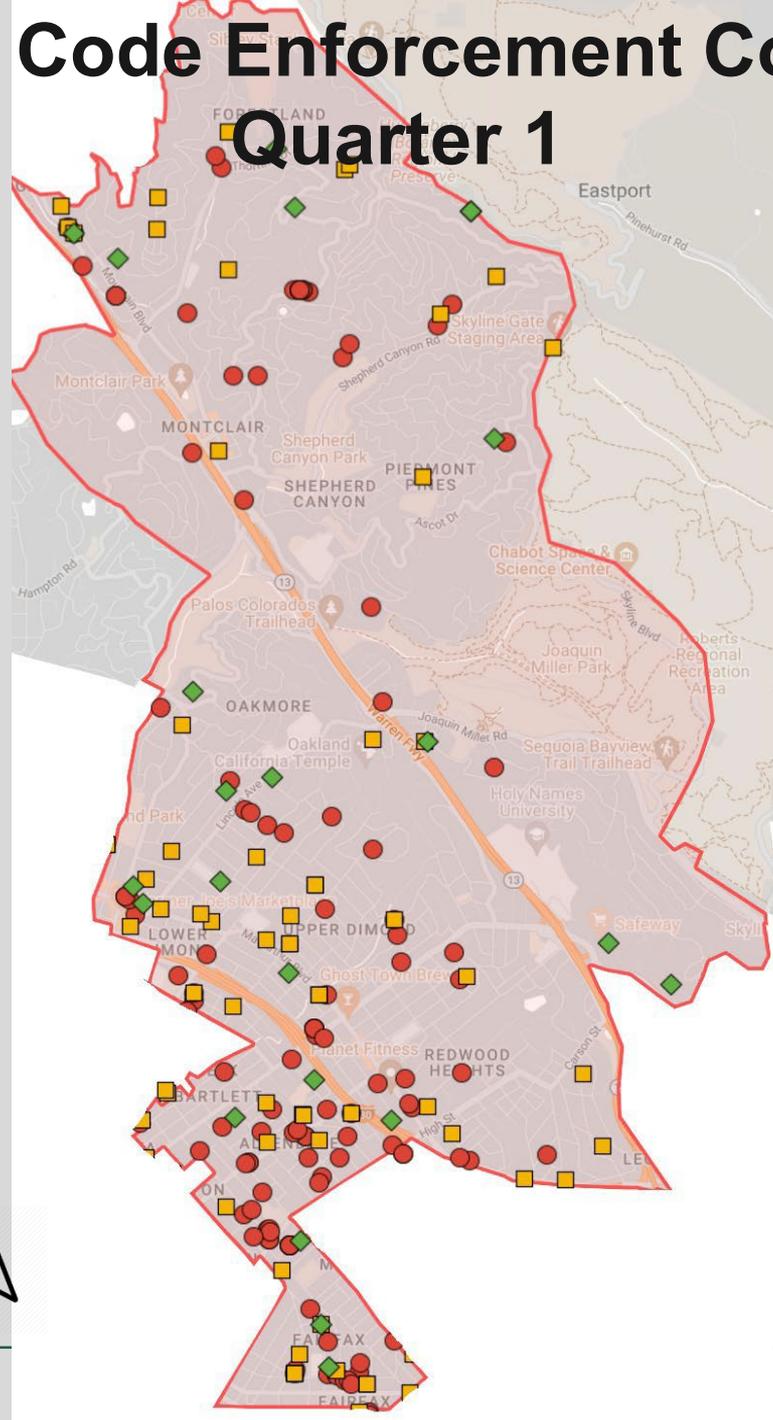


District 3 Code Enforcement Complaints Quarter 1



District 4 Code Enforcement Complaints

Quarter 1



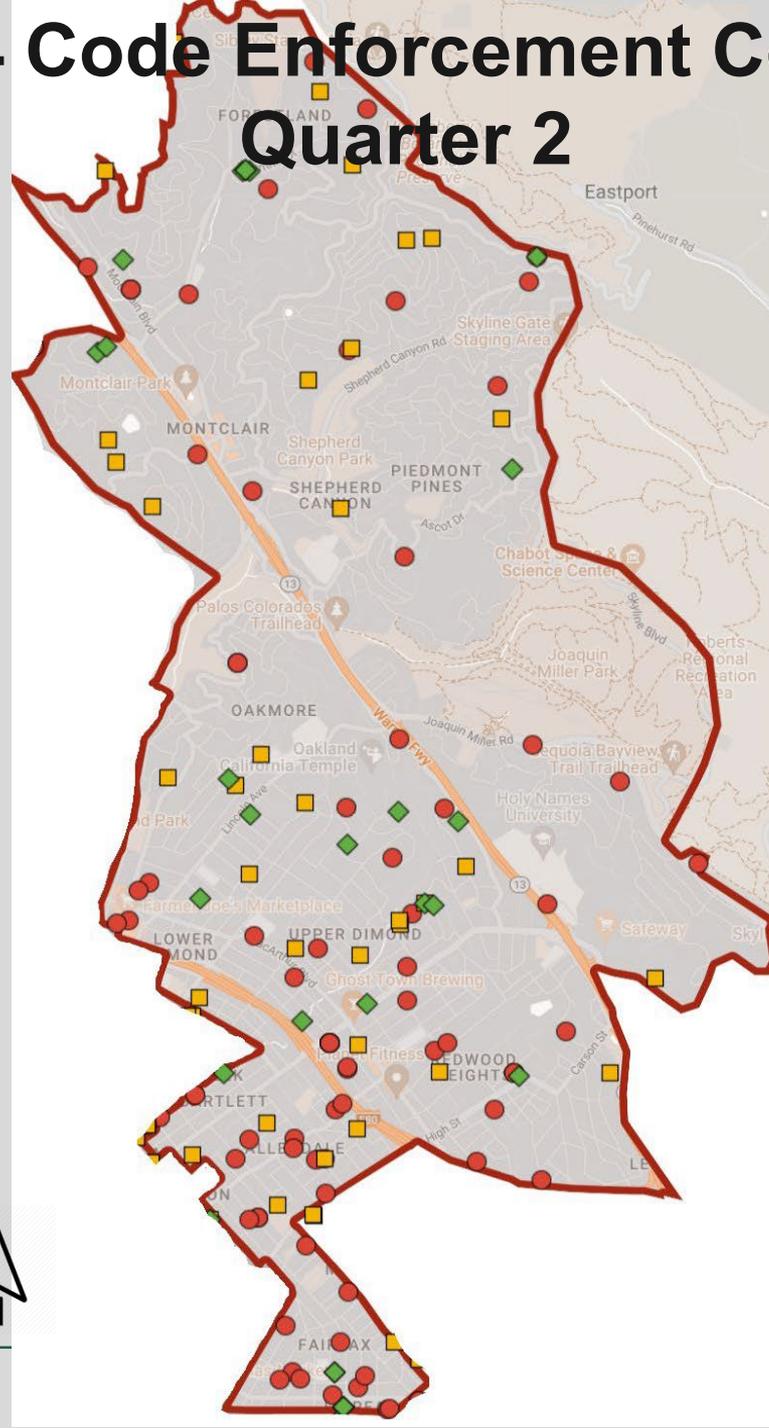
July – Sep 2021

-  Blight
-  Housing Maintenance
-  Zoning



District 4 Code Enforcement Complaints

Quarter 2

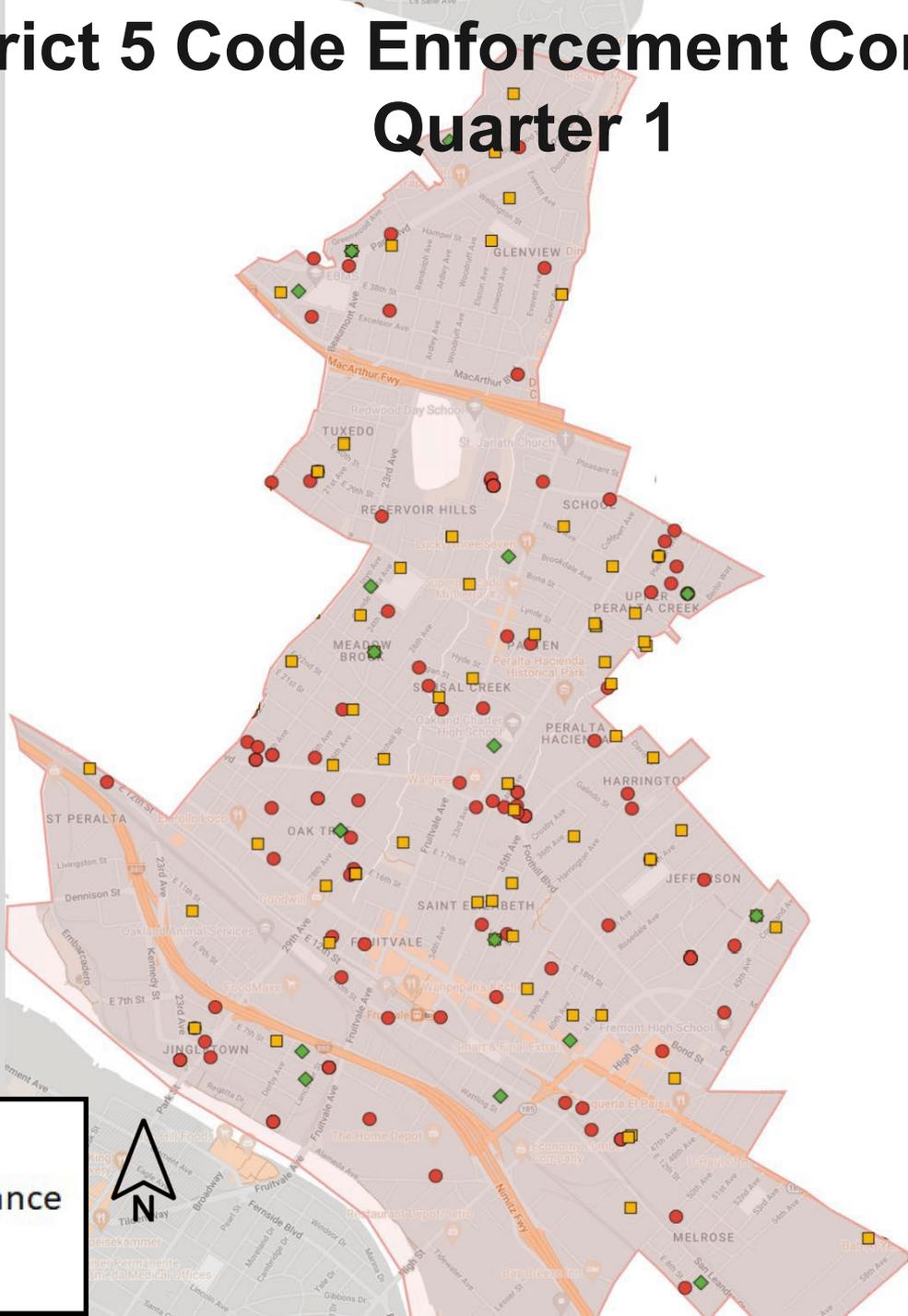


Oct – Dec 2021

- Blight
- Housing Maintenance
- ◆ Zoning



District 5 Code Enforcement Complaints Quarter 1

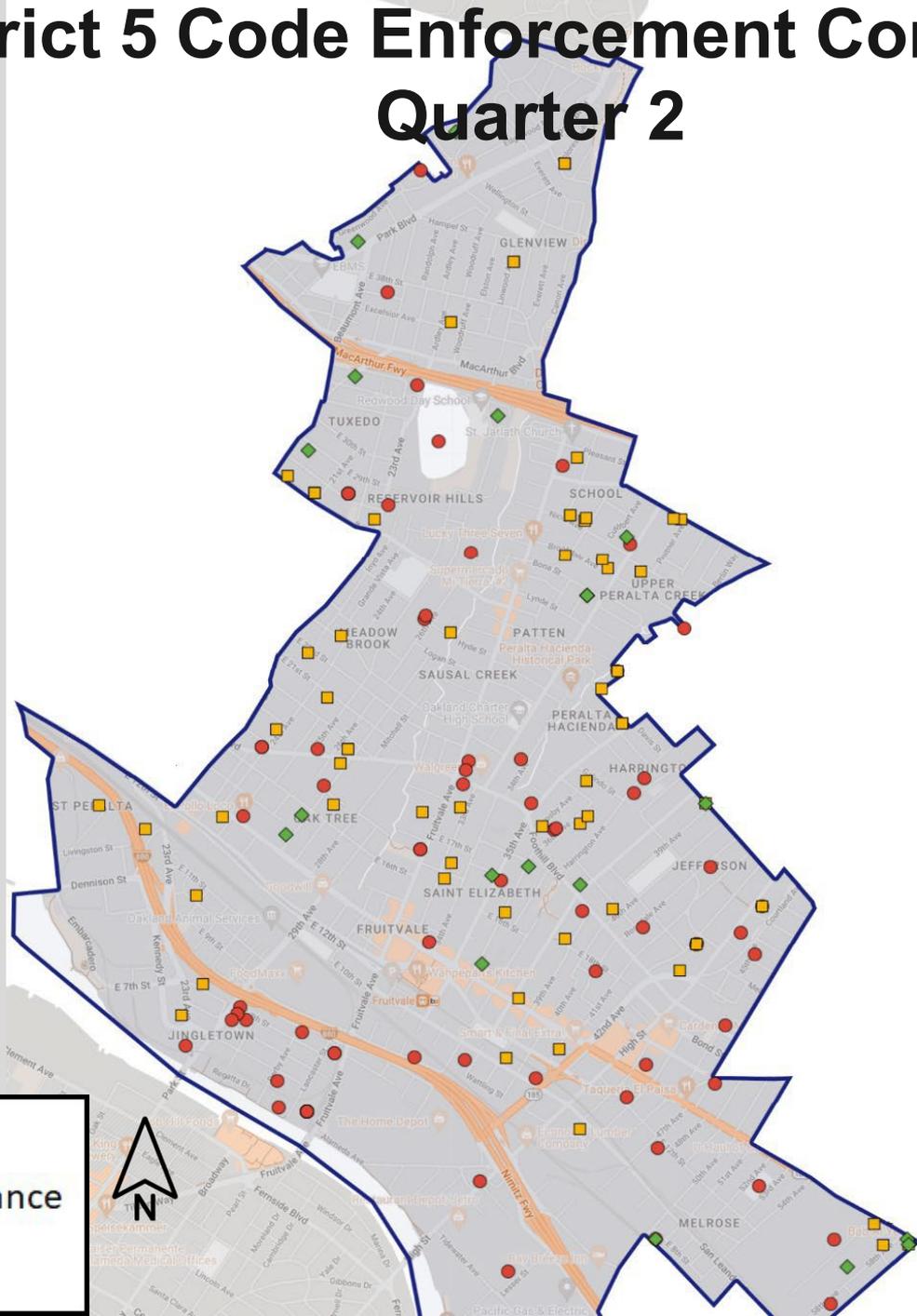


July – Sep 2021

-  Blight
-  Housing Maintenance
-  Zoning



District 5 Code Enforcement Complaints Quarter 2

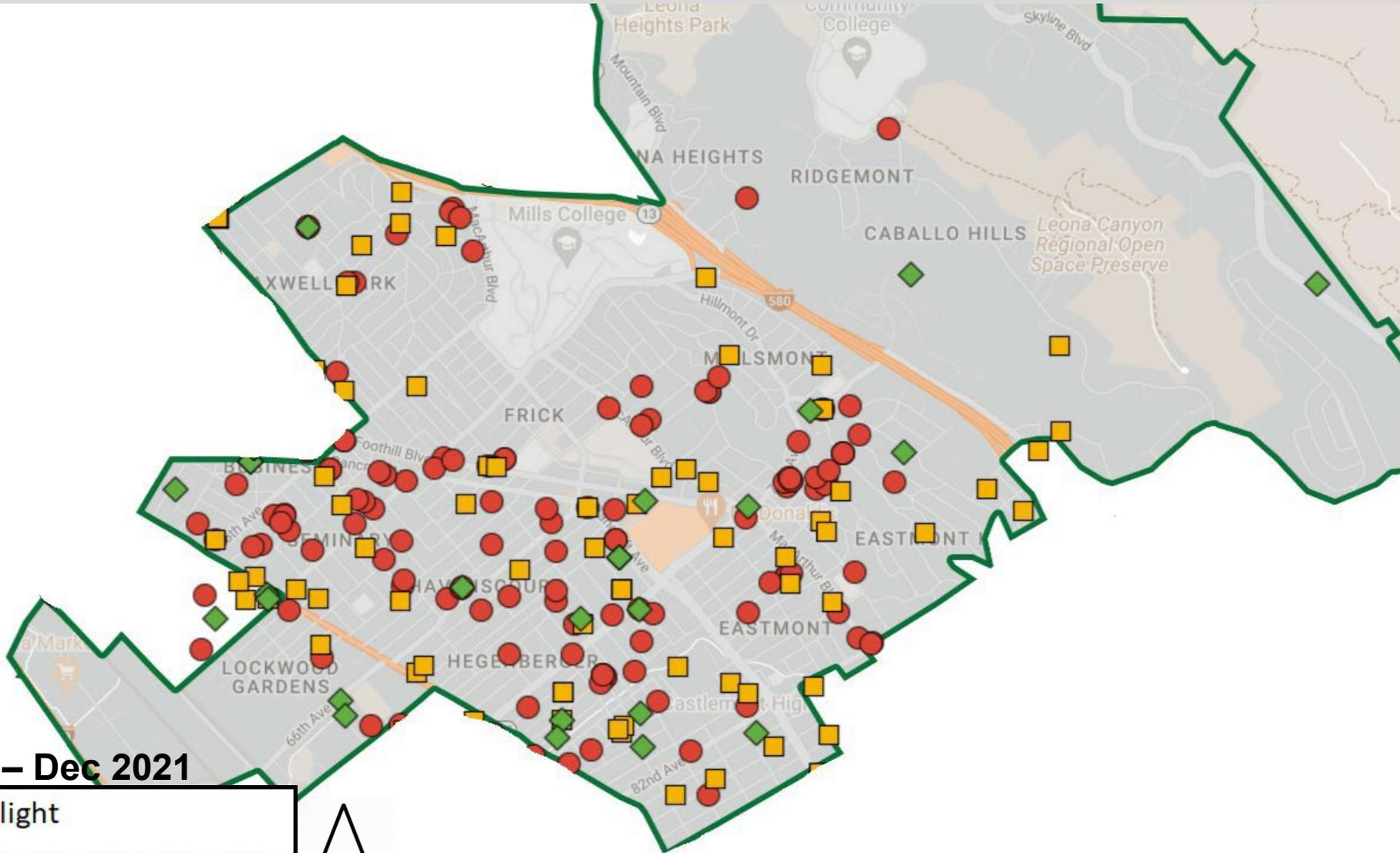


Oct – Dec 2021

- Blight
- Housing Maintenance
- ◆ Zoning



District 6 Code Enforcement Complaints Quarter 2

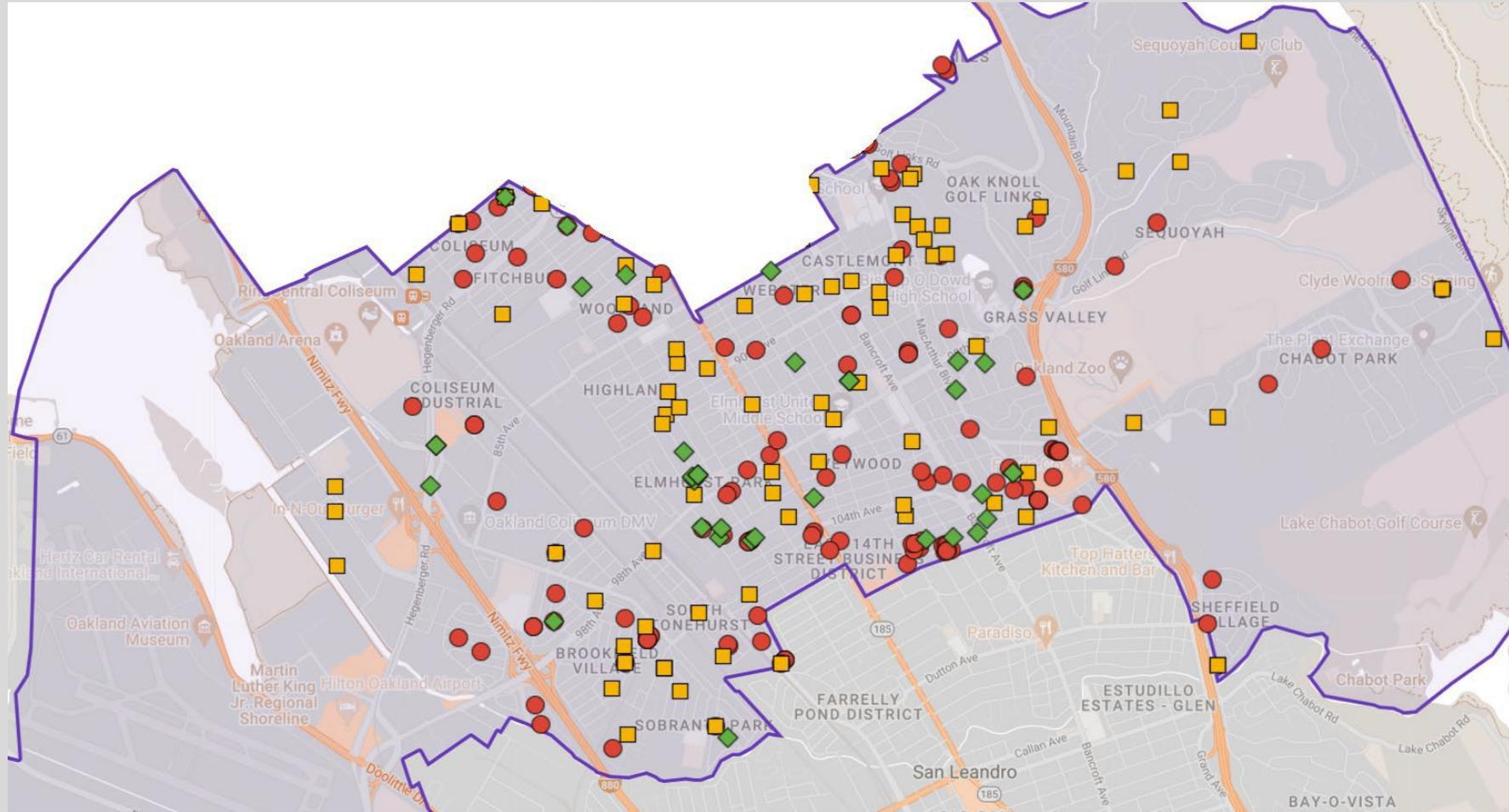


Oct – Dec 2021

- Blight
- Housing Maintenance
- ◆ Zoning



District 7 Code Enforcement Complaints Quarter 1

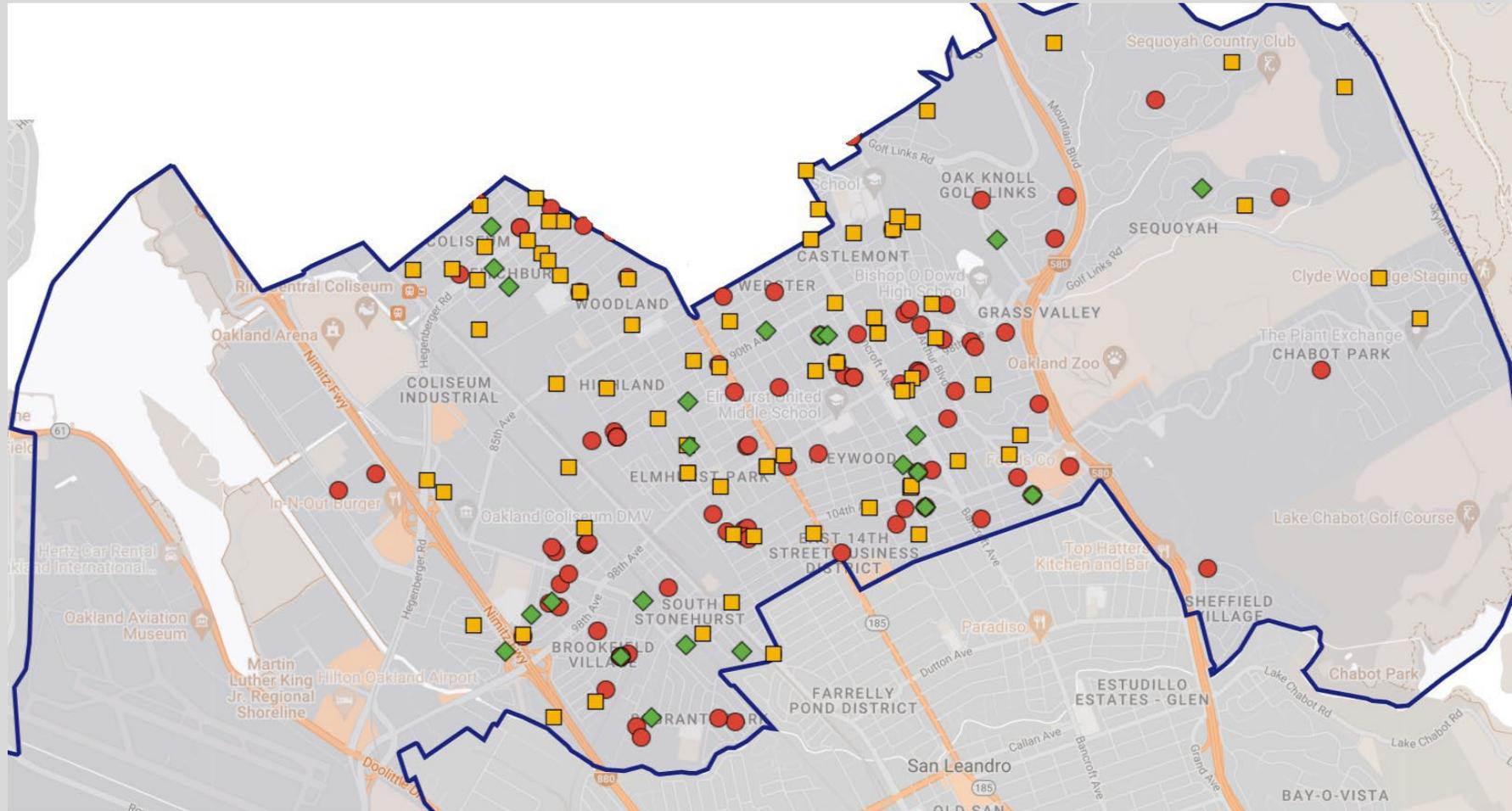


July – Sep 2021

- Blight
- Housing Maintenance
- ◆ Zoning



District 7 Code Enforcement Complaints Quarter 2



Oct – Dec 2021

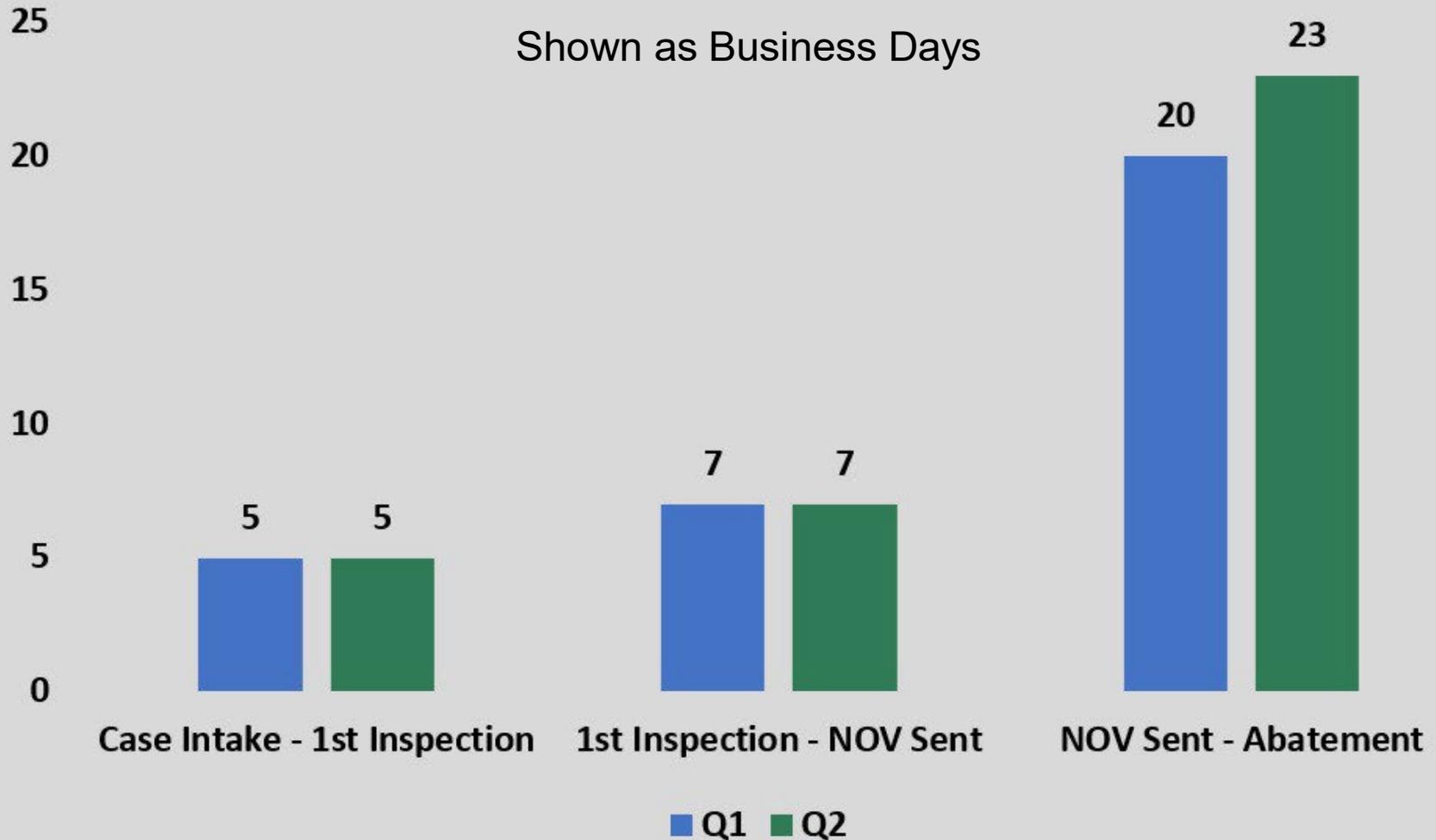
- Blight
- Housing Maintenance
- ◆ Zoning



Case Management Duration

Q1 July 2021 – Sep 2021

Q2 Oct 2021 – Dec 2021



Enforcement Actions for Compliance or Abatement

Quarter	Clean-up Contract	Repeat Violators	Stop Work Order	Compliance Plan
Q1	2	14	44	2
Q2	4	5	47	5



Abated & Closed

Q1 July 2021 – Sep 2021
Q2 Oct 2021 – Dec 2021

Quarter	Total
Q1	1,378
Q2	1,093

*Includes non-actionable and referred



Total Open Cases

Q1 July 2021 – Sep 2021

Type	Open Cases - Previous Quarters	New Cases Current Quarter	Abated & Closed	Open Cases - End of Quarter
Blight	1,584	865	670	1,779
Maintenance	2,073	495	341	2,227
Zoning	342	441	367	416
Total	3,999	1,801	1,378	4,422



Total Open Cases

Q2 Oct 2021 – Dec 2021

Type	Open Cases - Previous Quarters	New Cases Current Quarter	Abated & Closed	Open Cases - End of Quarter
Blight	1,779	705	628	1,856
Maintenance	2,227	447	295	2,379
Zoning	416	216	170	462
Total	4,422	1,368	1,093	4,697



Total Open Graffiti Cases

Q1 July 2021 – Sep 2021

Q2 Oct 2021 – Dec 2021

Quarter	Open Graffiti Cases - Previous Quarters	New Graffiti Cases Current Quarter	Abated & Closed Graffiti Cases	Open Graffiti Cases - End of Quarter
Q1	410	122	112	420
Q2	420	136	101	455



Fees Assessed

Q1 July 2021 – Sep 2021
Q2 Oct – Dec 2021

Quarter	Cases Invoiced	Fees (Includes Bonds)	Bonds for Compliance Plan
Q1	144	\$146,081.00	\$5,000
Q2	157	\$198,114.20	\$21,000



- **Current Code Enforcement Initiatives Underway**



- Three new Specialty Combination Inspectors were hired in Q1 and we continue to explore hiring opportunities for addition of Code Enforcement Inspectors and the Proactive Rental Inspection Program (PRIP)
- Accela has been streamlined to be user friendly for external and internal customers.
- Continuance of FUSE Fellow assigned to Code Enforcement working with the Department on the Proactive Registration Program (PRIP)



• 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>



