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# AGENDA REPORT

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

**FROM:** William A. Gilchrist  
Director, PBD

**SUBJECT:** Quarterly Code Enforcement Report

**DATE:** October 1, 2018

City Administrator Approval

Date:

10/9/18

## **RECOMMENDATION**

**Staff Recommends That The City Council Receive An Informational Report On The Code Enforcement Activities Of The Planning And Building Department For July 2017 Through June 2018 Of Fiscal Year 2017-18**

## **EXECUTIVE SUMMARY**

This report provides the City Council with current information on the code enforcement activities of the Planning and Building Department (PBD), including code enforcement data by quarter for July 2017 through June 2018 of Fiscal Year (FY) 2017-18. The report also includes an update on work done to enhance the code enforcement program such as providing property notice to tenants, which gives detailed violation information. 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 the City Administrator's Office (CAO), Public Works Department (OPW), Fire Department (OFD), and Police Department (OPD), the data and work activities described in this report only pertain to PBD.

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

Below are some of the key initiatives the Department has implemented since the last Quarterly Code Enforcement Report presented at the March 13, 2018 Community and Economic Development Committee:

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CED Committee  
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- Staff Coordination – Weekly Code Enforcement staff meetings with OFD, City Attorney's Office and other departments to discuss Department protocols and complex cases.
- Fee Study and Adjustments – A study of Department fees was conducted in 2016 by an outside consultant and fees were adjusted to reflect reasonable costs incurred. PBD is currently in the process of having a new study done in 2019.
- Recruitments – In March 2018, two temporary Assistant Code Enforcement Inspectors were hired to focus on Blight Abatement (targeting graffiti, overgrown vegetation, trash, and debris), and to increase PBD's efforts to gain compliance and abate cases. PBD is currently working to fill the following vacancies: 11 Specialty Combination Inspectors, two Senior Specialty Combination Inspectors, one Inspection Services Manager, and one Principal Inspections Supervisor.

## **ANALYSIS AND POLICY ALTERNATIVES**

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, and the number of complaints received can vary over time.

### ***Code Enforcement Definitions***

**Property Blight:** Any property i.e., residential, commercial or industrial properties 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 but is the responsibility of the OPW and is not included in this report.

**Building Maintenance:** Regulations controlling the use, occupancy, locations, and maintenance of all residential and non-residential buildings, structures, portions thereof and real property.

**Zoning:** Regulations related to compliance with residential, commercial, and industrial zones that include, for example, fence height, business in residential areas, persistent noise, excessive signage and other unapproved activity.

**Code Enforcement Statistics**

**Table 1** provides updated statistics for code enforcement activities for July 2017 – June 2018. In summary, during the four quarters there were 4,781 complaints filed that required 3,317 inspections resulting in 1,464 cases that were abated or closed through Courtesy Noticing because the property owner corrected the violation, or because no violation was found.

**Table 1: Complaints & Inspections from July 2017 through June 2018**

	<b>1<sup>st</sup> Quarter July 2017 – Sep. 2017</b>	<b>2<sup>nd</sup> Quarter Oct. 2017 – Dec. 2017</b>	<b>3<sup>rd</sup> Quarter Jan. 2018 – March 2018</b>	<b>4<sup>th</sup> Quarter April 2018 – June 2018</b>	<b>TOTAL July 2017 – June 2018</b>
<b><i>Property Blight</i></b>					
<b>Complaints</b>	<b>717</b>	<b>533</b>	<b>495</b>	<b>736</b>	<b>2,481.00</b>
<b>Inspections</b>	<b>388</b>	<b>329</b>	<b>318</b>	<b>557</b>	<b>1,592.00</b>
<b><i>Building Maintenance</i></b>					
<b>Complaints</b>	<b>475</b>	<b>518</b>	<b>478</b>	<b>434</b>	<b>1,905.00</b>
<b>Inspections</b>	<b>299</b>	<b>432</b>	<b>371</b>	<b>376</b>	<b>1,478.00</b>
<b><i>Zoning</i></b>					
<b>Complaints</b>	<b>113</b>	<b>88</b>	<b>95</b>	<b>99</b>	<b>395</b>
<b>Inspections</b>	<b>90</b>	<b>36</b>	<b>42</b>	<b>79</b>	<b>247</b>
<b><i>All Cases</i></b>					
<b>Complaints</b>	<b>1,305</b>	<b>1,139</b>	<b>1,068</b>	<b>1,269</b>	<b>4,781</b>
<b>Inspections</b>	<b>777</b>	<b>797</b>	<b>731</b>	<b>1,012</b>	<b>3,317</b>

Complaints are filed through the Code Enforcement phone number 510-238-3381, online portal, Tell Us app, email, and in person. Administrative staff either schedule inspections or send Courtesy Notices depending on the details provided.

**Table 2** is focused on key enforcement actions used to gain compliance or abate violations that address Property Blight and Building Maintenance. Property Blight utilizes the clean-up contracts, which require extensive noticing including, but not limited to: Repeat Violator issuance where the property owner receives immediate fee assessments once it is verified that the same or similar violations have been received within two years; and the Inspection Warrant, which is used to gain access to the property to clean and secure. Building Maintenance utilizes the issuance of Stop Work Orders where work is being done without a permit or beyond the scope of the permit, and Compliance Plans, which established rehabilitation timelines to gain compliance.

**Table 2: Enforcement Actions for Compliance or Abatement from July 2017 through June 2018**

<b>Quarter Jul 2017 – Jun 2018</b>	<b>Clean-up Contract</b>	<b>Repeat Violators</b>	<b>Stop Work Order</b>	<b>Compliance Plan</b>
1	16	13	20	7
2	8	8	20	3
3	6	3	39	7
4	16	17	59	16
<b>Totals</b>	<b>46</b>	<b>41</b>	<b>138</b>	<b>33</b>

During the 3<sup>rd</sup> Quarter, 193 cases were invoiced for inspection fees or abatement costs in the amount of \$286,008, and in the 4<sup>th</sup> Quarter, 517 cases were invoiced for a total of \$876,477 in inspection fees or abatement costs.

### **FISCAL IMPACT**

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

### **PUBLIC OUTREACH / INTEREST**

There is ongoing 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 to discuss potential improvements.

### **COORDINATION**

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

**SUSTAINABLE OPPORTUNITIES**

**Economic:** This is an informational report so there are no actions requested of the Council. 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. 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. 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. PBD coordinates with HCDD to mitigate impact on residents through referral of City Services that educates and directs tenants in finding resolutions that impact living standards.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council receive this informational report on the code enforcement activities of PBD for July 2017 through June 2018 of FY 2017-18.

For questions regarding this report, please contact William A. Gilchrist, Director of Planning and Building, at (510) 238-2229.

Respectfully submitted,



WILLIAM A. GILCHRIST  
Director, Planning and Building Department