



INTRODUCED BY COUNCILMEMBER _____

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING THE OAKLAND BUILDING MAINTENANCE CODE (OAKLAND MUNICIPAL CODE 15.08) TO (1) CONFORM TO THE 2022 CALIFORNIA BUILDING STANDARDS; (2) ESTABLISH LEAD HAZARD ABATEMENT STANDARDS; AND (3) PROVIDE STANDARDS FOR DELAYED ENFORCEMENT FOR ACCESSORY DWELLING UNITS AND JOINT LIVE WORK QUARTERS WHERE CORRECTION OF VIOLATIONS IS NOT NECESSARY FOR HEALTH AND SAFETY; AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS

WHEREAS, the Building Department of every city in California is charged with enforcing within its jurisdiction the provisions of the State Housing Law codified in California Health and Safety Code Sections 17010-19997; the California Building Standards Code, codified in Title 24 of the California Code of Regulations; and the State Housing Law Regulations codified in Title 25, Div. 1, Chapter 1, Subchapter 1, of the California Code of Regulations; and

WHEREAS, California Code of Regulations, Title 25, Section 6, requires the governing body of every city to adopt an ordinance or regulation imposing the requirements contained in the State Housing Law Regulations; and

WHEREAS, the Oakland Building Maintenance Code is modeled on the Uniform Housing Code and is consistent with the California Building Standards Code, the State Housing Law, State Housing Law Regulations and with Oakland's Building Construction Code; and

WHEREAS, the Oakland Building Maintenance Code, which provides procedures for enforcement of building standards in the City of Oakland, requires amendments as set forth below to conform to state law; and

WHEREAS, the California State Legislature has identified lead hazards as a condition of substandard housing and given local jurisdictions authority to issue orders to abate and orders to cease and desist for the purpose of abating lead hazards in their jurisdictions; and

WHEREAS, the Racial Equity Impact Analysis entitled “Eliminating Lead Paint Hazards in Oakland & Alameda County” published by the Department of Race and Equity in September 2021 recommends that Oakland create a robust enforcement program for lead based hazards; and

WHEREAS, the California state legislature, in response to the statewide housing crisis, has enacted Health and Safety Code 17980.12 directing local jurisdictions to allow owners of accessory dwelling units to apply for a five year delay of enforcement on the basis that correction of violations is not necessary for health and safety; and

WHEREAS, allowing owners of noncompliant Joint Live Work Quarters to apply for a five year delay of enforcement on the basis that correction of violations is not necessary for health and safety will help prevent displacement of tenants residing in such Live Work Quarters; and

WHEREAS, the City Council hereby further determines that the enactment of this Ordinance is essential to the public interest and that enforcement of the Oakland Building Maintenance Code should be liberally construed to effectuate the purposes as stated therein; and

WHEREAS, the actions contemplated in this Ordinance are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15378; 15061(b)(3) (General Rule), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and

WHEREAS, each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1: Recitals. The City Council of the City of Oakland hereby determines that the preceding recitals are true and correct and an integral part of the Council’s decision, and hereby adopts and incorporates them into this Ordinance.

SECTION 2: Purpose and Intent. The purpose and intent of this Ordinance is to promote the health and safety and general welfare of the people of Oakland; to conform Oakland’s Building Maintenance Code to state law including but not limited to lead hazard abatement standards; and to provide standards for delayed enforcement for accessory dwelling units and joint live work quarters where correction of violations is not necessary for health and safety for the purpose of preventing displacement.

SECTION 3: Adoption of Requirements of the 2022 State Housing Law Regulations. The requirements of the State Housing Law Regulations set forth in California Code of Regulations Title 25, Div. 1, Chapter 1, Subchapter 1, are hereby adopted.

SECTION 4: Amendments to Oakland Building Maintenance Code. The Oakland Building Maintenance Code, Chapter 15.08 of the Oakland Municipal Code, is hereby amended as set forth below. Additions are show as double underline and deletions are shown as strikethrough.

Amendments to O.M.C. 15.08.020 Purpose.

The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by ~~regulating~~ regulating and controlling the use occupancy, locations, and maintenance of all residential and non-residential buildings, structures, portions thereof and real property within the City of Oakland.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code.

Amendments to O.M.C. 15.08.080B General.

B. Alternative Compliance. Where there are practical difficulties involved in complying fully with the technical requirements of Articles V, VI, VII, VIII, and IX of this Code, the Building Official may grant modifications for individual cases. The Building Official shall find that a special individual reason makes the strict application of this Code impractical and that the modification does not lessen health and safety requirements and is equivalent in suitability, strength, effectiveness, fire resistivity, durability, and ampacity. The details of actions granting modifications shall be retained by the Building Official for the period required for retention of public records.

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code or ~~in order~~ to substantiate claims for alternate materials or methods, the Building Official may require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in the Oakland Building Construction Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall specify the testing procedures. All tests shall be performed by an approved agency. Reports of tests shall be retained by the Building Official for the period required for retention of public records.

Amendments to O.M.C. 15.08.110A Abatement of violations.

A. General. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, structure, portion thereof, or real property or cause or allow the same to be done in violation of this Code.

In addition to the penalties provided by law and ordinance, a violator shall be liable for such costs, expenses, accruing interests, and disbursements paid or incurred by the City or any of its contractors in correction, abatement, and prosecution of the violation.

Pursuant to Section 836.5 of the California Penal Code, the Building Official and ~~his or her~~ the Building Official's designees are hereby authorized to enforce this Code and to cause the arrest

of violators thereof whenever they reasonably believe that the person has committed a misdemeanor offense of this Code in their presence.

The City Administrator, or ~~his or her~~ designee, shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this Code in addition to those officers enumerated herein. Officers or employees so designated shall have the authority to cause the arrest of persons who violate any of such provisions whenever they reasonably believe that the person has committed a misdemeanor offense of this Code in their presence.

Conviction of an infraction and any subsequent convictions under the provisions of this Code shall be punishable by the maximum fines prescribed by law. Any violations beyond the third conviction within a one-year period may be charged by the City Attorney or the District Attorney as a misdemeanor, and the penalty for conviction of the same shall be punishable by the maximum fines and sentence of imprisonment in the County Jail prescribed by law.

A certified copy of each judgment imposing fine or cost or both upon any owner of any real property for a violation of this Code pertaining to the building, structure, portion thereof, or the real property may, upon the entry of judgment, be filed forthwith with the Alameda County Clerk-Recorder.

Pursuant to Section 409.5 of the California Penal Code, failure to vacate immediately or to impede in any way whatsoever the vacation of any building, structure, portion thereof, or real property which has been determined by the Building Official to be an imminent hazard as provided in Section 15.08.380.C of this Code shall constitute a misdemeanor offense and shall be cause for arrest and removal from the premises in addition to all other penalties provided by law.

Amendments to O.M.C. 15.08.170 Definitions (Health and Safety Code Section 17910, et seq.).

For the purpose of this Code, certain terms, phrases, words, and their derivatives shall be construed as specified either in this Section or as specified in the Oakland Building Construction Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged, copyright 2016*, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. ~~Words used in the masculine gender include the feminine and the feminine the masculine.~~

ACCESSORY BUILDING is a detached subordinate building, the use of which is customarily incidental to that of the main building or the main use of the land and which is located on the same lot or parcel with the main building of use.

APARTMENT HOUSE is a residential building or portion thereof which contains three (3) or more dwelling units and, for the purposes of this Code, includes residential condominiums and joint live work quarters and as defined in the Oakland Building Construction Code.

BEDROOM is a sleeping room having a minimum two (2) feet four (4) inches wide by six (6) feet eight (8) inches high door opening communicating directly with other internal areas of a

dwelling unit and containing a separate permanent closet with a minimum 24 inches by 24 inches interior clear space.

BUILDING OFFICIAL is the Official in charge of the Building Department of the City of Oakland, or the Building Official's ~~his or her~~ designee, and ~~his or her~~ their successor in title.

COMMUNITY KITCHEN is a kitchen in a hotel or lodging house used individually or collectively by the occupants, but not used commercially to serve a dining room or the public.

CONGREGATE RESIDENCE is any residential building or portion thereof that contains facilities for living, sleeping and sanitation, as required by this Code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, motels, or lodging houses.

COURT is a space, open and unobstructed to the sky, located at or above finished grade on a lot and bounded on three (3) or more sides by walls of a building.

DAMPNESS means the presence of unwanted moisture in the structure of a building, either the result of intrusion from outside or below ground or condensation from within the structure.

DWELLING is a residential building or portion thereof which contains not more than two (2) dwelling units.

DWELLING UNIT is a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation or a vehicular residential facility as defined herein. For purposes of accessible units under Cal. Code of Regulations Title 24 Chapter 11A, a dwelling unit is a single unit of residence for a family of one (1) or more persons, and includes condominiums, apartments, and other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one (1) room or portion of the dwelling. Examples of the latter include dormitory rooms and sleeping accommodations in shelters intend for occupancy as residences for homeless persons.

EFFICIENCY DWELLING UNIT is a dwelling unit containing only one (1) habitable room other than a kitchen and meeting the requirements of Section 15.08.210.B, Exception 1, of this Code.

FIRE CHIEF is the Chief of the Fire Services Agency of the City of Oakland, or the Fire Chief's ~~his or her~~ designee, and ~~his or her~~ their successor in title.

GUEST ROOM is a room or rooms used or intended to be by used for sleeping purposes by a person hiring or occupying the room or rooms. Every one hundred (100) square feet of superficial floor area in a dormitory shall be considered to be a guest room.

HABITABLE SPACE (ROOM) is space in a residential building or structure intended or used for living, sleeping, eating, or cooking. Bathrooms, water closet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HEALTH OFFICER is head of the Department of Environmental Health of Alameda County, or ~~his or her~~ their designee.

HEARING OFFICER is a person who is qualified by training and experience to conduct administrative hearings of appeals in accordance with Article IX of this Code.

HOT WATER is potable water supplied to plumbing fixtures at a temperature of not less than 110° F.

HOTEL (MOTEL) is a residential building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

HOUSEKEEPING ROOM is a dwelling unit containing only one habitable room and meeting the requirements of Section 15.08.210.B, Exception 2, of this Code.

LEAD BASED PAINT is any paint or other surface coating that contains lead in excess of 1.0 milligrams per square centimeter, as measured by x-ray fluorescence (XRF), or 0.5 percent (5,000 parts per million [ppm]) by weight as measured by approved laboratory analytical methods, or that level as determined in the most recent standards as established by the U.S. Environmental Protection Agency.

LODGING HOUSE is any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor, or otherwise.

LOT is a subdivided piece or parcel of land fronting on a public street or a private access easement and described by reference to a recorded plat or by metes and bounds.

MECHANICAL CODE is the Oakland Building Construction Code, as currently adopted and amended.

MOLD means any form of multicellular fungi that live on plant or animal matter and in indoor environments. Types of mold include, but are not limited to, Cladosporium, Penicillium, Alternaria, Aspergillus, Fuarim, Trichoderma, Memnoniella, Mucor, and Stachybotrys chartarum, often found in water-damaged building materials.

NUISANCE is one or more of the following:

1. A public nuisance known at common law or in equity jurisprudence;
2. An attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot, including but not limited to, an abandoned well, shaft, basement, pool or pond, or excavation; an abandoned refrigerator or motor vehicle; a structurally unsound fence or structure; lumber, trash, fence, debris, or vegetation; or narcotics or other controlled substances and related paraphernalia that may prove a hazard for inquisitive minors;

3. Whatever is unsafe to life and limb, as determined by the Building Official or the Fire Chief, or detrimental to public health or the health of the occupants, as determined by the Health Officer;
4. Overcrowding a room with occupants;
5. Insufficient ventilation or illumination;
6. Inadequate or unsanitary sewage disposal system or plumbing facilities;
7. Uncleanliness, as determined by the Health Officer;
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

OCCUPANT is any person using any building or structure or portion thereof as habitable space, with or without the knowledge or consent of the property owner.

OPEN STORAGE is storage on private property other than in a completely enclosed building. Materials shall be deemed to be held in Open Storage even though screened from public view, or view of residents of adjacent property, by a fence or other such partition.

OPERATOR is any person who has charge, care, or control of a building, or part thereof, in which dwelling units or guest rooms are let.

OWNER(S) is any person(s), entity, entities, parties, that have an ownership stake in a parcel of land whether it be improved or vacant within the City of Oakland as per the last equalized assessment roll or otherwise known to be the owner of land.

PLUMBING CODE is the Oakland Building Construction Code as currently adopted and amended.

PUBLIC CORRIDOR (HALLWAY) is an enclosed, continuous and unobstructed means of egress to a public way that includes an intervening hallway, passageway, vestibule, stairway, landing, or platform within a building, but not within any apartment, guest room, or suite of rooms.

RECYCLABLES are materials, goods, vehicles, machinery, appliances, products or articles, either new or used, with or without monetary value, which are suitable for re-use.

RESIDENTIAL BUILDING is a building or structure, or portion thereof, which is used or designed or intended to be used for human habitation including living, sleeping, cooking or eating or any combination thereof.

ROOM is an unsubdivided and enclosed portion of the interior of a building but not including an enclosed show window.

RUBBISH is combustible and noncombustible waste material, other than garbage (solid organic waste), including, but not limited to, paper stock, rags, cartons, boxes, wood, excelsior,

rubber, leather, vegetation trimmings and cuttings, cans, metal, mineral matter, glass, crockery, dust, and the residue from burning wood, coal, or coke.

SLEEPING ROOM is a habitable room in a residential building which does not contain a water heater, water closet, bidet, bathtub, shower receptor, clothes washer or dryer, or food cooking appliance; and does not open directly into a garage or carport; and otherwise meets minimum standards of health and safety for sleeping as determined by the Building Official.

VEHICULAR RESIDENTIAL FACILITY is a recreational vehicle as defined in Health and Safety Code Section 18010 which has been authorized for residential occupancy pursuant to the Oakland Planning Code, or a recreational vehicle that has not been authorized for residential occupancy but is rented or offered for rent for living or dwelling purposes.

VENT SHAFT is a court which is used to ventilate a water closet, bath, shower receptor, utility room or other service room.

WINDOW is a glazed exterior opening, including a glazed door, which opens onto a yard, court, or a vent shaft.

YARD is an open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

Amendments to O.M.C. 15.08.230 Sanitation (HSC Section 17910, et seq.).

- A. Dwelling Units, Lodging Houses, and Congregate Residences. Dwelling units, lodging houses, and congregate residences shall be provided with a bathroom equipped with plumbing fixtures consisting of a water closet, lavatory and either a bathtub or a shower receptor.

Exception: Vehicular residential facilities authorized for residential occupancy pursuant to the Oakland Planning Code need not contain a bathroom in-unit if the occupants are provided adequate on-site water closet, lavatory, and shower facilities meeting the requirements of Oakland Planning Code Section 17.103.085.

- B. Hotels and Motels. Hotels and motels or subdivisions thereof where both genders are accommodated shall contain at least two separate toilet facilities that are conspicuously identified for male or female use, each of which contains at least one water closet.

Exception: Guest rooms may have one unidentified toilet facility.

Additional water closets shall be provided on each floor for each gender at the rate of one for every additional 10 guests, or fractional part thereof, in excess of 10.

- C. Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with an approved kitchen sink, cooking appliance, refrigeration appliance and cabinet for storing food, crockery, cutlery, and cooking utensils. Wooden sinks or sinks of similarly absorbent material shall not be permitted. Drain boards shall be maintained ~~water-~~water proofed.

Exception: Vehicular residential facilities authorized for residential occupancy pursuant to the Oakland Planning Code need not contain a kitchen in-unit if the occupants are provided on-site kitchen facilities meeting the requirements of Oakland Planning Code Section 17.103.085.

- D. Plumbing Fixtures. All plumbing fixtures shall be approved and connected to an approved sanitary sewer. All plumbing fixtures shall be connected to an approved system of potable water supply and provided with hot and cold running water necessary for its normal operation.
- E. Water Closet Compartments. Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with the Oakland Building Construction Code.
- F. Room Separations. Every water closet, bathtub or shower receptor required by this Code shall be installed in a room that will afford privacy to the occupant.
- G. Sanitary Facilities. All sanitary facilities, including but not limited to plumbing fixtures, sanitary sewer, and garbage receptacles, shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Oakland Building Construction Code and Oakland Municipal Code.
- H. Basements. Window wells for habitable space in basements of residential buildings or structures shall conform to the requirements of the Oakland Building Construction Code.
- I. Subdivision of Rooms. No portion of any room in a dwelling, dwelling unit, efficiency dwelling unit, housekeeping room, apartment house, lodging house, congregate residence, hotel, or motel shall be enclosed or subdivided, wholly or in part by a curtain, portiere, fixed or movable partition or other contrivance or device so as to reduce the minimum floor area and width required by this Code.
- J. Guest Room Cooking. Food shall not be cooked or otherwise prepared in a guest room except in a kitchen. Exception: Microwave oven used solely to heat pre-prepared food.
- K. Prohibited Use. No person shall use or occupy or allow another person to use or occupy any residential or non-residential building or structure or portion thereof for living, sleeping, cooking, or eating purposes unless such space or room or rooms conform with the requirements of this Code for habitable space and of the Oakland Planning Code.
- L. Lot Drainage. All portions of a lot surrounding a residential or non-residential building or structure, including but not limited to yards, courts, driveways, areaways, parking areas, vent shafts, and passageways, shall be graded and drained to an approved facility to preclude the ponding or retention of surface water.

Exception: Group R, Division 3 occupancy.

Surface water and its collection system shall not be drained or connected to a sanitary sewer system.

- M. Lot Surfacing. Whenever necessary for proper sanitation or for the protection of the health of the occupants, portion or portions of a lot surrounding a residential building or structure, including but not limited to yards, courts, driveways, areaways, parking areas, vent shafts, and passageways, shall be surfaced with an approved hardened material such as Portland cement concrete or asphalt concrete.
- N. Room Finishes. Walls and ceilings of habitable rooms in residential buildings or structures shall be finished, sealed, coated, or covered in an approved manner. Approved materials shall be applied as required to maintain surfaces clean and sanitary. Exterior walls or portions thereof and floors of habitable rooms below surrounding finished grade level shall be maintained ~~water proof~~ waterproof. Walls of courts and vent shafts shall be painted and maintained light-colored.
- O. Garbage Receptacles. Approved solid waste (garbage) receptacles and adequate collection service for residential and non-residential buildings and structures shall be provided as required by Chapter 8.28 (Solid Waste Collection and Disposal and Recycling) of the Oakland Municipal Code.

Garbage receptacles and garbage chutes, shafts, covers, and doors shall be maintained clean and tightly closed. Garbage receptacles shall be stored in an approved location.

Garbage chutes and shafts and walls of closets, compartments, and rooms used for storing garbage receptacles in residential and non-residential buildings or structure shall be concrete, concrete block, or lined with galvanized metal.

- P. Vector Control.
1. General. Every room, corridor, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, widow curtain or shade or drapery, water closet compartment, toilet room, bathroom, slop sink room, crawl space, washroom, plumbing fixture, drain, roof, closet, cellar, basement, yard, court, and the premises of every residential and non-residential building or structure shall be kept in every part clean, sanitary, and free from all accumulation debris, filth, rubbish, garbage and other offensive matter, insects, rodents and other vector.

Neither any article that is dangerous or detrimental to life and limb or to the health of occupants; nor any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard or provide harborage for rodents or other vector, shall be kept, stored, or handled in any part of a dwelling, dwelling unit, lodging house, apartment house, congregate residence, hotel, or motel, or of the lot on which such building is located, except upon written permit obtained from the officer or agency authorized by law to issue such permit.
 2. Openings and Penetrations. Residential and non-residential buildings or structures used for the following activities or occupancies shall be constructed and maintained impervious to the ingress of insects, rodents, and other vector:

- a. Group I and Group R, Division 1, and Group R, Division 3 occupancies;
- b. Storing, processing, packaging, or milling of food, meats, fats, oils, dairy products, hay, straw, grain, or feed;
- c. Raising or housing chickens, birds, poultry, horses, cows, sheep, goats, swine, or other fowl, animals, livestock, or domestic pets.

Foundations and foundation walls shall extend for the full perimeter of building or structure and shall be constructed of concrete or masonry.

Exception: Type V construction with a floor area not greater than 120 square feet, provided that the floor joists of such a building or structure have not less than 18 inches clearance above the ground and that the exterior perimeter of the underfloor area is fully open on three or more sides and that the underfloor area is maintained clear and free of storage and of debris, vegetation, and other materials.

Foundation wall openings for underfloor access and ventilation shall conform with the requirements of the Oakland Building Construction Code.

Chimneys, piping, ducting, and other penetrations of the basement and first floor shall have metal shields which tightly encircle the penetration and underlay the flooring.

Stores and warehouses shall have concrete floors. Interior surfaces of exterior walls of stores shall be covered with gypsum wallboard or plaster.

Q. Operator. The owner or manager, custodian, housekeeper, or homeowners' association representative or other responsible person shall reside or maintain continuous (24-hour) attendance upon the premises and shall have charge of every hotel or motel with 12 or more guest rooms or apartment house, Joint Live Work Quarters, Conversion Residence Quarters, or residential condominium with sixteen or more dwelling units. A notice displaying the name, address, and telephone number of the owner or the owner's designated agent shall be prominently posted in a conspicuous place on the premises of every apartment house having more than three but less than sixteen dwelling units and every hotel and motel having more than three but less than twelve guest rooms and ~~in~~ in every lodging house having more than three guest rooms.

R. All structures shall be maintained free of visible mold due to moisture intrusion from rising of moisture from the ground, action of rain, exposed tops of walls, condensation, defective roof covering, inadequate slopes of roofs, or other construction defect.

Amendments to O.M.C. 15.08.250 General (Health and Safety Code Section 17910 et seq.).

A. General. Building or structures may be of any type of construction permitted by the Oakland Building Construction Code. Roofs, floors, walls, foundations, and all other structural components of building and structures shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as

specified in the appropriate sections of the Oakland Building Construction Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Oakland Building Construction Code.

- B. Shelter. Every building or structure shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness of habitable rooms due to building deficiencies (lack of moisture barrier on concrete slabs, leaking roofs, or other failing structural element).
- C. Protection of Materials. All wood shall be protected against insect damage and decay as provided in the Oakland Building Construction Code.

Amendments to O.M.C. 15.08.260 Mechanical and electrical systems (Health and Safety Code Section 17910 et seq.).

- A. Heating System. All habitable space shall be provided with heating facilities capable of maintaining a room temperature of 68° F at a point 3 feet above the floor. Such facilities shall be installed and maintained in a safe condition and in accordance with the Oakland Building Construction Code and all other applicable laws. Unvented heaters shall not be permitted. All heating devices or appliances shall be of an approved type.

When building heating facilities are not under direct control of the tenant or occupant, the property owner shall continually operate such facilities to maintain a room temperature of 68° F at a point 3 feet above the floor 24 hours-a-day in all habitable space.

~~Each tenant or occupant shall have independent thermostatic control of the room temperature.~~

- B. Ventilation System. Ventilation for habitable rooms, water closet compartments, bathrooms, laundry rooms, and public corridors and similar areas and for fuel-burning appliances shall be provided as required in the Oakland Building Construction Code and in this Code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 15.08.220 of this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.
- C. Electrical System. All electrical equipment, wiring, appliances, and fixtures shall be installed and maintained in a safe manner in accordance with the Oakland Building Construction Code and other all applicable laws. All electrical equipment, wiring, and fixtures shall be of an approved type. Where there is electrical power available within 300 feet of any residential building or structure, such building or structure shall be connected to such electrical power.

Every habitable room shall contain at least two electrical convenience receptacles or one convenience receptacle and one switched electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room, and public corridor shall contain at least one switched electric light fixture. Switching devices controlling electrical equipment, appliances, and fixtures shall be of an approved type and shall not be readily accessible to a bathtub or shower receptor.

Amendments to O.M.C. 15.08.300 ~~Wooden s~~Stairs.

- A. No closet or other storage compartment shall be constructed under any ~~wooden~~ interior or exterior stair or landing in a Group R, Division 1 or Division 2 occupancy ~~more than two stories in height~~. Such space shall be entirely open and maintained free of all storage, utility meters, heating facilities, and similar encumbrances, unless such space is enclosed as required by the Oakland Building Construction Code for a stairway enclosure without doors or other openings communicating with interior spaces.
- B. Stairs, guardrails, and handrails shall be as per Oakland Building Code, except as permitted by the Oakland Existing Building Code.

Amendments to O.M.C. 15.08.320 Smoke Alarms and Carbon Monoxide Alarms.

Where installed in residential buildings or structures, approved devices used to detect the products and components of combustion (smoke alarms) and carbon monoxide (CO Detectors) shall have captive screws or other approved method to preclude unauthorized tampering or removal of the device and shall be maintained in proper working order.

Amendments to O.M.C. 15.08.340 Substandard Buildings (Health and Safety Code Section17920.3).

Any residential or non-residential building or structure or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building and a public nuisance:

- A. Inadequate sanitation shall include, but not be limited to, the following:
- (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit;
 - (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel;
 - (3) Lack of, or improper kitchen sink in a dwelling unit;
 - (4) Lack of hot and cold running water to plumbing fixtures in a hotel;
 - (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
 - (6) Lack of adequate heating;
 - (7) Lack of, or improper operation of, required ventilating equipment;
 - (8) Lack of minimum amounts of natural light and ventilation required by this Code;
 - (9) Room and space dimensions less than required by this Code;

- (10) Lack of required electrical lighting;
- (11) Dampness of habitable rooms due to building deficiencies (lack of moisture barrier on concrete slab);
- (12) Infestation of insects, vermin, or rodents as determined by a Health Officer;
- (13) Visible mold growth, as determined by a Health Officer or a Code Enforcement Officer;
- (14) General dilapidation or improper maintenance;
- (15) Lack of connection to required sewage disposal system;
- (16) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a Health Officer or Code Enforcement Officer;
- (17) Contamination and or hazardous condition caused by Lead Based Paint, Asbestos, or a biological, chemical, or toxic substance as identified by the U.S Environmental Protection Agency or the State of California Department of Toxic Substances Control;
- (18) Lack of Smoke Detector and Carbon Monoxide Alarms;

B. Structural hazards shall include, but not be limited to, the following:

- (1) Deteriorated or inadequate foundations;
- (2) Defective or deteriorated ~~floorings~~sub-floor, concrete slab, or floor supports~~joists~~;
- (3) ~~Flooring or F~~floor supports~~joists~~ of insufficient size to carry imposed loads with safety;
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety;
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration;
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
- (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration;

- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;
 - (10) Members of stairs, guard rails, handrails that are split, leaning, buckling, of insufficient size to carry imposed loads with safety, or are deteriorated due to defective materials or deterioration;
 - (11) Members of exterior elevated elements that are of insufficient size to carry imposed loads with safety, are split, leaning, buckling, detaching from building due to defective materials or deterioration;
- C. Any nuisance, as defined in 15.08.170;
- D. ~~All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.~~ Hazardous Electrical Wiring and Equipment. Electrical wiring and equipment which was installed in violation of code requirements in effect at the time of installation or electrical wiring and equipment not installed in accordance with generally accepted construction practices in area where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner, shall be considered Substandard and a Public Nuisance;
- E. ~~All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.~~ Hazardous Plumbing. Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures, shall be considered Substandard and a Public Nuisance.
- F. ~~All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.~~ Hazardous Mechanical Equipment. Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered Substandard and a Public Nuisance.
- G. Faulty weather protection, which shall include, but not be limited to, the following:
- (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations. or floors, including broken windows or doors.

- (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
- (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- H. Any building or structure or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the Fire Chief ~~chief of the fire department or his deputy~~, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- I. ~~All materials of construction, except those that are specifically allowed or approved by this Code or State law, and that have been adequately maintained in good and safe condition.~~ Faulty Materials of Construction. The use of materials of construction, except those which are specifically allowed or approved by this Code and the Oakland Building Construction Code, and which have been adequately maintained in good and safe condition, shall cause a residential or non-residential building or structure to be Substandard and a Public Nuisance.
- J. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- K. Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.
- L. All buildings or structures or portions thereof not provided with adequate exit facilities as required by this Code and state law, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.
- M. All buildings or structures or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by state law, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- N. All buildings or structures or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.
- O. Inadequate structural resistance to horizontal forces.

- P. Geotechnical Instability. In-situ geology or changes or improvements to the in-situ topography which causes subsidence or a landslide and which becomes a hazard to adjacent properties or the public right-of-way or public easement.

SECTION 5: Addition of Article XIII (Lead Hazard Control and Abatement) to Oakland Building Maintenance Code. The following Article XIII is hereby added to the Oakland Building Maintenance Code, O.M.C. Chapter 15.08:

Article XIII. Lead Hazard Control and Abatement

15.08.510 – Purpose and Scope.

The purpose of this Article is to promote the health, safety, and general welfare of the people of Oakland by requiring the removal of lead hazards throughout the City. This Chapter shall apply to all building and portions thereof including the premises on which they are located, including dwellings, dwelling units, hotels, motels, guest rooms, childcare facilities, buildings open to the public, yards, soil, and any premises or areas inhabited or frequented by children. The property owner shall be responsible for the removal or the control of all lead hazards. The extent of the removal or the control of the lead hazard shall be determined by a lead risk assessment report prepared by a third-party State of California certified Lead Risk Assessor retained by the property owner.

15.08.520 - Definitions.

"Abatement" shall mean measures designed to permanently eliminate known lead hazards to a child, including, but not limited to the following:

1. The removal of lead-based paint from a building component, the replacement of a building component painted with a lead-based paint or the enclosure or encapsulation of lead-based paint;
2. Removal or covering of lead contaminated soil and dust;
3. Removal of any item found to be a lead hazard to a child;
4. All preparation, clean-up, worker protection, disposal, and post abatement clearance testing activities associated with such measures.

"Child" means any person who is under six (6) years of age.

"Encapsulation" means a method of abatement that involves the coating and sealing of surfaces with durable surface coatings specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-based paint from becoming part of house dust or otherwise accessible to children. Paint is not an encapsulant unless approved for such use by the U.S. Environmental Protection Agency or the State of California Department of Health Services.

"Enclosure" means a method of abatement that involves the resurfacing or covering of surfaces with durable materials such as gypsum board or paneling and sealing or caulking the edges and joints so as to prevent or control caulking, flaking, peeling, scaling, or loose lead-based paint from becoming part of house dust or otherwise accessible to children.

"Interim controls" means strategies or measures to temporarily reduce a lead hazard to a child including, but not limited to specialized cleaning, paint stabilization, painting, repairs and maintenance.

"Lead Hazards" includes deteriorated lead-based paint, lead-contaminated dust, and lead-contaminated soil, and also includes disturbing lead-based paint without containment, or any other nuisance which may result in persistent and quantifiable lead exposure.

"Lead-based paint" means any paint or other surface coating that contains lead in excess of 1.0 milligrams per square centimeter, as measured by x-ray fluorescence (XRF), or 0.5 percent (5,000 parts per million [ppm]) by weight as measured by industry standard laboratory analytical methods, or that level as determined in the most recent standards as established by the U.S. Environmental Protection Agency.

"Deteriorated lead-based paint" means lead-based paint or presumed lead-based paint that is cracking, chalking, flaking, chipping, peeling, non-intact, failed, or otherwise separating from a component.

"Lead-contaminated dust" means dust that contains an amount of lead equal to, or in excess of:
(a) ten micrograms per square foot (10 µg/ft²) for interior floor surfaces; or
(b) one hundred micrograms per square foot (100 µg/ft²) for interior horizontal surfaces; or
(c) four hundred micrograms per square foot (400 µg/ft²) for exterior floor and exterior horizontal surfaces.

"Lead-contaminated soil" means bare soil that contains an amount of lead equal to, or in excess of, four hundred parts per million (400 ppm) in children's play areas and one thousand parts per million (1000 ppm) in all other areas.

"Lead hazards to children" shall mean the presence of a readily accessible, dangerous level of lead-containing substance on the exterior or interior of a surface, fixture, connection, or appurtenance of any dwelling, dwelling unit, hotel, motel, guest room, childcare facility, institution, yard, soil, or any premises inhabited or frequented by children that may cause an elevated blood lead level.

"Presumed lead-based paint" means paint or surface coating affixed to a component in or on a structure constructed prior to January 1, 1978. All paint on buildings built before 1978 is presumed to lead-based paint unless it has been tested in accordance with state law and has been shown to not be lead-based paint.

"Readily accessible" means in a dusty, peeling, flaking, or chipped condition, or located on or in a substance or surface from which it may be chewed, ingested, or inhaled by children.

"Replacement" means a method of abatement that removes components such as windows, doors, and trim that have lead-based painted surfaces, and installs new or de-leaded components free of lead-based paint.

15.08.530 – Right of Entry.

The Building Official may enter any property, premises, or area when the Building Official has reasonable cause to believe any lead hazard or presumed lead-based paint exists, including any building built before 1978 where construction, rehabilitation, or painting is taking place, for the purpose of inspection and enforcement of the provisions of this Article, subject to any applicable requirements of law relating to such entry.

15.08.540 - Inspection.

- A. If, upon visual inspection, the Building Official is persuaded that lead hazards are present, including but not limited to deteriorated lead-based paint or the disturbance of lead-based paint without containment, the Building Official shall issue an order requiring the property owner to retain a third-party State of California certified Lead Risk Assessor to inspect and produce an lead risk assessment report.
- B. The Building Official may also issue a Stop Work Order to prevent the further disturbance of lead-based paint without containment.

15.08.550 – Abatement.

- A. The property owner shall be responsible for the removal or the control of all lead hazards. The extent of the removal or the control of the lead hazard shall be determined by the lead risk assessment report produced by a certified Lead Risk Assessor after inspection.
- B. Prior to implementation of an abatement work plan or interim control measures, property owners, their agents, or other responsible parties must submit such plans for approval to the City of Oakland, Planning and Building Department, and obtain all necessary permits.
- C. The work plan shall include a description of the method to be used to reduce the hazard; the disposal method for the lead-containing substances; the personnel performing the work; and other information requested by the City of Oakland, Planning and Building Department.
- D. The work plan shall include a relocation plan for any residential tenants who must be relocated for safety reasons while the abatement work is taking place.

15.08.560 - Violations.

- A. It is unlawful and a misdemeanor for any property owner:
 - 1. To refuse or neglect to remove or reduce known lead hazards if ordered to do so by the Code Enforcement Inspector; or

2. To permit readily accessible, dangerous levels of lead-containing substances to remain on the exterior or interior surfaces, soil, fixtures or appurtenances of any dwelling, dwelling unit, child care facility, institution, hotel guest room, rooming house, or any premises inhabited or frequented by children.

B. It is unlawful and a misdemeanor for any person owning, leasing, occupying, or having charge or possession of any premises to damage, disturb, neglect, or remove any abatement or interim control measures so as to cause a lead hazard.

C. All lead hazards are a public nuisance.

15.08.570 - Qualifications of persons employed to perform lead hazard control or removal.

All individuals hired or employed by an owner, agent, or responsible party to perform lead-related construction, hazard control, removal, or abatement within the City must have a State of California Interim Certification, or Environmental Protection Agency (EPA) Certification when such certification is available through the California State Department of Health Services.

In accordance with the Lead Renovation, Repair, and Painting (RRP) rule, those who receive compensation for renovations in housing and child-occupied facilities built before 1978 must follow certain requirements. The requirements, at a minimum, include the following:

- The firm that performs the work must possess RRP firm certification from EPA.
- The job supervisor employed by the firm must have an individual renovator certification and be able to present that certification at any time.
- Each worker must either have an individual renovator certification or have been trained by a supervisor with individual renovator certification.
- The firm must provide the "Renovate Right" brochure to owners and/or tenants before the work begins.
- The firm must maintain adequate written records for three years.
- The firm or workers hired by the firm must perform, at the minimum, the following at the worksite:
 - Post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area;
 - Contain the work area so that dust and paint chips do not leave the work area;
 - Close windows, doors and/or ducts to minimize exposure to lead dust and chips;
 - Cover the floor/ground with plastic sheeting (6-10 feet wide in most cases);
 - If using machines to sand, grind, plane, or sandblast, the machine must be connected to a High Efficiency Particulate Air (HEPA) vacuum;
 - At the end of each work day, waste must be collected, contained and stored safely to prevent access to dust and debris or the release of dust and debris;
 - Properly dispose of waste; and
 - Clean work area so no dust, debris or residue remains after project is finished.

15.08.580 – Appeals.

Administrative Hearing. Any person adversely affected by an order, decision, or determination made under this Article may appeal by requesting an administrative hearing before a Hearing Officer following the procedures set forth in Oakland Municipal Code 15.04.1.125.

SECTION 6: Addition of Article XIV (Delay of Enforcement for Accessory Dwelling Units) to Oakland Building Maintenance Code. The following Article XIV is hereby added to the Oakland Building Maintenance Code, O.M.C. Chapter 15.08:

Article XIV. Delay of Enforcement for Accessory Dwelling Units

15.08.710 – Purpose.

The purpose of this Article is to allow for a delay of enforcement actions, for a period of no more than five years, for accessory dwelling units built before January 1, 2020, if corrections of violations are not necessary to protect health and safety as per California Government Code, § 65852.2, subd. (n) and California Health and Safety Code § 17980.12. This Article shall remain in effect only until January 1, 2030, and as of that date is repealed.

15.08.720 – Application for Delay of Enforcement.

- A. An owner of an accessory dwelling unit built before January 1, 2020 may submit an application requesting that enforcement be delayed for a period of five years on the grounds that correcting violations is not necessary to protect health and safety.
- B. If the Building Official determines that correction of the violation(s) is not necessary to protect health and safety, the application shall be granted.
- C. A delay of enforcement means the City will not penalize the owner for being out of compliance with building standards during the delay period. The owner must use the delay period to bring the property into compliance. Noncompliant conditions still existing after the expiration of the delay of enforcement shall be deemed a public nuisance and shall be subject to immediate enforcement.
- D. A delay of enforcement shall not be granted if the accessory dwelling unit has any of the following conditions:
 - 1. Significant structural damage or defects due to deterioration, such as tilting walls or sagging roofs;
 - 2. Lack of a direct exit from the unit to the outside;
 - 3. Lack of an emergency escape window in rooms used for sleeping purposes;
 - 4. Any gas-fired appliance in a sleeping room including but not limited to water heaters, furnaces, or stoves;
 - 5. Lack of adequate fire separation between dwelling units;
 - 6. Lack of properly installed code compliant smoke alarms and carbon monoxide detectors.

15.08.730 – Recording.

If application for a delay of enforcement is granted, the Building Official shall execute a notice stating that a delay of enforcement has been granted; setting forth the time period of the delay; requiring the owner(s) to inform all occupants, in writing, of the existing violations and the delay of enforcement. The notice shall be recorded with the County of Alameda Recorder’s office.

15.08.740 – No waiver or alteration of tenants’ rights.

A delay of enforcement shall not absolve the owner(s) of their obligation to comply with maintenance and habitability standards owed to any tenant. Nor shall a delay of enforcement impair the rights of any tenant to seek or obtain relief under any state or local law created for the benefit of tenants, or to enforce any contract.

15.08.750 – Short-term rental of accessory dwelling units prohibited.

To provide, or offer to provide, an accessory dwelling unit for short term rental for a period of less than 30-days is a public nuisance.

15.08.760 – Delay of Enforcement Applies Only to Building Standards.

Any delay of enforcement granted pursuant to this Article shall apply only to building standards. Enforcement of other code violations including but not limited to nuisances and blight shall not be subject to delay.

SECTION 7: Addition of Article XV (Delay of Enforcement for Joint Live Work Quarters. The following Article XV is hereby added to the Oakland Building Maintenance Code, O.M.C. Chapter 15.08:

ARTICLE XV. Delay of Enforcement for Joint Live Work Quarters.

15.08.810 – Purpose and Scope.

The Purpose of this chapter is to allow for a delay of enforcement actions, for a period of no more than five years, for Joint Live Work Quarters created or altered without the benefit of permits prior to January 1, 2020, if corrections of violations are not necessary to protect health and safety. This chapter shall only apply to Joint Live Work Quarters that voluntarily apply for a Delay of Enforcement with the Planning and Building Department and where a change of occupancy is not taking place. This Article shall remain in effect only until January 1, 2030, and as of that date is repealed.

15.08.820 – Delay Of Enforcement For Joint Live Work Quarters.

A. An owner of Joint Live Work Quarters created or altered prior to January 1, 2020, without the benefit of permits may submit an application requesting that enforcement be delayed for a

period of 5 years on the grounds that correction of violations is not necessary to protect health and safety.

B. A delay of enforcement for Joint Live Work Quarters may be conditioned on compliance with use restrictions and other conditions, including compliance with Oakland Municipal Code Chapter 8.22, in the discretion of the Building Official. Any delay of enforcement for Joint Live Work Quarters may be revoked if conditions are not strictly complied with or if there is a change in use or occupancy or if conditions become unsafe or unhealthy, as determined by the Building Official.

C. A delay of enforcement means the City will not penalize the owner for being out of compliance with building standards during the delay period. The owner must use the delay period to bring the property into compliance. Noncompliant conditions still existing after the expiration of the delay of enforcement shall be deemed a public nuisance and shall be subject to immediate enforcement.

D. Before a delay of enforcement will be granted, the following conditions must be complied with:

1. A licensed electrician shall inspect the building and submit a formal written report to the Building Owner, Tenants, and Building Department. If electrical corrections are required, an electrical permit must be obtained within 30 days and a Licensed Electrician must complete the necessary system upgrades.

2. A licensed civil or structural engineer shall inspect the building and submit a formal written report to the Building Owner, Tenants, and Building Department certifying that the following minimum life safety requirements are met:

a. All residential spaces must have at least one exit complying with the requirements of the California Existing Building Code (CEBC).

b. All assembly spaces exceeding 750 square feet must have at least two exits complying with the requirements of the California Existing Building Code (CEBC).

c. All residential spaces less or equal to 1,500 square feet and located above the first floor must have at least one exit stair complying with the requirements of the California Existing Building Code (CEBC). Assembly spaces cannot be provided above the first floor.

d. All residential spaces greater than 1,500 square feet and located above the first floor must have at least two exit stairs complying with the requirements of the California Existing Building Code (CEBC). Assembly spaces cannot be provided above the first floor.

e. All residential occupancies over 5,000 square feet and assembly occupancies over 750 square feet shall have panic hardware provided on all exit doors meeting the minimum requirements of the California Building Code (CBC).

f. Existing stairways must have a maximum rise-to-run ration of 8:9 as allowed by Section 503.1, Exception 1, of the CEBC.

- g. For residential sleeping lofts that do not have a compliant stairway, and which are under 300 square feet, a ship's ladder or alternating tread device complying with the CBC may be installed.
- h. All residential and assembly areas must have smoke detectors located as required by the CBC and California Fire Code (CFC). Such detectors shall be interconnected so as to cause all smoke alarms to sound.
- i. In addition to Item #10 above, smoke alarms shall be interconnected with a fire alarm system in accordance with National Fire Protection Association Fire Alarm and Signaling Code Document 72.
- j. All residential spaces must have properly installed code compliant carbon monoxide detectors.
- k. An inspection must be provided to ensure that no extension cords are used within the common use areas.

15.08.830 – Indemnification.

Prior to the granting of any delay of enforcement to any owner, said owner shall agree, in writing, to indemnify and hold harmless the city, its officers and employees, from any loss, liability, damage, or cost sustained by any person or property, arising from the delay of enforcement.

15.08.840 – Recording.

If the Joint Live Work Quarters are eligible for a delay of enforcement, the Building Official shall execute a notice stating that a delay of enforcement has been approved; setting forth the time period of the delay; requiring the owner(s) to inform all occupants, in writing, of the existing violations and the delay of enforcement. The notice shall be recorded with the County of Alameda Recorder's office.

15.08.850 – No waiver or alteration of tenants' rights.

A delay of enforcement shall not absolve the owner(s) of their obligation to comply with maintenance and habitability standards owed to any tenant of a live work unit. Nor shall a delay of enforcement impair the rights of any tenant to seek or obtain relief under any state or local law created for the benefit of tenants, or to enforce any contract.

15.08.860 – Short-term rental of Joint Live Work Quarters prohibited.

To provide, or offer to provide, Joint Live Work Quarters or any part thereof for short term rental for a period of less than 30-days is a public nuisance.

15.08.870 – Delay of Enforcement Applies Only to Building Standards.

Any delay of enforcement granted pursuant to this Article shall apply only to building standards. Enforcement of other code violations, including but not limited to nuisances and blight, shall not be subject to delay.

SECTION 8: Continuation of Actions Under Prior Code. Nothing contained in this Ordinance shall be construed as abating any action now pending under or by virtue of any ordinance of the City of Oakland hereby repealed, nor shall this Ordinance be construed as discontinuing, modifying, or altering any penalties accruing, or to accrue, or as waiving any right of the City under any such Ordinance.

SECTION 9: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council of the City of Oakland hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses, or phrases may be declared invalid or unconstitutional.

SECTION 10: Effective Date. As provided in Oakland City Charter Section 216, this ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

SECTION 11: Conforming Changes. The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the Building Maintenance Code in the Oakland Municipal Code.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND

PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE AMENDING THE OAKLAND BUILDING MAINTENANCE CODE (OAKLAND MUNICIPAL CODE 15.08) TO (1) CONFORM TO THE 2022 CALIFORNIA BUILDING STANDARDS; (2) ESTABLISH LEAD HAZARD ABATEMENT STANDARDS; AND (3) PROVIDE STANDARDS FOR DELAYED ENFORCEMENT FOR ACCESSORY DWELLING UNITS AND JOINT LIVE WORK QUARTERS WHERE CORRECTION OF VIOLATIONS IS NOT NECESSARY FOR HEALTH AND SAFETY; AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS

This Ordinance would amend the Oakland Building Maintenance Code (Oakland Municipal Code 15.08) to (1) conform to the 2022 California Building Standards and would add three additional Articles to the Building Maintenance Code. Article XIII provides lead hazard abatement standards. Article XIV allows owners of accessory dwelling units to apply for a delay of enforcement when correction of violations is not necessary for health and safety. Article XV allows owners to Joint Live Work Quarters to apply for a delay of enforcement when correction of violations is not necessary for health and safety.