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CITY OF OAKLAND

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Fred Blackwell
Assistant City Administrator

SUBJECT: Newly Purchased Non-Owner
Occupied Residential Buildings

DATE: July 5, 2012

City Administrator
Approval

Deanna Santana

Date

7/5/12

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Staff supports the policy goals associated with this legislation, but recommends that the City Council agendaize consideration of the proposed new Municipal Code Chapter 8.58 for September 2012. This would allow sufficient time for staff to assist Council Member Brooks with the analysis of policy questions enumerated below, and provide for subsequent City Attorney review of an amended version. While staff has had the opportunity to meet with the Council Member regarding this legislation, staff has also requested additional time to work with the Council Member on its drafting. The actual language included for CED Committee consideration on July 10 has only recently been finalized, and staff has not had adequate time to review and completely analyze key issues. Staff estimates that the research and analysis will be completed within a month.

BACKGROUND

The proposed new ordinance addresses current regulatory gaps for residential properties in Oakland. The following policy questions are examples of the policy review that staff recommends should be completed to assure that a comprehensive analysis will be available for members of the City Council and the public:

- What constitutes property title transfer?
 - Partial transfer?
 - Transfer to a Living Trust?
 - Transfer to a probate estate?
 - Transfer to a subsidiary entity?
 - Transfer among family members?
 - Is this ordinance meant to apply only to purchasers for value?
 - Transfer from an individual to a Limited Liability Company owned by the individual?

Item: _____

Community and Economic Development Committee

July 10, 2012

- What constitutes owner-occupancy?
 - Should the owner be required to occupy immediately or within a reasonable time?
 - Should occupancy by an owner's family member be considered owner-occupancy?
 - Should a time extension be granted for a tenant eviction (e.g., single family dwelling)?
 - Should the owner be granted a time extension for voluntary remodeling or required repairs?
 - Should occupancy by a beneficiary or executor of a Living Trust be considered owner-occupancy?
- What constitutes reasonable delays for inspecting?
 - Tenant's right to privacy?
 - Landlord's right to inspect occupied units (not absolute)?
- What constitutes reasonable exclusions from the ordinance?
 - Vacant buildings previously purchased by a single entity (speculator)?
 - Condominium building purchased by one owner and fully rented as apartments?
- Establish the amount of the fees for registration and inspections.

For questions regarding this report, please contact Ray Derania, Building Official, at 510/ 238-4780.

Respectfully submitted,



FRED BLACKWELL
Assistant City Administrator