

CITY OF OAKLAND

2010 SEP -1 PM 12: 25

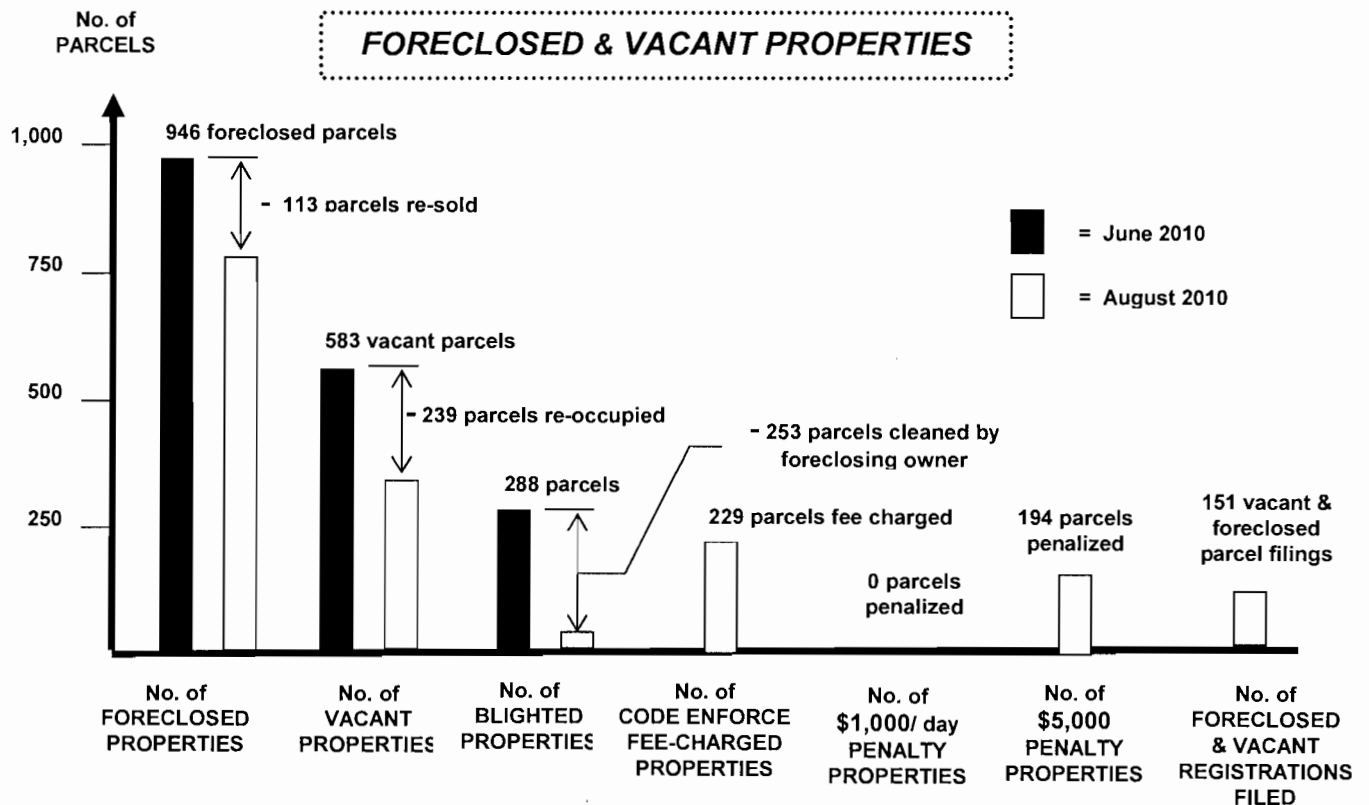
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: September 14, 2010

RE: **Report And Recommendation On The Implementation Of Municipal Code Chapter 8.54 Requiring The Registration Of Foreclosed And Vacant Buildings**

SUMMARY

At the June 22, 2010, meeting of the Community and Economic Development Committee, staff was requested to return in September with an update on the implementation of the Foreclosed and Vacant Residential Building Registration program (Oakland Municipal Code Chapter 8.54). In the intervening two (2) months, Building Services has completed the following tasks (unreimbursed overtime):



Staff also corroborated using existing enforcement protocols for abating property violations:

- Properties must be foreclosed (deed recorded) to be subject to penalties and associated Notices Of Violation.

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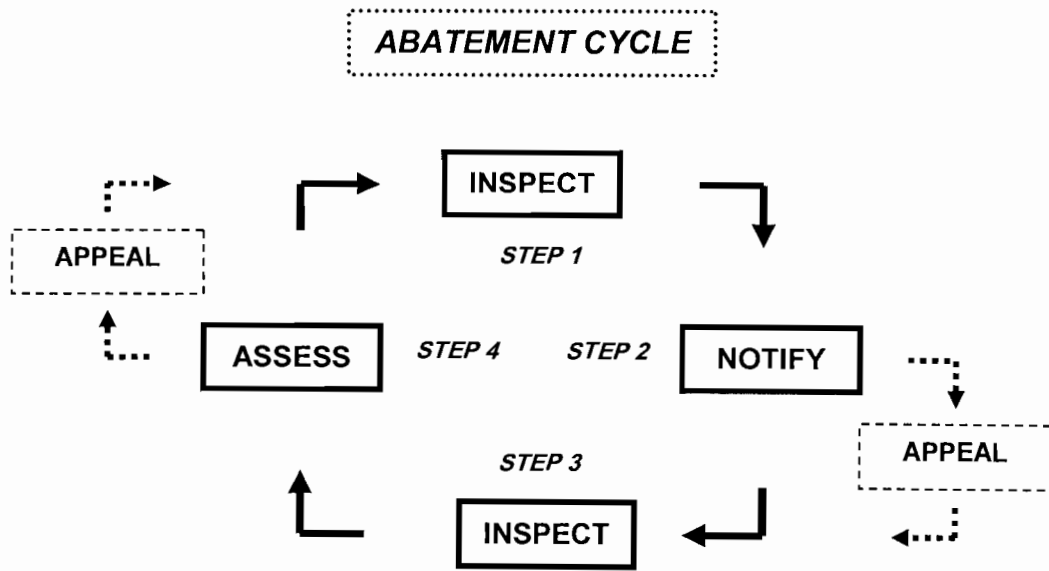
- Fee and penalty assessments are significantly less likely to be successfully challenged when
 - o properties are (re)inspected to confirm that they are (still) blighted and/or vacant; and
 - o owners have been noticed (5 days to receive mail), and the time to cure violations has expired (blight = 30 days, vacant registration = 60 days).

FISCAL IMPACT

This is an informational report. As such, there is no fiscal impact.

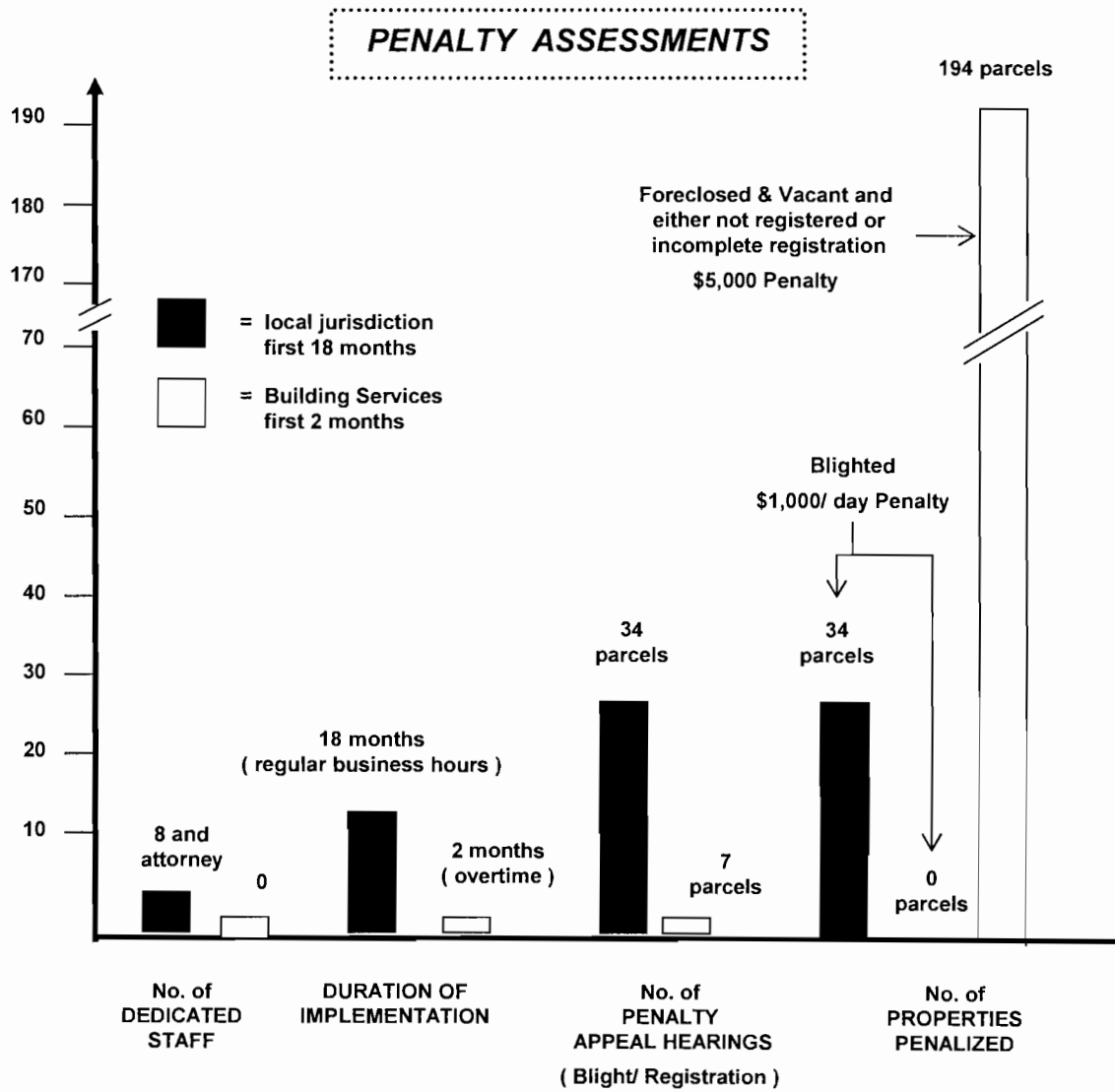
KEY ISSUES AND IMPACTS

Building Services staff has had numerous interactions with law enforcement officials, litigators, civil liberty advocates, journalists, good government officials, special interest activists, and the City Attorney's Office. All have opined that code enforcement's standard protocol for abating violations (see *Abatement Cycle* graphic below) is the preferred and tested methodology for successfully defending the City against challenges for the assessment and collection of abatement fees and penalties. Given this, staff has still compressed the time for notifying errant property owners by mailing abatement and penalty notices simultaneously (see *Abatement Timeline* graphic on page 4). Assessments of fees and penalties are unpredictable because ownership continually changes (sales by banks), and the legislation for both types of penalties restricts assessments to properties which are foreclosed. Assessments to date, however, compare favorably with the results of another local jurisdiction (see *Penalty Assessments* graphic on page 3).



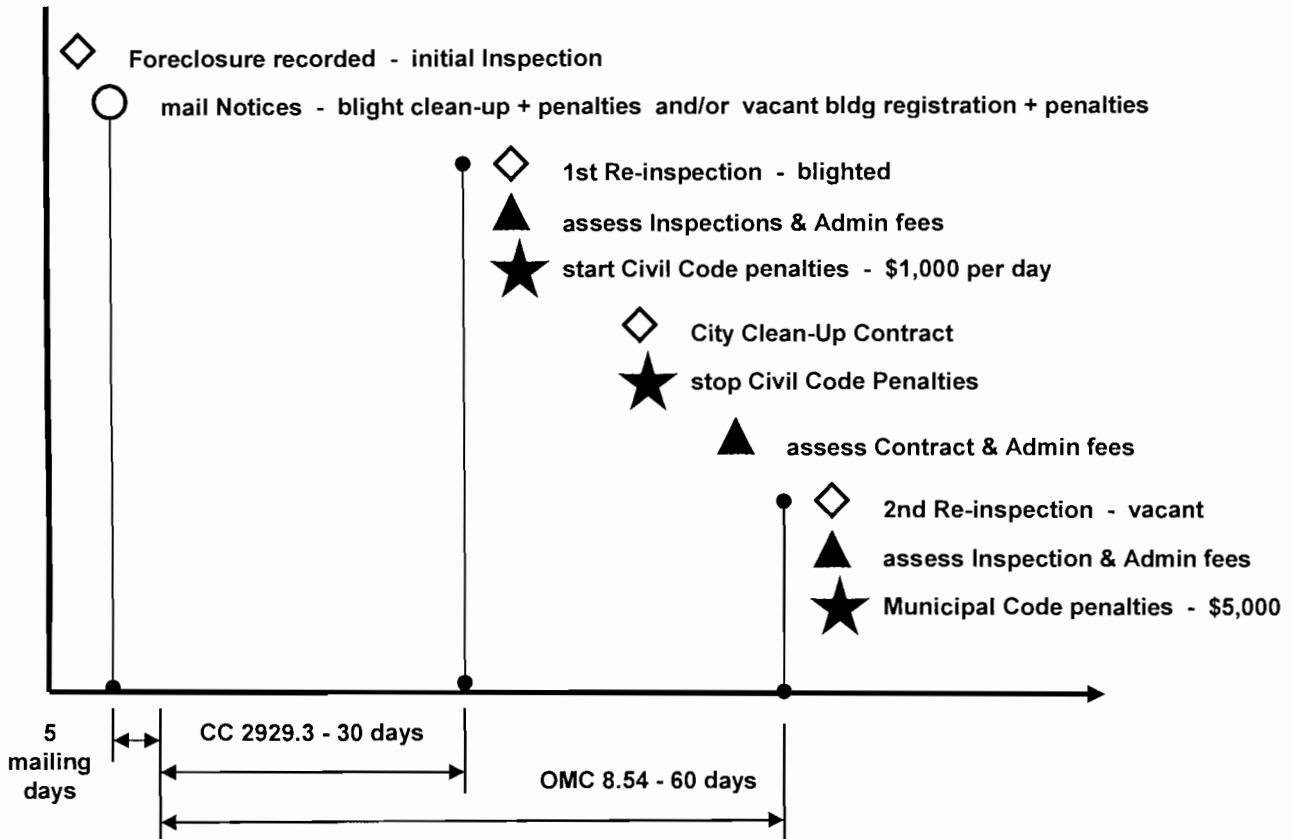
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FORECLOSED & VACANT BUILDING PROGRAM

ABATEMENT TIMELINE



SUSTAINABLE OPPORTUNITIES

Economic: Continuing maintenance of vacant buildings by property owners is a necessary component of an effective revitalization program for distressed neighborhoods and a major element for curtailing opportunistic crime.

Environmental: Environmental considerations are applied when applicable (debris disposal, lead based paint remediation, vector control, etc.).

Social Equity: Maintained properties support the social fabric of neighborhoods.

DISABILITY AND SENIOR CITIZEN ACCESS

State and City requirements for handicapped accessibility are not applicable for minor residential buildings.

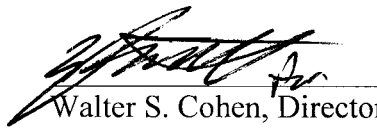
RECOMMENDATIONS

Staff recommends that the Committee accept this report and request that staff return to the Committee with a status update in twelve (12) months.

ACTION REQUESTED OF THE CITY COUNCIL

No action by the City Council is requested at this time.

Respectfully submitted,

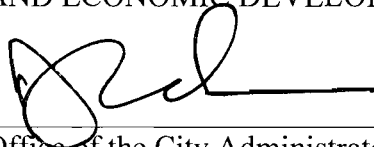


Walter S. Cohen, Director
Community and Economic Development Agency

Prepared by

Raymond M. Derania
Deputy Director - Building Services

APPROVED AND FORWARDED TO THE COMMUNITY
AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the City Administrator