



CITY OF OAKLAND  
2017 FEB 20 AM 10:06

# AGENDA REPORT

**TO:** Oakland City Council

**FROM:** Claudia Cappio  
Assistant City Administrator

**SUBJECT:** Displacement Prevention and Safe Habitation

**DATE:** January 31, 2017

City Administrator Approval

Date:

2/10/17

## RECOMMENDATION

Staff Recommends That The City Council Accept An Informational Report Pertaining to the Follow Up Actions from the Ghost Ship Fire, Including Options For Budgetary And Policy Actions On The Following: 1) Examination Of Best Practices From Other Jurisdictions That Prevent Resident Displacement While Addressing Building Safety; 2) Examination Of The Challenges Facing Oakland-Based Artists Vis-À-Vis Living Workspaces And Ways That The City Can Provide Assistance And Prevent Displacement; 3) Volume Of Work And Staffing Needs Relating To The Fire Department and the Responsibilities Of The Fire Marshal, Commercial Fire Inspection Requirements, And Fire Prevention; 4) Options for Creating a Pathway to Legal Live-Work Occupancy of Commercial and Industrial Buildings that Reduces Displacement of Current Occupants; 5) Status of Identification and Inspections for Unpermitted Commercial or Industrial Spaces and How Risks are Being Mitigated and Managed; and 6) Volume Of Work And Staffing Needs For Code Enforcement Relating To Habitability And Fire/Life Safety.

## EXECUTIVE SUMMARY

At the request of the Rules and Legislation Committee, this report is presented in response to a variety of issues and concerns regarding unsanctioned commercial and industrial building occupancies and fire/life safety issues in the aftermath of the December, 2016 Ghost Ship Fire at 1315 31<sup>st</sup> Avenue. In addition, information is provided about current staff capacity issues and City actions being taken to implement the Mayor's Executive Order and other associated tasks to respond to the issues that have been identified. Finally, a comparison of the Mayor's Executive Order and the proposed Oakland Warehouse Coalition ordinance is provided in an attachment.

## BACKGROUND / LEGISLATIVE HISTORY

On December 2, 2016, there was a tragic fire in the warehouse located at 1315 31<sup>st</sup> Avenue which resulted in 36 fatalities. In the days following the fire, the City worked diligently with nonprofit, local, state, and federal partners to secure the site, provide services to the families in need and address questions from the community about the incident. There have been many

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questions following the fire pertaining to building fire and life safety standards, unsanctioned live-work spaces, follow up actions required to minimize displacement and what changes and actions are necessary to retain these types of uses and provide affordable live and work spaces if safety and habitability standards can be met.

On January 11, 2017, Mayor Schaaf issued Executive Order 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement. The provisions contained in the Executive Order, in large part, address many of the immediate concerns and comments that have been raised, particularly about how the City needs to respond to other similar unsanctioned and uninspected occupancies in commercial and industrial buildings if life safety standards can be met and maintained while avoiding displacement of occupants. Specifically, the Order directed the City Administrator to work with departments in implementing the following protocols and actions and report back to the Mayor within 60 days (by early March):

- Approach to inspections and compliance to protect life safety and minimize displacement:
  - In order to avoid displacement, inspections must initially focus on imminent threats to fire and life safety. The land use and zoning designation, while necessary to gain compliance, is not as crucial as correcting fire and life safety issues.
  - A compliance plan will be the standard method of correcting violations within certain time frames, and the building owner/landlord will have a 60 day time period to enter into a plan and timetable with the City. The length of time for implementation of the plan will vary, based on the extent of the code issues.
  - Notification to building occupants will generally be given 5 days ahead of the inspection date, unless an immediate threat to life safety is observed.
  - If temporary or permanent relocation is required, information will be provided about relocation assistance, return rights, and the City's just cause eviction laws. This task includes the development of a "frequently asked questions" document and other public education efforts.
  - Generally work in the spirit of cooperation with property owners, tenants, and master lessors to maximize safety and housing security.
  
- Review available housing financial resources and make recommendations on how such resources could be used to assist in improving and legalizing non-conforming residential uses where housing-vulnerable communities reside. This resource information would be shared with impacted communities.
- Review existing tenant protections to see if there are any amendments to these regulations that could be enacted to strengthen protections and help avoid displacement. With assistance from the City Attorney, create an easy-to-understand "frequently asked questions" (FAQ) document clarifying the rights and duties of tenants and landlords and any persons living or working in non-conforming spaces. Use the FAQ information for a public education effort to share the information.
- Convene a Special Event Permit redesign effort to make it easier for events to comply with permitting requirements and improve safety.
- Ensure that the previously authorized Fire Safety Task Force completes the initial priorities of conducting a Community Risk Assessment and Risk Reduction Plan and

establishes more consistent connections among departments so that inspection information and other data can be shared and problems identified early.

The Order also includes periodic reporting requirements until all tasks are completed. With these outlined directives and actions, the follow up efforts to reduce risks and create more safety can be effectively implemented and coordinated. It is included as **Attachment A** to this staff report.

## **ANALYSIS AND POLICY ALTERNATIVES**

There are many concurrent and complimentary efforts underway in response to the Mayor's Executive Order that also addresses the items contained in this staff report title. Such items are noted throughout this report.

Work to be Accomplished by the Fire Safety Task Force. The follow up actions related to the Ghost Ship Fire are organized around Mayor Schaaf's Executive Order and the work of the Fire Safety Task Force, staffed by the City Administrator's Office, and assisted by the National Fire Protection Association (NFPA).

The Task Force is a multi-departmental group that also includes outside experts. It has been broken into several subcommittees to help focus the work around key issues related to:

- Data system integration;
- Fire Department budget and staffing, inspection and displacement protocols;
- Code enforcement coordination and effectiveness; and
- Potential Zoning and Building code changes.

In order to better inform Fire and code inspection priorities, two primary objectives of the Task Force are 1) developing a Community Risk Assessment and Reduction Plan and 2) conducting a City-wide Property Census and Inventory.

The Community Risk Assessment is a tool the Task Force will use recommended by the NFPA. This approach uses information from a variety of sources to develop a strategy for code enforcement and other inspection activities. For instance, a combination of emergency medical calls, noise complaints and police requests for assistance may indicate that a property is potentially offering unauthorized entertainment and cabaret. A database that captures this variety of information can be useful in deploying resources so that staff is better able to track and respond to the most critical community safety risks. Similarly, a building inventory will assist the Task Force in formulating inspection priorities, protocols and annual schedules based on the scale and number of buildings requiring inspections and prioritize follow-up to assure basic fire and life safety standards are being met.

Each focus area outlined in the bullet points above has a dedicated subcommittee with subject matter experts who are working on potential solutions and options. While there is some overlap in the work of these subcommittees, the Task Force will provide a forum to coordinate and unify the overall recommendations for actions with respect to Fire and Building Inspections specifically as they relate to life safety. For example, inspection protocols and compliance plans

that may be recommended by the Inspection and Displacement Protocol Subcommittee will be informed by the work of the Zoning and Building Code Changes Subcommittee.

*1) Examination Of Best Practices From Other Jurisdictions That Prevent Resident Displacement While Addressing Building Safety and 4) Options for Creating a Pathway to Legal Live-Work Occupancy for Commercial and Industrial Buildings*

While the Ghost Ship fire affected one type of living space (warehouses), it also emphasized what was already known: that Oakland has become one of the most expensive cities in the region in which to live and has some of the most rapidly rising residential rents in the country. Residents in all types of living spaces are suffering in the current affordability crisis. Steps taken as a City must bring best practices and a renewed effort to making safer housing for all people. In addition, the work of the Oakland Housing Cabinet is continuing as staff takes steps to implement the recommendations not yet completed. The Housing Cabinet has reconvened to examine broader issues, including those brought to the fore after the Ghost Ship fire.

Through the Fire Safety Task Force, the Inspection and Displacement Protocols Subcommittee is considering different approaches for correcting fire and building code violations. Part of this work involves a comparison to other communities and a review of best practices. The Subcommittee will include staff from the Planning and Building Department, Oakland Fire Department, Oakland Police Department, Housing and Community Development, and the Office of the City Attorney. It will also include input from outside experts in live-work housing and commercial and industrial buildings.

Inspection and Displacement Protocols Subcommittee

Roles / Duties: **1)** Consider necessary changes to protocols for correcting fire and building code violations that are not deemed to be an imminent life safety risk in order to avoid displacement of tenants, including reviewing Compliance Plan tool and preparation of templates for courtesy notices, information notices to landlords and tenants, notice of violations etc. to ensure clarity and clear next steps. **2)** Recommend ways to improve communications among Fire, Planning & Building, and other Departments on cases along with clearer tracking and follow up procedures and designation of a single point of contact. **3)** Develop specific information and communication approaches and other tools to support residents who face displacement, including required relocation rights, just cause eviction information, right of return and other tenants rights in non-conforming spaces. **4)** Identify the significant obstacles to compliance such as the current costs of installing sprinkler systems and provide analysis to inform the Zoning and Building Code Changes Subcommittee. **5)** Developing and implementing an public education and outreach component.

Time Frame to Meet Objectives: Short term: considering changes to protocols in situations that are not deemed an imminent threat to life safety. Medium term: preparation of courtesy notices, communication pieces for tenants and landlords, recommend ways to improve communication between departments, and identifying obstacles to compliance. Long term: implementation of recommendations regarding obstacles and inter-departmental communication.

*2) Examination of the Challenges Facing Oakland-Based Artists Vis-À-Vis Living Workspaces and Ways that the City Can Provide Assistance and Prevent Displacement*

Two additional subcommittees of the Fire Safety Task Force have been formed to address the challenges facing live-work spaces; additionally, a Special Events Task Force has been formed to help examine how to make it easier and safer to hold events in these types of venues. One subcommittee will focus on potential Zoning and Building Code changes, including procedural and administrative changes. The description below explains the goals of the Zoning and Building Code Changes Subcommittee, their timeline, and active participants. The other subcommittee is the Data Subcommittee, charged with making recommendations about ways to integrate data from multiple City and County sources such as business tax data, code compliance information, fire and police call data, and other data into one database. If possible, such integration could lead to the development of algorithms that could assist in establishing an inventory of buildings that may be at higher risk or that meet criteria and priorities. In turn, such analysis could inform both fire and building inspection priorities and contribute to the Community Risk Assessment. The Special Events Task Force is further described below.

Zoning and Building Code Changes Subcommittee

Role / Duties: **1)** To review and make recommendations on the City's zoning and building codes as they pertain to people living or holding events in non-conforming spaces in an effort to reduce risks without causing displacement. **2)** To identify potential changes to the City's building code to make it easier to create safe, affordable live/work spaces in the future. This subcommittee will include staff from Planning and Building, the City Administrator's Office, as well as outside experts and stakeholders with knowledge of codes pertaining the live-work and event venue spaces, as well as an outside building code expert for analysis and peer review purposes.

Time Frame for Meeting Objectives: Medium term: 6 to 8 months.

Special Events Permitting Task Force

In addition, the City Administrator's Office has convened a task force to improve procedures around special events, to make it easier and safer to hold events in a wide range of venues, including warehouse and live-work buildings. These buildings present unique challenges. The Task Force includes staff from the Fire and Police Departments, Cultural Affairs Unit, City Administrator's Office, and the Planning and Building Department. Stakeholders with expertise in these types of events will be convened to provide input on the issues and inform the work of the Special Events Task Force.

In both, the Fire Safety Task Force subcommittees as well as the Special Permits Task Force, members of the creative community will be included to provide insight and perspective. As recommendations come forward from these efforts, the Mayor's Office, in partnership with the Cultural Affairs Unit and last year's Artist Housing and Work Space Task Force will hold larger forums to vet recommendations and share the housing resources and other information created as a result of the Mayor's Executive Order.

*3) Volume Of Work And Staffing Needs of The Fire Department As Related To Responsibilities Of The Fire Marshall, Commercial Fire Inspection Requirements, And Fire Prevention*

As part of the Fire Safety Task Force, the Fire Budget and Staffing Subcommittee will be considering options for the number and type of annual fire inspections that need to be conducted. In this work, they will review the volume of work and staffing as it relates to both the mandated requirements and best practices for maintaining overall community fire and life safety. This subcommittee includes staff from the Fire Department, as well as support from the City Administrator's Office and the Budget Office. It will include expert advisors from the NFPA and Cal FIRE. It will determine the total number of fire inspections that need to be conducted annually, prioritize them based on risk, and develop strategies and recommendations pertaining to staffing levels, staff schedules, equipment needs, and technology improvements. It is also tasked with preparing at least two (2) options for consideration with a low and a high budget figure, as well as the preparation of Master Fee Schedule adjustments for the Fiscal Year 2017-19 budget. The description below explains the goals of the Fire Budget and Staffing Subcommittee, their timeline, and active participants.

Fire Budget and Staffing Subcommittee

Role / Duties: Determine the total number of fire inspections that need to be conducted annually, prioritize them based on risk, and develop strategies and recommendations pertaining to staffing levels, staff schedules, equipment needs, and technology improvements. Prepare at least 2 options for consideration with a low and a high budget figure. In addition, prepare Master Fee Schedule adjustments for the Fiscal Year 2017-19 budget.

Timeframe for Meeting Objectives: Short term: Beginning effort to inspect the highest priority inspections now based on data provided by the Data Subcommittee. Medium term: implement first phase recommendations beginning July 1, 2017, accounting for adopted budget.

*4) Options for Creating a Pathway to Legal Live-Work Occupancy of Commercial and Industrial Buildings that Reduces Displacement of Current Occupants*

This work falls within the scope of what is being done both under the broad work of the Fire Safety Task Force umbrella, but the specific elements and recommended changes will be informed by the sub-groups working on Planning, Building, and Zoning protocols and codes, as well as the Housing Cabinet.

*5) Status and Identification of and Inspections for Unpermitted Commercial or Industrial Spaces and How Risks are Being Mitigated and Managed.*

Through public notification and a review of current code enforcement cases, the Fire Department has identified approximately 18 buildings as potentially having unsanctioned occupancies that have both living and working spaces. All of these buildings have been inspected. The Fire Department is scheduling re-inspections as well as developing Compliance Plans with the owners. Only in one case, 1218 Miller Avenue, have occupants been displaced due to a small fire which occurred on January 12, 2017. Occupants vacated the building due to

the electrical being shut off as a result of fire damage. This case has been informative as to the coordination necessary between the Fire and Building Departments, how to inform the tenants of the building's status, and how to effectively work with the building owner in outlining the corrections, repairs, mandated timeframes, and monitoring needed. From this example, staff is learning how to proceed in a more unified and coordinated manner.

In addition, the Revenue Management Division is also reviewing business license tax records for properties paying business license tax for rental of commercial rental property to assess whether there are also businesses paying business license tax at the same addresses. This information alone is insufficient to draw any conclusions as to whether there are unpermitted uses at the addresses. However, it informs the development of priorities for follow up inspections by City staff.

*6) Volume of Work and Staffing Needs Related to Code Enforcement as it Relates to Habitability and Fire Safety*

Code enforcement activities touch many City departments and demand an inter-departmental approach. Part of the Fire Safety Task Force work involves coordinated information and data on buildings, enforcement activities, and other incidents that can be collected so that any individual department can benefit from other records for that address. Potential increases in staff and other resources that may be desirable will be part of upcoming budget discussions. However, it is evident that immediate assistance is required to complete the most necessary, time-sensitive inspections, develop and administer compliance plans and track completion of work. The Planning and Building Department already has on-call building and engineering firm contracts to assist with plan check and engineering services. Given the amount of work involved in various follow-up efforts to the Ghost Ship Fire, staff believes it is warranted to have one or more firms assist in overall organization and response to the code enforcement and potential code changes. The focus of this work will be to assist with work flows and interdepartmental coordination efforts, develop tools to manage work volume and provide expertise and best practice integration to improve existing procedures.

*Comparison Chart of Executive Order and the Proposed Oakland Warehouse Coalition Ordinance*

As requested at the City Council's January 30, 2017 special meeting, a comparison chart has been prepared which illustrates the actions directed in the Executive Order with related proposals from the Oakland Warehouse Coalition's proposed ordinance. As outlined in the chart, a number of provisions in the proposed ordinance pose legal issues and questions which are still in process. The chart is included as **Attachment B** to this report.

**FISCAL IMPACT**

This is an informational report. The actions outlined pertaining to code enforcement actions and the possible hiring of an outside code expert will have a fiscal impact, but these costs are expected to be cost covering out of Fund 2415. Other initiatives that may be brought forward as

the result of the Fire Safety Task Force may require future contracts. Program budgets and other costs will be included as recommendations come forward or as budget changes are considered as part of the FY 2017-19 budget process.

### **PUBLIC OUTREACH / INTEREST**

This item is of particular interest to the public, thus this informational report has been shared through the City's public noticing process. City staff has met with the Oakland Warehouse Coalition on a number of occasions to review and discuss various options and other measures that could be instituted as part of the fire and life/safety efforts to preserve commercial and industrial mixed residential occupancies.

### **COORDINATION**

Staff consulted with the Planning and Building Department, the Mayor's Office, Controller's Bureau, and the Office of the City Attorney for this report. The work on the issues described in this report also involves the Planning and Building Department, the Fire Department, and the Revenue Bureau.



**ACTION REQUIRED BY THE COUNCIL**

Staff Recommends That The City Council Accept An Informational Report Pertaining to the Follow Up Actions from the Ghost Ship Fire, Including Options For Budgetary And Policy Actions On The Following: 1) Examination Of Best Practices From Other Jurisdictions That Prevent Resident Displacement While Addressing Building Safety; 2) Examination Of The Challenges Facing Oakland-Based Artists Vis-À-Vis Living Workspaces And Ways That The City Can Provide Assistance And Prevent Displacement; 3) Volume Of Work And Staffing Needs Relating To The Fire Department and the Responsibilities Of The Fire Marshall, Commercial Fire Inspection Requirements, And Fire Prevention. 4) Options for Creating a Pathway to Legal Live-Work Occupancy of Commercial and Industrial Buildings that Reduces Displacement of Current Occupants; 5) Status of Identification and Inspections for Unpermitted Commercial or Industrial Spaces and How Risks are Being Mitigated and Managed; and 6) Volume Of Work And Staffing Needs For Code Enforcement Relating To Habitability And Fire/Life Safety

For questions regarding this report, please contact Claudia Cappio, at (510) 238-3301.

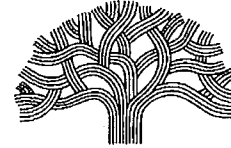
Respectfully submitted,



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CLAUDIA CAPPIO  
Assistant City Administrator

## CITY OF OAKLAND



1 FRANK H. OGAWA PLAZA • 3<sup>RD</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the Mayor  
Libby Schaaf

(510) 238-3141  
FAX: (510) 238-4731  
TDD: (510) 238-3254

January 11, 2017

**EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement**

Buildings in Oakland should be safe places to live, work and play. In the wake of the Ghost Ship tragedy, unpermitted living, assembly and work spaces are under heightened scrutiny. We must unite as a City to improve the safety of non-conforming spaces while also working to avoid displacing vulnerable community members.

This executive directive creates new protocols and tasks consistent with existing regulations to enhance safety in unpermitted spaces while reducing the risk of displacement. It also clarifies our immediate work ahead to first enhance safety, while also protecting cultural community assets and working to prevent unnecessary tenant displacement during this time of unprecedented housing insecurity.

In the aftermath of the Ghost Ship Warehouse Fire, property owners have become more aware of the potential hazards of allowing unpermitted uses in former warehouse and industrial buildings and have, in some cases, evicted current tenants in an effort to reduce personal liability. Such evictions have resulted in displacement of people with few options for alternate housing or workspace due to the current affordability crisis. In many cases, tenants of these former warehouses and industrial buildings have long remained silent in the face of unresolved safety issues because alternative housing and workspaces are unaffordable and there is a high degree of anxiety concerning displacement or fear of eviction in response to their seeking life safety improvements.

The City of Oakland has long been in the forefront of adaptive reuse and live-work strategies for many former warehouse and industrial buildings, developing code compliance strategies and life safety standards that assure safe use of such buildings. We as a City affirm that having housing, workspaces and cultural gathering spaces in unpermitted spaces that operate safely and responsibly are valuable to the community, and the City should take actions to preserve and legalize these spaces to avoid adverse impacts on the City's affordable housing stock and availability of workspaces and performance venues for vulnerable members of our community.

## **EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement**

We must take additional steps to protect physical, cultural and artistic assets and workspaces in the community while making necessary changes to improve life safety, provide for safer public events and improve standards and procedures for evaluating and assuring compliance.

Therefore through this Executive Directive, I hereby direct the City Administrator to direct the applicable City Departments to undertake the following actions:

1. In existing buildings that are not permitted for residential occupancy and that do not otherwise conform to Building, Housing or Fire Code or zoning requirements, including nonconforming residential, work space, or live work uses, but in the judgment of the Building Official or Fire Marshal, based on physical inspection and evaluation of identified hazards and known conditions, do not represent an immediate threat to life safety of the individuals currently residing in the building or to the surrounding properties, the property owner shall enter into an abatement and compliance plan with the City within 60 days. The following criteria shall guide the development of any abatement and compliance plan:
  - a. avoid displacement of any individuals residing or working in the property if that can be accomplished without imminent life safety risk;
  - b. cure Building, Housing and Fire Code violations within the time prescribed by the abatement and compliance plan, which plan shall be based on the severity of the violations;
  - c. secure any necessary zoning approvals if the property is not currently permitted for residential occupancy;
  - d. in the event any temporary or permanent relocation of residential occupants may be required, provide information to all known tenants and property owners on their rights and duties to comply with Relocation Payment, Right of Return and Just Cause for Eviction requirements;
  - e. for Building, Housing and Fire code inspections not requested by an occupant of the building, when practicable, notify occupants of the building of the scheduled time for inspections of the property at least five (5) calendar days prior to the inspection, except in the event of an immediate threat to life safety of the individuals currently residing in the building or to the surrounding properties as determined by the sole judgement of the Building Official or Fire Marshal; and
  - f. generally work in the spirit of cooperation with property owners, tenants and master lessors to correct code violations that are not deemed to be an imminent life safety risk; and while immediate life safety determinations rest in the sole professional judgment of the Fire Marshall or Building Official, these officials shall utilize problem solving skills and tools, including, for example, requiring on-site Fire Watch, to maximize both safety and housing security.
  
2. Review available housing resources to make recommendations during both the Notice of Funding Availability (NOFA) and the Budget process as to how such resources can be

## **EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement**

used to assist in legalizing non-conforming residential units that house vulnerable community members, as well as work with the Artist Housing and Workspace Task Force to jointly present an informational meeting about these resources and assistance within 60 days.

3. Have the Housing, Residential Rent and Relocation Board review the Just Cause for Eviction Ordinance, Tenant Protection Ordinance and their regulations to see if there are any amendments to those ordinances or their regulations that could be enacted to strengthen protections and avoid displacement of occupants of nonconforming buildings.
4. Convene a Special Event Permits System Redesign group to implement process improvements to encourage greater compliance with permitting requirements, as well as seek safety enhancement recommendations from the Fire Safety Task Force.
5. With the assistance of the City Attorney, create an easy-to-understand “frequently asked questions” clarifying the rights and duties of tenants, landlords and persons who may be living or working in non-conforming spaces; and within 10 days commence a public education campaign to disseminate such information.
6. Ensure the Fire Safety Task Force promptly delivers its initial priorities: (1) developing and conducting a Community Risk Assessment and Risk Reduction Plan, including a census of buildings and structures, building fire safety risk assessment, and prioritization method for inspections that maximizes fire prevention while minimizing tenant displacement, (2) conducting an assessment/audit of the Fire Prevention Bureau using the NFPA 1730 Standard on Organization and Deployment of Fire Prevention Inspection and Code Enforcement, Plan Review, Investigation, and Public Education Operations, and (3) creating a shared database and reporting protocols for better sharing of information across various city departments.

Unless required sooner, the City Administrator or her designee shall report back to me at least every 60 days on each of the above actions along with any additional plans or recommendations to further this directive until all tasks are complete.

We will never forget those lost in the Ghost Ship Warehouse Fire and we will learn all we can from this horrific tragedy to make Oakland a safer and more resilient community.

Mayor Libby Schaaf  
City of Oakland

Cc: Sabrina Landreth, City Administrator  
Darin Ranelletti, Interim Director of Planning and Building

**EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement**

Michelle Byrd, Housing Director  
Barbara Parker, City Attorney

**Matrix of Actions Taken on the Sections of the Emergency Tenant Protection Ordinance**

Emergency Tenant Protection Ordinance Section	Administratively Being Addressed?	Under Legal Review?	Other Comments
1. Emergency Finding	--	√	
2. Duration of Interim Ordinance	--	--	
3. Habitation is Not a Violation of Material Term	The Mayor’s Executive Order addresses this in item #1a which states that the goal of a compliance plan will be to “avoid displacement of any individuals residing or working in the property if that can be accomplished without imminent life safety risk;”	√	
4. Discontinuance of Displacement of Residential Tenants Due to Code Violation	The Mayor’s Executive Order addresses this in #1f which states that an effort will be made to generally work in the spirit of cooperation to correct code violation that are not deemed to be an imminent life safety risk.  Another portion of this Section is addressed in #1d about relocation.		The recent relocation ordinance amendment provides additional relocation options:
5. Discontinuance of Displacement of Residential Tenants Due to Zoning Violation or Lack of a Certificate of Occupancy	Similar to Section 4 above, this Section 5 is addressed in the Mayor’s Executive Order in #1f. Instead of displacement due to non-compliant zoning, the Mayor’s Executive Order #1c states that the compliance plan can include necessary zoning approvals if the property is not currently permitted for residential occupancy.	√	
6. Just Cause Protections for Residential Tenants of Properties Regardless of Zoning Status	--	√	

Emergency Tenant Protection Ordinance Section	Administratively Being Addressed?	Under Legal Review?	Other Comments
7. Prohibition of Eviction of Residents of Commercial Properties Without Just Cause	--	√	
8. Discontinuance of Flash Inspections on All Properties in the City of Oakland	The Mayor's Executive Order addresses this in #1e in stating that "for Building, Housing and Fire code inspections not requested by an occupant of the building, when practicable, notify occupants of the building of the scheduled time for inspections of the property at least five (5) calendar days prior to the inspection, except in the event of an immediate threat to life safety..."		
9. Amnesty for Zoning and Permitting Violations	The Mayor's Executive Order addresses this in #1c in stating that the compliance plan can include necessary zoning approvals if the property is not currently permitted for residential occupancy.		There is discretion to allow for amnesty.
10. Prohibition of Abuse of Code Violation Complaint Process	--	√	
11. Rezoning and Eminent Domain of Properties to Create Low-Income Live-Work Cooperatives	--	√	
12. Rezoning of Properties to Create Low-Income Live-Work	--		This could be considered through discussions with a rezoning use permit.
13. Issuance of Cabaret Permits to Underground Venues	This is connected to #4 in the Mayor's Executive Order regarding the Special Event Permits System Redesign group through Fire Safety Task Force. The group would have to further review this item.		

Emergency Tenant Protection Ordinance Section	Administratively Being Addressed?	Under Legal Review?	Other Comments
14. Strengthening Oakland's Code Enforcement Relocation Program	The Mayor's Executive Order addresses this in #1d about relocation. This also relates to #3 in the Executive Order about the Rent Adjustment Board considering existing housing-related ordinances and seeing if there are any amendments to those ordinances which can strengthen protection and avoid occupant displacement.		
15. Notice Requirements for Inspections	The Mayor's Executive Order addresses this in #1e in stating that "for Building, Housing and Fire code inspections not requested by an occupant of the building, when practicable, notify occupants of the building of the scheduled time for inspections of the property at least five (t) calendar days prior to the inspection, except in the event of an immediate threat to life safety..."		