

# **PROGRAM SUMMARY**

## **City of Oakland Investor-Owned Residential Property Registration, Inspection, and Rehabilitation Program**

*\*For Previously Defaulted or Foreclosed 1-4 Unit Residential Properties\**

In order to address the decline of neighborhood livability and health and safety problems that have arisen from high levels of foreclosure activity in Oakland, this program was designed to remedy deferred maintenance or property neglect associated with properties in the foreclosure process. Properties with a foreclosure history that may have had long periods of vacancy or neglect may have significant rehabilitation needs. The program requires non-owner occupant buyers of 1-4 unit residential properties that have been in the foreclosure process to register and arrange for an inspection by Building Services. A City inspector will then assess whether the property conditions meet the local building codes or whether blight abatement or rehabilitation work is needed. If the property is found to be in violation of Oakland Housing or Building Codes, the inspector will work with the new owner on an abatement plan.

This document summarizes the scope and requirements of the program as set forth by Oakland City Council Ordinance 13141, adopted November 13, 2012, and the resulting amendment to the Oakland Municipal Code (OMC 8.58). [See the program website](#) for links to download these documents.

### **Program Scope and Exclusions (Chapter 8.58, Article II)**

#### Applicable Properties

This program applies to residential one-to-four unit properties in the City of Oakland for which all of the following conditions apply:

- The property was purchased after March 1, 2013.
- The new owner does not intend to occupy the property within six months and for up to one year.
- The new owner is not a government, non-profit, or charitable entity regulated by federal tax law.
- The new owner has not applied for a City building permit within 90 days of purchase for the purpose of rehabilitation.
- This property was in some stage of the foreclosure process (an active Notice of Default existed or the property was bank owned) at any point after November 13, 2006.\*

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\* If you have received a Notice to Register a Formerly Defaulted Property, you may assume that the identified property is subject to registration with regard to the former default status. Otherwise, the existence of a prior Notice of Default can be researched through the Alameda County Recorder's office in person or through their website (<http://www.acgov.org/auditor/clerk/propertysearch.htm>) or through a variety of third-party websites that provide information regarding foreclosed properties.

## Program Definitions and Exclusions

*Former Foreclosure Status:* If a Notice of Default had been filed against a former owner of the property after November 13, 2006, the property is considered have been in the “foreclosure process” and is subject to registration according to program guidelines. A subsequent cancellation of the Notice of Default would not change the property status as having been in the “foreclosure process.”

*Occupancy:* If the property is acquired with the intent of the owner to occupy it as their primary residence within 6 months and remain for at least a year thereafter, it qualifies as “owner-occupied” and is exempt from the provisions of OMC 8.58 and not subject to registration. Registration is required for properties with any other form of occupancy, including those that are vacant.

*Property Type:* The IORP Program covers residential properties with 4 or fewer units on the same parcel, unless owned by a local, state, or federal government agency, a non-profit or charitable entity, or regulated by a common interest subdivision (e.g. condominium) or under a tenancy-in-common arrangement.

*Rehabilitation Plans:* If the owner has applied for a City building permit with the intent of rehabilitating the property within 90 days of acquisition, it is exempt from registration. The type of permit must evidence actual *rehabilitation* of deficient conditions, as opposed to remodeling or renovation. Please contact the City with any questions or concerns regarding this requirement. If permits expire without the work being completed, the owner must register the property within 30 days of permit expiration.

## **Registration, Inspection and Abatement Requirements (Chapter 8.58, Article III)**

### Initial Registration and Inspection

Properties must be registered within 90 days of purchase through the [IORP website](#). In addition to providing details about the sale transaction, the owner or responsible agent is required to complete a self-directed property inspection using the City property conditions checklist and report these findings through the registration process. If tenant occupancy delays access for inspection, the owner may seek additional time from the City.

A list of information required at registration is attached to the end of this document along with the required inspection checklist. Once a registration has been started, a registration “IOP” number will be assigned for access to complete or update the information within, or to report a sale or abatement of violations. The annual program fee of \$914 must be paid by credit card through the website once all information is entered, and the registration fee must be paid before registration is considered complete. **At that point, an inspection by an Oakland Building Services Inspector must be scheduled within 30 days.** Refer to the final statement of registration for instructions and direct any questions to [IOPRegistration@oaklandca.gov](mailto:IOPRegistration@oaklandca.gov).

If conditions have not been abated within 12 months of registration, renewal of the registration and payment of the annual fee are required. If a property subject to registration is transferred to an owner-occupant, the former owner must report this by sending an email to [IOPRegistration@oaklandca.gov](mailto:IOPRegistration@oaklandca.gov).

within 30 days.

Failure to completely register a property within the required time period is a violation of Oakland Municipal Code Chapter 8.54 and administrative citations or civil penalties may be assessed as outlined in Oakland Municipal Code Chapters 1.08 and 1.12. **Citation penalties for registration violations accrue daily up to a maximum of \$5,000 per property.** An appeal hearing by an outside hearing examiner is available to contest notices of violations and applicable fees, citations, and/or penalties assessed.

### City Inspection and Abatement

Upon inspection the City Inspector will determine whether Housing or Building Code violations exist. If no blight or other violations are found, the property is no longer subject to registration under this program. If violations occur due to changed conditions, registration and inspection will again be required.

Identified non-substandard violations must be abated within 60 days of inspection. Abatement must be reported through the IORP website and a supplemental Property Report must be filed with the Building Department. Substandard\* conditions must be abated within 6 months through repair, replacement or removal as required by law. The City Building Official may shorten or lengthen this abatement period as is reasonable and necessary based on the severity of the violations, life safety issues, or other factors.

Failure to abate violations identified within the required time is a violation of Oakland Municipal Code Chapter 8.54 and administrative citations or civil penalties as outlined in Oakland Municipal Code Chapters 1.08 and 1.12. If tenant occupancy delays access, the owner may seek additional time from the City. **Failure to abate or disclose substandard conditions is a major violation and subject to civil and administrative penalties, including a possible assessment of up to \$21,000 per property.** An appeal hearing by an outside hearing examiner is available to contest notices of violations and applicable fees, citations, and penalties.

For Additional Program information, please contact [IOPRegistration@oaklandca.gov](mailto:IOPRegistration@oaklandca.gov).

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\* A substandard violation is defined as an unsafe condition as set forth in Article X – Substandard and Public Nuisance Definitions of the Oakland Building Maintenance Code.