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2017 JUN -1 PM 4: 27

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Darin Ranelletti  
Interim Director, PBD

**SUBJECT:** Quarterly Code Enforcement Report

**DATE:** May 30, 2017

City Administrator Approval

Date:

*[Signature]*  
6/1/17

## RECOMMENDATION

**Staff Recommends That The City Council Receive An Informational Report On The Code Enforcement Activities of the Planning and Building Department.**

## EXECUTIVE SUMMARY

This report provides the City Council with current information on the code enforcement activities of the Planning and Building Department, including code enforcement data by quarter for FY 2016-17. The report also provides an update on work to enhance the code enforcement program. The Planning and Building Department's Code Enforcement Division enforces compliance with building, housing, and zoning codes and regulations. It is important to note that although many departments of the City enforce property-related regulations, such as the City Administrator's Office, Public Works Department, Fire Department, and Police Department, the data and work activities described in this report only pertain to the Planning and Building Department.

## BACKGROUND / LEGISLATIVE HISTORY

### ***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 the Planning and Building Department. The purpose of the report is to update the Council on the amount and types of code enforcement work occurring and the key initiatives underway to improve the effectiveness of the program.

### ***Grand Jury Report and Past Efforts to Enhance Code Enforcement***

In 2011 the Alameda County Grand Jury issued a report examining the code enforcement activities of the City's Building Services Division (which has since merged with the former Planning and Zoning Division to form the current Planning and Building Department). The Grand Jury investigated complaints from property owners and found that the City's code

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enforcement activities were conducted inconsistently, the process was confusing to property owners, timelines for compliance were unrealistic, and enforcement methods were excessive in some cases. The Grand Jury report included 10 recommendations for improvements.

Following the Grand Jury report, the City conducted a comprehensive review of the Code Enforcement Division led by the City Administrator's Office with assistance from the management consulting firm Management Partners. Out of that effort came 11 recommendations from Management Partners and 16 recommendations from the City Council, in addition to the 10 recommendations from the Grand Jury.

Of the 10 Grand Jury recommendations, nine have been implemented. The one recommendation not implemented to date – the development of an ombudsman function to assist property owners – is under consideration by the Department.

Of the 11 Management Partners recommendations, ten have been implemented. The one recommendation not implemented to date – the development of a performance management system to measure effectiveness – is still pending.

All of the 16 City Council recommendations were implemented.

Below are some of the key initiatives the Department has implemented since 2011:

- Staff Coordination – Weekly Code Enforcement staff meetings were initiated to discuss Department protocols and complex cases.
- Staff Development – A training program was instituted to provide training to staff on a variety of topics including effective customer service and legal requirements.
- Enhanced Public Notices – Notices to property owners and the public were updated to provide clearer information using easier-to-understand language.
- Courtesy Notices – New courtesy notices and an owner self-certification procedure were instituted for minor blight violations.
- Fee Study and Adjustments – A study of Department fees was conducted by an outside consultant and fees were adjusted to reflect reasonable costs incurred.
- Appeal Hearings – Outside hearing officers, instead of City employees, are now used for appeal hearings.
- Procedures Manual – A comprehensive code enforcement procedures manual was developed.
- Clean-Up Contractors – A formal process was established for selecting contractors to clean up property blight.
- Property Database – The Department's property database system has been upgraded to Accela, which provides enhanced access to information and facilitates better tracking of

complaints and violations. Code enforcement inspectors can now access database information in the field via smart phones.

- **Public Access** – Accela provides online public access to code enforcement and permit records and the public can submit complaints online. The Department also now has a new mobile app “Tell Us” that allows the public to easily submit complaints and check the status of complaints using a smart phone.

**ANALYSIS**

**Code Enforcement Statistics**

A primary goal of the City’s code enforcement program is to facilitate correction of building, housing, and zoning code violations in a timely, effective, and efficient manner. The length of time to achieve compliance varies tremendously based on several factors such as the complexity of the violation and the cooperation of the property owner. The code enforcement program is primarily complaint-driven; the number of complaints received can vary over time.

Below are tables providing updated statistics for code enforcement activities for FY 2016-17.

Table 1: Complaints & Inspections by Quarter FY 2016-17

	1 <sup>st</sup> Quarter Jul 2016 – Sep 2016	2 <sup>nd</sup> Quarter Oct 2016 – Dec 2016	3 <sup>rd</sup> Quarter Jan 2017 – Mar 2017
<i>Property Blight</i>			
Complaints	670	453	565
Inspections	373	223	318
<i>Building Maintenance</i>			
Complaints	567	524	694
Inspections	445	434	584
<i>Zoning</i>			
Complaints	121	71	71
Inspections	102	61	63
<i>All Cases</i>			
Complaints	1,358	1,048	1,330
Inspections	920	718	965

Table 2: Status of Complaints Received FY 2016-17

FY 2016-17 Jul 2016 – Mar 2017	
<i>Property Blight</i>	
Complaints	1,688
Cases Closed	1,356
Cases Open	332
<i>Building Maintenance</i>	
Complaints	1,785
Cases Closed	945
Cases Open	840
<i>Zoning</i>	
Complaints	263
Cases Closed	180
Cases Open	83
<i>All Cases</i>	
Complaints	3,736
Cases Closed	2,481
Cases Open	1,255

***Ghost Ship Fire and Mayor's Executive Order on Safety and Anti-Displacement***

Following the tragic December 2016 fire at the "Ghost Ship" warehouse on 31<sup>st</sup> Avenue, Mayor Schaaf issued Executive Order No. 2017-1 (Improving Safety of Non-Permitted Spaces While Avoiding Displacement). The Executive Order directs the City Administrator and City departments to undertake several actions to preserve housing, workspace, and cultural gathering space while improving life safety in nonpermitted buildings. The Planning and Building Department is taking the necessary steps to implement the Executive Order. Notable actions include the following:

- Inspection and Anti-Displacement Protocols – The Department is updating processes to implement the Executive Order and enhance code enforcement activities. Major areas of work underway include the following:
  - Enhancing communication systems with other departments, including the Fire Department and the City Attorney's Office;

- Developing standardized criteria for correcting imminent life safety hazards while minimizing displacement; and
- Improving communication systems with affected building tenants/occupants.
  
- Interdepartmental Properties Team – The Department is participating in a multi-department effort coordinated by the City Administrator's Office to track and coordinate compliance for known nonresidential buildings suspected of containing unpermitted residential occupancies. From an original list of 18 properties, compliance has been achieved in seven of the 18 properties. Staff from multiple departments continue to address the remaining 11 properties.
  
- Fire Safety Task Force – The Department is a member of the City's Fire Safety Task Force which is improving fire safety inspection systems. Major areas of work include prioritizing inspections based on risk, improving shared data systems between departments, and identifying appropriate staffing levels and funding sources.
  
- Zoning and Building Code Changes – The Department is exploring potential changes to the City's zoning and building codes that would provide pathways for nonpermitted live/work spaces to improve safety while preserving living and work space. The Department is working with architects and building owners/operators on this effort.

### ***Future Initiatives***

The Department is pursuing the following actions to continue to enhance the code enforcement program:

- Additional Staff – The heavy volume of code enforcement cases impacts the ability of the Code Enforcement Division to be effective; it would be more effective with more staff. The Code Enforcement Division currently has eight inspectors, one supervisor, and three vacant inspector positions. The Department is currently in the process of filling those vacant positions. In addition, the proposed FY 2017-19 budget adds six additional inspector positions and four additional administrative support positions. These new positions would be funded by the Development Services Fund (Fund 2415) and will greatly increase the effectiveness of the Code Enforcement Division.
  
- Management Support – The 2011-2012 efforts to improve code enforcement included a recommendation to hire a dedicated high-level code enforcement manager with expertise in program management, staff development, and performance evaluation. The current code enforcement program is led by a Principal Inspection Supervisor with oversight by a Principal Civil Engineer acting as the Inspections Manager. Currently, the Department Director and Deputy Director/Building Official positions are being filled temporarily on an interim basis. We expect that the Director position will be filled shortly which would allow for an evaluation of the most effective way to provide additional management guidance and support to code enforcement, whether through the hiring of the permanent Deputy Director/Building Official or the creation of a new position.
  
- Additional Technical Support – The City Administrator's Office is exploring the idea of hiring an outside consultant to assist in developing improved communications and

coordination between City departments concerning code enforcement activities and to assist in developing standardized criteria for correcting imminent life safety hazards while minimizing displacement. The Department is participating in this effort.

- Proactive Rental Inspection Program – Consistent with the recommendations from the 2011-2012 code enforcement improvement effort, Housing Equity Roadmap, and Mayor's Housing Cabinet Report, the City Administrator's Office is developing options for a program to proactively inspect multi-family residential housing to improve the quality of life for residents in substandard housing. An informational report on this topic was presented to the Community and Economic Development Committee on April 25, 2017. If a proactive rental inspection program is created, the Planning and Building Department will likely play either a lead or supporting role in the program.

### FISCAL IMPACT

This is an informational report. No actions are requested so no fiscal impacts are anticipated.

### PUBLIC OUTREACH / INTEREST

There is tremendous public interest in the City's code enforcement program. Department staff communicates regularly with property owners and building occupants to hear feedback on the program and discuss potential improvements. Staff has also met with the Oakland Warehouse Coalition regarding the Mayor's Executive Order and is meeting with community stakeholders about potential zoning and building code changes as discussed above.

### COORDINATION

This report was prepared in coordination with the City Administrator's Office. The Department coordinates with many City departments concerning the work described in the report, including the City Administrator's Office, Fire Department, Police Department, Public Works Department, Housing and Community Development Department, and City Attorney's Office.

### SUSTAINABLE OPPORTUNITIES

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

**Social Equity:** This is an informational report so there are no actions requested of the Council and no direct social equity impacts. Code enforcement activities can have social equity

implications. For example, with the current complaint-based system, people with access to the system are more likely to submit complaints. Marginalized communities living in substandard housing may be reluctant to submit complaints. A proactive inspection system would address this issue but safeguards are necessary to minimize displacement.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council receive this informational report on the code enforcement activities of the Planning and Building Department.

For questions regarding this report, please contact Darin Ranelletti, Interim Director of Planning and Building, at (510) 238-3663.

Respectfully submitted,



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DARIN RANELLETTI  
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Department