



CITY OF OAKLAND

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OAKLAND

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AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Fred Blackwell
Assistant City Administrator

SUBJECT: Changes in Building Services in
Response to Grand Jury Report

DATE: August 30, 2012

City Administrator
Approval

Date

9/11/12

COUNCIL DISTRICT: City-wide

RECOMMENDATION

Staff recommends that the City Council accept this informational report:

AN INFORMATIONAL REPORT REGARDING ACTIONS TAKEN BY THE CITY OF OAKLAND TO IMPROVE ITS CODE ENFORCEMENT OPERATIONS IN RESPONSE TO THE ALAMEDA COUNTY GRAND JURY RECOMMENDATIONS ON BUILDING SERVICES

EXECUTIVE SUMMARY

In response to a June 27, 2011 report issued by the Alameda County Grand Jury examining code enforcement activities of the City's Building Services Division, the City has been working diligently to transform its code enforcement operations to provide the highest standards of care, service, and accountability. The overhaul of the Building Services Division is a long-term investment that requires a thoughtful process based upon best practice information, data on relevant Oakland conditions, analysis on effectiveness of existing strategies, and community involvement. The City has put together a comprehensive roadmap to oversee the changes, including the following components:

1. Oversight by the City Administrator's office.
2. A staff leadership team that meets weekly to assess and implement needed changes, including the utilization of a case study approach.
3. A workplan on changes to programs and procedures including integration of recommendations from the Alameda County Grand Jury report and the December 6, 2011 Council motion items.

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4. Best practice research to guide both the new program design and procedures that have been conducted by Management Partners (private consulting agency), City staff, and pro bono partners such as the Alameda County Public Health Department.
5. The convening of an advisory Task Force to provide feedback on proposed new program design and procedures, as well as meetings with interested community stakeholder groups.
6. A comprehensive management review conducted by Management Partners and overseen by the City Administrator's office.

The focus of this past year's efforts, which began in a concerted way in October 2011, has been on foundational systems changes including the following:

1. Redefining the new program areas of Code Enforcement operations to focus on major public health and safety problems.
2. Developing new procedures and operations that align with program goals, based upon best practice research.
3. Staff development on the new procedures and protocols.
4. Evaluating and refining the new operations.
5. Developing new partnerships to enhance limited City resources.
6. Identifying key gaps in management, operations, and procedures and proposing solutions.

Staff recommends that future efforts focus on addressing the following priorities:

1. Hiring a Code Enforcement manager with expertise in program management, staff development, program evaluation, technology, and community development. The change efforts cannot be sustained without this new position.
2. Development of a comprehensive staff development and evaluation plan, with assistance from City Human Resources Department.
3. Comprehensive evaluation of activity outcomes, measured against customer satisfaction, and funding.
4. Continued focus of using technology, via the deployment of Accela, to improve operation coordination, program evaluation, staff development, customer communications and feedback, and public access.
5. Convening of a working group by the City Administrator, comprised of experts and representatives from landlord and tenant interests, to develop a proactive rental inspection policy in order to address the problem of substandard housing conditions in Oakland.

A major issue to be reconciled is the mandate to fund code enforcement operations through activity charges, without any General Fund subsidy, given limited staffing resources and the enormity of blight, substandard conditions, and other building, housing, and permit code violations throughout the City. To enable limited code enforcement resources to be deployed strategically, addressing major priorities such as public health and safety, will mean that City

code enforcement will no longer be able to address many of the more minor complaints from residents. We have seen other cities in California reprioritize their code enforcement operations, as well, given both budgetary constraints and the need to minimize the financial impact of code enforcement operations on residents with code complaints lodged against them.

OUTCOME

Since October 2011, significant changes have occurred with City code enforcement operations, including the following:

- Out of the 10 Grand Jury recommendations, complete implementation of 7 recommendations, implementation in progress of 2 recommendations that require additional time for completion (new Accela database management system and updated fee study), and as stated in the City's response to the Grand Jury, evaluation of 1 recommendation by the City Administration that requires additional City resources.
- Out of the 16 Council motion items passed on September 20, 2011, 15 items were completely implemented. One item, the amnesty program, which required additional staffing support to administer, has launched and will be completed in November 2012.
- Out of the 11 recommendations for procedural improvements issued by Management Partners in March 2012, 5 have been implemented, 4 items requiring additional time are in process, 1 recommendation will be evaluated after Accela deploys, and 1 recommendation requires the re-establishment of the Code Enforcement manager position in order to implement effectively.

While significant progress has occurred since October 2011, the transformation of City code enforcement operations requires the focused dedication of additional time, resources, and citywide commitment to the changes in order to best serve Oakland residents and citywide interests.

BACKGROUND/LEGISLATIVE HISTORY

Oakland code enforcement services have evolved considerably over time. In today's paradigm, Code Enforcement is required to be 100% cost recovering, with no general funds available.

In the early 1990s, the focus was on proactive neighborhood revitalization strategies based upon public health severities. This then shifted to a complaint based response to constituents with a mandate from a prior City administration to tackle blight aggressively. In addition, Building Services permitting and code enforcement staffing has been reduced by more than half while the workload has more than doubled. Concurrent with staffing reductions has been a progressive shift from full funding by the General Purpose Fund in 1992 to full funding by code enforcement

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fees beginning in FY 2006-07. Consequently, code enforcement protocols and processes were infused with an emphasis on cost-recovery. While the practice was considered innovative at the time of a growing local and national economy, the results became counter-productive to preserving and enhancing neighborhood vitality when economic circumstances have changed so dramatically in recent years.

In this context, on June 27, 2011, the Alameda County Grand Jury issued a report examining City code enforcement activities and made ten recommendations for improvement. The report came at a time when the City was already embarking on transforming its code enforcement programs and services. The report served to channel citywide focus and attention on important changes needed. On August 15, 2011, the City Administration issued a preliminary response that concurred or partially concurred with seven recommendations, noted that one recommendation had already been implemented, and advised that two recommendations were being evaluated.

On September 20, 2011, the Council heard the staff report regarding the Grand Jury report and issued a motion containing sixteen (16) items.

In October 2011, the former deputy city administrator was deployed to Building Services to oversee the changes to code enforcement operations and reported directly to the City Administrator's office on Building Services change efforts. A staff leadership team was convened to address and coordinate the change needs, including the use of a case study model in weekly meetings.

Selected through a competitive bidding process prior to the Grand Jury report, Management Partners (MP), a private consulting firm, conducted best practice research on code enforcement procedures reviewing the operations of four peer jurisdictions—Anaheim, Long Beach, Sacramento, and San Jose. In March 2012, MP issued a report containing eleven (11) recommendations for process improvements. See *Attachment A*.

Pursuant to Council resolution, an advisory Task Force comprised of twelve (12) appointments from Councilmembers, the Mayor, and City Administrator, was formed to provide feedback on proposed new procedures and program design. The Task Force held six (6) public meetings. In September 2012, the Task Force issued a report providing for the different perspectives of Task Force members. See *Attachment C*. There were twenty-two (22) general recommendations. The Task Force as a whole was in favor of the current approach to prioritize code enforcement operations to address major public health and safety problems and had particular interest in mold-related issues and foreclosed properties. See link to Task Force meeting agendas and materials:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/BuildingServices/OAK0333>

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City Code Enforcement operations is currently focused on solving major public health and safety priorities with the highest of professional standards while balancing fiscal recovery needs, and customer service demands. While this is a long-term effort, through this past year's accomplishments, the foundation has been laid in the right direction.

ANALYSIS

The City has dedicated efforts and resources on transforming Code Enforcement operations and improving services, including the development of new partnerships with other public agencies and community and private sector organizations. A workplan was developed to address the recommendations issued by the recent Alameda County Grand Jury Report, City Council motion issued on December 2011, as well as administrative priorities. The following is a summary of some preliminary outcomes:

1. **Key procedural changes have occurred, including due process issues, that have improved program service and efficiency.**
 - 100% of the Grand Jury recommendations with which the City concurred; 100% of the September 20, 2011 motion items; and 90% of the MP March 2012 recommendations have been completely implemented or in implementation, given additional time requirements.
 - The streamlining of code activities has resulted in increased program efficiency. For example, through new procedures such as the blight posting and courtesy notice system, the average number of inspections per property was reduced from 5 to 3 inspections per property, which has resulted in about 25,000 annual inspections rather than 40,000 in prior years. In addition, staff is seeing increased responsiveness by the property owner.
2. **Program priorities have shifted to include proactive inspections of major public health and safety issues away from minor blight violations.**
 - In the past 10 months, through the new courtesy notice system, property owners abated 518 complaints on their own, without requiring a City inspection. Inspectors conducted 1,895 inspections of original minor blight complaints due to either escalation of complaints or new information about property conditions.
 - This shift has enabled the inspectors to focus on the development of new programs that address major problems such as foreclosed properties, public safety, childhood asthma associated with substandard housing conditions, and commercial corridor improvements.
3. **With the new changes, the Code Enforcement budget, based upon actual expenditures and collections, has not been negatively impacted. (More details are provided below.)**

Highlights of Program and Procedural Changes:

The following is based upon change efforts that have occurred largely in the past year. One hundred percent (100%) of the Grand Jury recommendations with which the City concurred have been completely implemented or in implementation. One hundred percent (100%) of the Council motion items that were implementable have been completely implemented or in implementation. Nine (9) out of the eleven (11) MP recommendations, issued in late March 2012, have been implemented.

Change Items:	Implementation Completion: Status:
Grand Jury Recommendations	
GJ1. Implement a training program that emphasizes working with—not against—property owners	Completed. Weekly leadership team and staff meetings provide staff development and problem-solving sessions regarding new procedures and operations. The City Attorney’s office frequently attends the weekly meetings and has also provided a training for all Code Enforcement staff on entry and inspection warrants. Outside trainings included Martin Luther King Jr. Freedom Center’s <i>Making Public Service Meaningful</i> training sessions, SF Environmental Health Dept’s inspector training on health related inspection issues, National Green & Healthy Homes training. Future training will involve peer jurisdictions that have undertaken similar operational transformations, as well as a H.R. Department sponsored staff development plan.
GJ2. Notify true owners of violations at every stage of abatement notice	Completed. Notices are now also posted on the properties, including a new notice of pending abatement.
GJ3. Notices to provide clear written description in simple to understand language	Completed. Management Partners assisted with modifications to notices based upon best practice information.
GJ4. Eliminate use of prospective liens	Completed.
GJ5. Revise fees based upon actual reasonable costs incurred	Under review. City fees are already based upon actual reasonable costs incurred. However, a review of Code Enforcement fees is included in a new fee study.
GJ6. Develop clear, simple, effective appeals process	Completed. Building Services staff has stopped conducting appeal hearings. Outside hearing officers serve as appeal hearing officers per practice of best practice peer jurisdictions.
GJ7. Establish deadlines for inspectors to respond to	Completed. Inspectors are required to respond to property owners within 24 hours, as stated in outgoing voicemail messages.

property owners	
GJ8. Develop an operations manual to ensure consistent operations	Completed. Management Partners has developed a preliminary procedures manual including process maps and protocols. Staff is working to add other information to the manual.
GJ9. Develop a centralized case management system that is easily accessible for all inspectors and property owners	In progress. Regular weekly meetings between Building Services managers and senior inspectors with DIT and Accela representatives to coordinate information flow and development for the new centralized data management system. The collaboration between the CEDA staff and Accela has resulted in clearly identifying processes and areas of improvement that can be directly translated to the Accela Automation environment. Work on the Accela Automation project for permits, code enforcement, planning and zoning will continue throughout 2012 and is scheduled to be completed and online by June of 2013.
GJI0. Develop an ombudsman function to review all appeals and assist the property owner	Under review. Pursuant to the City's original response, the City Administrator is assessing the viability of implementing this recommendation given the new changes to the appeal and other processes, as well as funding constraints.
Council Motion	
C1. Lower cap on change orders from 31% to 10%.	Completed.
C2. Hearing on houses demolished within last 5 years.	Completed. Original report and hearing scheduled for November 29, 2011 rescheduled to accompany this report in order to accommodate feedback from property owners. See <i>Attachment B</i> .
C3. Create appeals process with a neutral (non-Building Services) hearing officer.	Completed. Outside hearing officers are used now for blight violations.
C4. Ban prospective liens and set policy that liens can only be placed after documented notification and abatement failure.	Completed.
C5. Establish an amnesty program.	Partially completed. The amnesty program has launched and eligible property owners have until November 30, 2012 to apply.
C6. Convene Task Force with citizen participation	Completed. There were 6 public meetings that addressed not only the proposed program design and procedures, as contemplated by the original Council resolution, but also to develop the Task Force's report and to review the preliminary management review findings. See <i>Attachment C</i> for Task Force report.
C7. City Administrator	Completed.

approval of demolitions	
C8. Refer relevant personnel matters to Closed Session	Completed. The City Administrator has set up a process within the City Administrator's office for investigating personnel complaints and referring appropriate items to outside agencies. The City Attorney's office has reviewed and concluded that personnel matters are not appropriate for Council closed session.
C9. Independent investigation of processes, including A to Z management review	Completed. The City Administrator has overseen a management review with consulting services provided by Management Partners.
CI0. Return to Council on implementation of new processes	Completed. Relevant staff reports provided to Council include September 20, 2011, December 6, 2011, and this report.
C11. Conflict of interest policy on blight	Completed. The City Attorney's office review concluded that existing City Administrative Instruction policies adequately address staff conflict of interests (Administrative Instruction 595). However, a review of blight abatement contracts found a need to include a contractor duty to disclose any financial interests with City staff or officials. The City Attorney's office is working on amending contract templates to require such affirmative disclosure and to include other City standard contracting provisions as appropriate.
C12. Return to Council with demolition process	Completed. Information was provided in the December 6, 2011 report.
CI3. Process to assist property owners	Completed. Developed new abatement procedures that distinguish owner-occupants, landlords, and "institutional" owners. Developed new strategies to assist property owners with difficulties, including development of a resource guide.
C14. Process on addressing appeal requests never responded to	Completed. Staff reviewed files to assess appeal requests and responses. Based upon records, staff recalled fees placed on property taxes on billing appeals that are pending an appeal hearing.
CI5. Develop clear instruction on appeals going forward	Completed. Staff has been trained on new appeals process, including guidance from the City Attorney's office.
C16. Return to Council on policy areas	Completed. Reports provided on 9/20/11, 12/9/11, and today's report, as well as expansion of foreclosure registration and maintenance ordinance.
Management Partners Recommendations	
MPI. Add language to notices that City may hire	Completed. Notices already had information, but notices amended for information to be more prominent.

contractor to abate	
MP2. Revise language in Notice of Violation to inform of primary fee	Completed. Notices already had information, but notices amended for information to be more prominent.
MP3. Implement process to provide notice of pending abatement	Completed. Information posted on property of pending notice of abatement.
MP4. Develop an online database that provides status updates	In progress. See above information (GJ9) regarding the Accela database system.
MP5. Revise process for addressing minor and non-life threatening violations	Completed. Courtesy notice system implemented.
MP6. Develop list of approved contractors via RFQ process by the City's Dept of Contracting & Purchasing	In progress.
MP7. Mandate that all inspectors use the intended technology	Completed. Performance plan revised to address technology use requirements for all staff
MP8. Analyze the impact and efficiency gains from providing inspectors with printers after the initial Accela implementation	Under review. To be evaluated once Accela launches.
MP9. Seek non-traditional funding sources to support code enforcement services	Completed. Secured grant funds to support inspector time for new proactive code enforcement efforts in International Blvd for 3 years. Working with County Public Health Department to explore funding from health insurers for code enforcement related to public health outcomes.
MP10. Conduct an update cost recovery study	In progress. RFP issued for consultants and study to be conducted in Fall 2012.
MP11. Implement a performance management system that measures workload, efficiency, and effectiveness of activities and uses them to improve operations.	In progress. To engage in this level of undertaking will require a dedicated Code Enforcement manager with expertise in program management, evaluation, and staff development.

Other Change Items	Implementation Completion Status
1. Organizational Culture Change	<ul style="list-style-type: none"> • Identified staff leadership team; meeting weekly to address priority change needs and align implementation details with new program design and goals. • Developed staff understanding and support of new program goals for code enforcement—public health and safety and community revitalization. • Developed staff leadership in new orientation to customer relations and problem-solving role. • Staff proactively identifying specific ways to assist property owners and new strategies to meet community revitalization, public safety and health goals • New procedures implemented for staff development and accountability. • Holding regular proactive strategy discussions with Code Enforcement staff, City Attorney’s office and Housing Division • Implemented new customer feedback vehicles.
2. Remediating Specific Cases	<ul style="list-style-type: none"> • Staff met with different property owners to resolve specific issues. Liens have been recalled from property taxes for several cases.
3. Due Process (Notices, Liens, Fees, Fines, and Appeals)	<ul style="list-style-type: none"> • Implemented a new courtesy notice and owner self-certification procedure for minor blight violations per best practices of peer jurisdictions. • Modified notices to be more customer friendly and accessible. • New notices and procedures for addressing bank-owned blighted properties have been developed and implemented. • Developed new system for handling complaints about City staff
4. Policies and Procedures	<ul style="list-style-type: none"> • Implemented new program goals based upon research of City major public health and safety issues and best practices research on both program design, procedures and operations to guide changes. • Developing alternative collections mechanism including addressing abandoned properties with old liens.
5. Proactive Inspections Based Upon Collaborative Planning	<ul style="list-style-type: none"> • Implemented proactive inspections on blighted foreclosed properties with effective results. Existing gaps in City’s current laws to address problem properties in the foreclosure process have been identified and policy solutions developed for Council consideration. • Developed new pilot public health program with Alameda

	County Public Health and Lead Prevention Poisoning. <ul style="list-style-type: none"> Completed preliminary best practice research scan of 27 jurisdictions with proactive inspections. Conducted planning meetings with OPD and Neighborhood Services Division to enhance strategic collaboration in hot-spot areas.
6. Improving transparency and accountability	<ul style="list-style-type: none"> Developing an online website to access information about complaints. Developed an online customer survey tool.

Realignment of Code Enforcement Operations to Prioritize Major Public Health & Safety

A major feature of the recent transformation efforts has been to shift inspection focus to priority public health and safety problems. Management Partners' research showed that the scope of Oakland code enforcement services exceeds that of *all* the peer cities but the financial resources devoted to code enforcement, on a per capita basis, is actually less than some other cities.

Table 1. Comparative Data on Code Enforcement Expenditures (FY 2011/12 Budget)

Comparisons	Oakland	Anaheim	Fresno	Long Beach	Sacramento	San Jose
Code Enforcement Division Expenditures	\$5,364,415	\$4,509,815	\$7,168,300	\$4,798,459	\$7,875,859	\$9,425,107
Population	392,932	341,034	500,121	463,894	469,566	958,789
Code Enforcement Expenditures per 1,000 population	\$13,652	\$13,224	\$14,333	\$10,344	\$16,773	\$9,830

Oakland has 16 full-time equivalent (FTE) inspectors who handle 8,000 new code enforcement complaints per year, which result in roughly 25,000 code enforcement inspections annually. The MP research showed that many Oakland code enforcement services, such as right of way inspections, geotechnical enforcement, mobile food vendor permits, work without permit, and planning and zoning complaints in other cities are handled by other departments, such as Public Works.

Table 2. Program/Service Comparison for Code Enforcement Services in Oakland to Peer Jurisdictions

Code Enforcement Programs/Services (in Oakland)	Oakland	Anaheim	Fresno	Long Beach	Sacramento	San Jose
Blight Enforcement	X	X	X	X	X	X
Substandard Buildings and Structures Enforcement	X	X	X	X	X	X
Foreclosed and Vacant Building	X		X	X	X	X

Code Enforcement Programs/ Services (in Oakland)	Oakland	Anaheim	Fresno	Long Beach	Sacramento	San Jose
Registry						
Mobile Food Vendor Permits	X					
Work without Permit	X					
Planning and Zoning Complaints	X					
Geotechnical Enforcement	X					
Landlord / Tenant Issues	X	X	X	X	X	X
Right-of-Way Activity Inspections	X					

In addition, the code enforcement budgets of the peer cities reviewed significantly rely on non-code enforcement funding sources to subsidize their code enforcement activities. Oakland had the least subsidized code enforcement activities (4%) of all the peer jurisdictions, which ranged from 26% to 89% subsidized by non-code enforcement funding.

Table 3. Funding Sources for Peer Code Enforcement Services in FY 2011-12

Funding Source for Code Enforcement Services in FY 2011-12	Oakland	Anaheim	Long Beach	San Jose	Fresno	Sacramento
Code Enforcement Revenue	\$4,838,971	\$510,579	\$1,527,995	\$6,981,569	\$2,425,000	\$4,412,655
Percent from Code Enforcement Revenue	96%	11%	21%	74%	32%	56%
Other Revenue Sources						
General Fund Allocation	0	898,888	2,917,209	649,908	0	2,762,974
Community Development Block Grant (CDBG) Funds	0	1,680,000	1,140,685	1,793,630	2,867,200	250,000
Miscellaneous Sources	187,368	1,420,347	1,524,472	0	2,308,000	450,230
Sub-total of Other Revenue Sources	187,368	3,999,235	5,582,366	2,443,538	5,175,200	3,463,204
Total	\$5,026,339	\$4,509,814	\$7,110,361	\$9,425,107	\$7,600,200	\$7,875,859

The City's fiscal constraints prevent code enforcement operations from serving all residents on all the varied complaints that exist across the City. Operations can be focused more strategically to address major public health and safety priorities. This past year, Code Enforcement has developed the following proactive programs.

New Proactive Public Health & Safety Focus

1. **Blighted foreclosed properties:** In response to Oakland's foreclosure crisis, the City developed a model program that got major lenders to clean up their properties, rather than the

traditional method of City clean-up and utilization of liens for possible recovery. In addition over 1,600 properties were registered and over 2,900 properties inspected. The City also collected over \$1.6 million in fees and penalties directly from lenders. The Council recently expanded the ordinance to include the registration and maintenance of properties with a notice of default. Staff is working on the development of a new registration database system and new procedures to implement the expanded ordinance. Staff has learned that other jurisdictions are modeling their foreclosed properties program after Oakland, including Los Angeles, Richmond, and Alameda County.

2. **Public safety, SMART inspections:** A partnership with OPD and Code Enforcement was revitalized in June 2012 to address problems of public safety that are caused by conditions related to abandoned homes utilized for criminal activities, including prostitution, gang activities, theft of materials of construction (i.e. copper wiring, water piping, etc.). Code Enforcement has teamed up with OPD to identify sites and effect the clean/ secure/ and rehabilitation of those properties. This combined effort, along with other agencies such as Public Works, OFD, and County Vector Control, will reduce crime and enhance the quality of life in neighborhoods. So far more than 25 properties have been inspected and over 50% have been fully cured to date on both OPD and Code violations.
3. **Public health pilot program with Alameda County Public Health Department and Lead Poisoning Prevention Program:** To address the problems of childhood asthma¹ and lead poisoning² caused by housing related conditions, Code Enforcement inspectors are working in a case management team with County public health professionals with referral pipelines from health services professionals, including Children's Hospital. Properties from the referral pipeline are prioritized for code enforcement action with resources and assistance from public health staff. New procedures and protocols are currently being developed, with assistance from the San Francisco Environmental Health Department's housing inspectors, in order to better address mold-related problems. The Alameda County Public Health Department is helping to identify funding resources for Code Enforcement in order to sustain these new efforts.

¹ Approximately 40% of diagnosed childhood asthma is believed to be attributable to residential exposures. The average asthma hospitalization rate for Oakland 5-17 year olds is 2,813 per 10,000 persons with American American and Latino children disproportionately impacted. The estimated cost of asthma in Oakland residents due to Emergency Room visits and hospitalizations is nearly \$30 million annually, excluding lost work and school days. ACLPP, based on data from CA Dept of Public Health, "The Burden of Asthma," June 2007.

² Up to two-thirds of Oakland housing units may contain lead-based paint. The County reports that lead poisoning is particularly prevalent in West Oakland, San Antonio, Fruitvale and East Oakland areas. The estimated annual cost of lead poisoning in Oakland is \$150 million in medical services, special education, disabilities, and lost wages. ACLPP, based on data from "Environmental Pollutants and Disease in American Children," Environmental Health Perspectives, Vol. 110, No. 7, July 2002.

4. **Commercial corridors:** To enhance economic development, support business retention, growth, and attraction, a new pro-active blight enforcement program along commercially zoned streets is being developed. Staff has developed an inventory of vacant buildings, blight and zoning violations along major commercial corridors; proactively issued violation notices for 160 blighted and vacant lots. Code Enforcement staff is serving on the new Downtown Task Force along with the Public Works Agency, Police Department, and Economic Development. In addition, through new funding support from a new State grant, code enforcement will be focusing proactive inspections along the International Boulevard Corridor.

New Courtesy Notice System for Minor Blight

Similar to the changes that have occurred with other peer jurisdictions and upon the recommendation of Management Partners, Oakland Code Enforcement is issuing courtesy notices to property owners for minor blight violations. The use of courtesy notices provides for a more cost-effective way to cure minor blight problems. This also provides for a significant cost benefit to affected property owners. For example, it normally costs the City \$3,000 for a minor blight abatement, which is then liened on the property. However, this abatement could have been handled by the property owner for a fraction of those costs.

The new courtesy notices notify the property owner that a complaint has been received about alleged blight violations, request the owner to cure the blight, and notify the City within 21 days that the blight has been cured. If Code Enforcement staff receives additional information that the blight is not minor, or there is escalation from neighbors and/or other interested parties, then inspectors are sent out to inspect the property. This new system is in line with the practice of other peer jurisdictions such as San Jose, Fresno, and Sacramento.

Recommended Future Focus--Addressing Substandard Multi-family Housing Conditions through a Proactive Rental Inspection Policy: Of the approximately 164,000 housing units in Oakland, over 50% are multi-family units. The majority of Oakland households are renters, about 58.6% in 2000.³ The National Center for Healthy Housing's 2009 study of health-related housing problems in the nation's largest Metropolitan Statistical Areas, rated the City of Oakland as the 39th least healthy city out of forty-four (44) jurisdictions, with nearly 60% of housing units showing one or more health-related problems.⁴ Oakland's housing stock ranks among the oldest and most heavily rental of the cities surveyed.⁵

³ City of Oakland Housing Element, 2007-2014, pp.95 & 96.

⁴ In addition, according to the 2000 Census, approximately 2,200 units had no heating systems, over 1,600 units lacked complete plumbing, and nearly 2,650 units lacked complete kitchen facilities.

⁵ 90% of the housing stock was built prior to 1980 and 65% was built prior to 1960. Id. At 100.

Research conducted by the Alameda County Public Health Department and other partners found that many cities in the nation have adopted a proactive rental housing inspection policy to address the problems of substandard units. The Building Services Advisory Task Force recommended that such a policy be considered for Oakland.

Staff recommends that the City Administrator convene a working group committee comprised of professional experts as well as representatives from landlord and tenant interests to develop a policy proposal for the City Administrator to submit to Council for consideration. A working group committee is recommended in order to help ensure a balanced composition with requisite professional expertise and provide for a more efficient use of limited resources. For example, public committee or task force meetings may have problems with timely meetings and actions due to quorum problems.

Future Priority Changes

1. Dedicated Code Enforcement Manager

Pursuant to Management Partners' information, unlike other cities such as Sacramento, Fresno, Anaheim, and San Jose, there is currently no dedicated Code Enforcement manager. This position was cut from the City's budget several years ago. There is an Inspections Manager, with an engineering background, who manages the City's permit inspections, as well as code enforcement operations. The new paradigm and shifting demands require City code enforcement operations to be fully cost-recovering, fix and prevent major public health and safety code violations including through new partnerships, sustain the changes made in response to the Grand Jury report, and engage in program evaluation and continuous improvements. These priorities cannot be effectively performed without a dedicated manager with expertise in program and fiscal management, staff development, program evaluation and technology, partnerships, creative problem-solving, customer relations, and best practices in code enforcement.

This position will be funded through the deletion of an existing and vacant position—an assistant engineer position. The fiscal difference would be about \$75,000 annually.

2. Comprehensive Staff Development and Evaluation

This year's staff development focused on orienting staff to the new mission, procedures and protocols, as well as public service values, attitudes, and behavior. The focus for the upcoming year will be to provide comprehensive staff development, as well as performance evaluation, with assistance from City Human Resources. Ongoing staff development will include management best practices, best practice protocols on personnel issues, handling stressful customer service situations, fostering staff investment in quality work product, increasing collaborative relationships with other departments, counter professionalism (standards, rules & regulations, expectations), and comprehensive intranet/website access to resource information.

3. Comprehensive Evaluation of Activity Outcomes, Measured Against Customer Satisfaction, and Funding

Through Accela's database management system and with a new Code Enforcement manager with program evaluation design expertise, Code Enforcement will be able to track and measure outcomes from disaggregated and specific activities and measure those outcomes against customer feedback, funding revenues to support those activities, and other relevant evaluation measures. This information will enable Code Enforcement to refine its operations on an ongoing basis, and make appropriate and timely adjustments.

4. Deployment of Accela

The new Accela database management system is scheduled to be operational on June 2013. Weekly meetings with Building Services staff, DIT staff, and Accela consultants have occurred since October 2011 to develop the new system for Code Enforcement. The use of this new technology will improve operation coordination, program evaluation, staff development, customer communications and feedback, and public access.

5. Proactive Rental Inspection Policy Proposal to Council

In order to improve the City's ability to address the significant problems of substandard multi-family rental housing that impacts the quality of life and economic development, staff recommends the development of a proactive rental inspection policy that many cities in California and throughout the country have adopted. Staff recommends the convening of a working group by the City Administrator, comprised of experts and representatives from landlord and tenant interests, to develop a policy proposal for Council consideration. A working group committee will help ensure a balanced composition, as well as serve as a more efficient use of limited City resources, i.e. would not have quorum problems that prevent meetings.

POLICY ALTERNATIVES

<i>Alternative #1</i>	Continue with prior model of complaint-based only system.
<i>Pros</i>	Responds to individual constituent demands.
<i>Cons</i>	Code enforcement resources are insufficient to address every individual complainant's demands for service, and are also costly to the cited property owner. A complaint-based only system also fails to adequately address major blight and other code problems, such as foreclosed properties or substandard housing conditions.
<i>Reason for not recommending</i>	With limited City resources, it would be more strategic to focus on priority public health and safety problems, including those that facilitate the City's economic development interests. Non-minor

	violation complaints will continue to be handled by Code Enforcement.
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PUBLIC OUTREACH/INTEREST

Staff has met with different organizations interested in providing ideas for Code Enforcement improvements, including the following groups: Alameda County Public Health Department, Alameda County Lead Poisoning Prevention Program, Alliance of Californians for Community Empowerment, Oakland Realtors Association, Oakland Rental Housing Association, Oakland Community Organization, Causa Justa::Just Cause, Wells Fargo Bank, JP Morgan Chase Bank, California Bankers Association, Children’s Hospital, Regional Asthma Management Program, Public Health Law and Policy, East Bay Community Law Center, and AuditCEDA.

Information about the new programs and procedures have been presented and discussed in six public meetings as part of the Building Services Improvements Advisory Task Force process.

COORDINATION

Coordination has occurred between Building Services, Housing, the City Attorney’s office, Oakland Police Department, County Public Health and Lead Poisoning Prevention.

COST SUMMARY/IMPLICATIONS

The new changes to Code Enforcement operations have not resulted in negative fiscal impacts.

For FY 11-12, Code Enforcement expenditures were \$4,282,239 (\$3,730,120 in personnel and \$552,119 in overhead and maintenance (O&M)). Actual revenues collected in FY 11-12 were \$4,362,138. Surplus funds were used to address the Development Services Fund (2415) negative fund balance. This year, a separate Code Enforcement distribution plan will be established.

Penalty funds from the foreclosed properties program constituted \$245,000 of the FY 11-12 revenues collected. However, in future years blight penalty funds from foreclosed properties will be redirected to foreclosure prevention efforts, pursuant to recent Council direction.

In FY 10-11, Code Enforcement expenditures were \$5,148,036 (\$3,882,863 in personnel and \$1,265,173 in O&M) and funds collected were \$5,503,829. Again, surplus funds were used to address the 2415 Fund negative fund balance.

Regarding the fiscal impact from the barring of the use of prospective liens, it is estimated that the City has lost about \$130,000 given the time lag between property transfer before priority liens can be placed on the property. The City Attorney’s office is reviewing alternative

Item: _____
CED Committee
September 25, 2012

constructive noticing that can be used to notify potential purchasers and other interested parties of issues with the property, as well as protect the City's ability to recover from expended City actions on the property.

With the changes to Code Enforcement operations to mitigate against financial hardships for property owners except on priority code enforcement areas, strategies to develop funding streams for priority code enforcement operations will need to be deployed, such as a proactive rental housing inspection policy.

While a new Code Enforcement manager will increase the Code Enforcement budget by about \$75,000 annually, staff believes that this investment will potentially enable Code Enforcement to operate more effectively under the new paradigm, as well as result in new revenue streams.

FISCAL/POLICY ALIGNMENT

The changes in Code Enforcement operations are in alignment with the City's priorities to focus on major public health and safety problems. The hiring of a Code Enforcement manager with expertise in program and fiscal management, staff development, customer service, program evaluation and technological tools, and community development will enhance and sustain improvements to Code Enforcement. The recommendation for the City Administrator to convene a working group to develop a proactive rental housing inspection policy will enable Code Enforcement to address a priority problem of substandard multi-family housing conditions in Oakland while providing for a sustainable funding source.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Staff has been tracking the status of some key changes made to Code Enforcement operations, which include the following outcomes:

New Courtesy Notice System for **Minor Blight Violations:**

- Since October 2011 when courtesy notices for minor blight violations began, there have been 518 cases of property owners curing the alleged blight on their own without a City inspection.
- There were 1,895 inspections on minor blight complaints in response to either new information about property conditions or escalation from neighbors or interested parties.
- The average number of inspections per property was reduced from 5 to 3 inspections per property, which has resulted in about 25,000 annual inspections rather than 40,000 in prior years. The courtesy notice and other new procedures such as the blight posting on properties have contributed to streamlining the inspection process. In addition, staff is seeing increased responsiveness by the property owner.

New Appeal Hearings by Outside Hearing Officer on Blight Violations:

- Since March 2012, 28 billing appeals on blight violations were heard by an outside hearing officer.
- Appeals found in favor of the appellant: 4
- Appeals partially approved in favor of the appellant: 11
- Appeals found against the appellant: 13
- Original fees owed to the City prior to the appeal hearings: \$359,920
- Fees reduced after the appeal hearings: \$81,852
- Costs of independent hearing officer: \$31,766 (not including staff time and costs)
- Post appeal charges paid: \$85,608

New Proactive Foreclosed Properties Program:

- Major lenders cleaned up cited properties.
- Over 1,600 properties registered.
- Over 2,900 inspections occurred.
- Over \$1.6 million collected from lenders (without liens) in fees and penalties.

SUSTAINABLE OPPORTUNITIES

Economic: Effective Code Enforcement operations retard the deterioration of property values, support future development and assist the economic growth and revitalization of the City.

Environmental: Effective Code Enforcement operations reduce blight, including accumulation of garbage, dispersal of pollutants and target-organ toxins, and uncontrolled growth of vector populations.

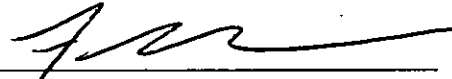
Social Equity: Effective Code Enforcement operations encourage the infusion and recurrence of diverse multi-cultural activities, businesses, and events.

CEQA

In accordance with CEQA Guidelines Section 15301 (existing facilities) this action is categorically exempted.

For questions regarding this report, please contact Margaretta Lin, Strategic Initiatives Manager, at 510-238-6314.

Respectfully submitted,



Fred Blackwell
Assistant City Administrator

Reviewed by:
Ray Derania
Building Official, Department of Building, Planning &
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Richard Illgen, Deputy City Attorney
City Attorney's Office

Prepared by:

Margaretta Lin, Strategic Initiatives Manager
Department of Housing and Community Development &
Department of Planning, Building, and Neighborhood
Preservation

Attachment A: Management Partners Process Improvements Report

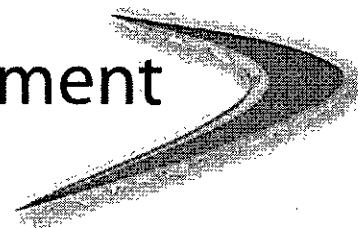
Attachment B: Report on Demolition of Homes Within the Past Five Years

Attachment C: Task Force Report

City of Oakland
Code Enforcement Process Improvement Analysis

March 2012

**Management
Partners**



Management Partners



March 8, 2012

Ms. Margaretta Lin, Esq.
Special Projects Director
Community and Economic Development Agency
City of Oakland
250 Frank Ogawa Plaza, 2nd floor
Oakland, California 94612

Dear Ms. Lin:

Management Partners is pleased to provide this report containing our analysis and recommendations relating to Oakland's code enforcement services operations. We have researched best practices, analyzed various processes, and drafted process maps to show the way business was undertaken at the time this study began. Even as we undertook our work, many improvements were made and are still being made. We have attempted to identify these, as appropriate, and also to note additional areas for improvement based on best practice research and benchmarking data.

Because our work centered on identifying improvements, it is important to note that the good practices in effect were not the focus of our study. Our purpose was not to inventory those things already being well done, but rather to suggest ideas that will further improve the organization. The changes that management has identified and has begun to implement are already bearing fruit and we are confident that they will continue to do so in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry E. Newfarmer".

Jerry E. Newfarmer
President and CEO

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Introduction

Management Partners was hired by the City of Oakland to examine the processes and procedures used by the Property Enforcement Section located within the Building Services Division of the Community and Economic Development Agency's (CEDA). This report contains our analysis and recommendations for improvements to Oakland's code enforcement services relevant to the Property Enforcement Section. The recommendations are based on best practice and benchmarking information gathered during this project as well as the professional knowledge of Management Partners' team members related to code enforcement and customer service.

Management Partners was also tasked with developing the initial framework for a draft policy and procedures manual for the code enforcement function. A portion of this work was completed during this project. The development of a draft policy and procedure manual is underway. Additionally, the City asked Management Partners to provide staff support to the City Council's Building Services Improvements Advisory Task Force. This work began in January 2012 and is scheduled to continue through April 2012.

During our review of code enforcement processes and procedures, the City of Oakland developed a plan to consolidate functions and reorganize several departments, including CEDA. As a part of that reorganization, CEDA is to become four separate organizational units:

- Office of Planning, Building & Neighborhood Preservation
- Office of Housing & Community Development
- Office of Economic Development
- Office of Neighborhood Investment

At the time this report was being finalized an implementation schedule was not available. The primary code enforcement functions that are currently performed by the Property Enforcement Section will be relocated to the new Office of Planning, Building & Neighborhood Preservation.

Because the reorganization was being finalized and was not fully implemented, throughout this report we refer to the Property Enforcement Section in the CEDA Building Services Division as the organization unit that performs code enforcement services.

One of the pressing issues facing CEDA at the start of this project was responding to the June 2011 Grand Jury report from Alameda County, which severely criticized the City's code enforcement practices. City Council mandated that CEDA management report back to them quickly about changes that were made.

Management staff in CEDA and the Building Services Division developed a work plan which included components for completion by a staff team and Management Partners. Simultaneous to this effort, City partners including the Alameda County Public Health Department and other organizations also performed research activities for the City.

Management Partners focused on identifying improvements to enable the City to respond appropriately to some of the concerns raised in the Grand Jury report. This report contains the results of our work to:

- Detail the current processes and show recent process changes (as illustrated through process maps) and provide accompanying procedures
- Revise notices and forms for the blight process
- Recommend best practices based on a survey of the business practices in peer jurisdictions
- Recommend performance measures for code enforcement services in Oakland

Project Approach

Management Partners began this project by conducting group and individual interviews with members of the Property Enforcement Section’s senior management team, comprised of code enforcement managers, principal supervisors as well as senior administrative employees that oversee the accounting and inspection support operations for the Building Services Division. These interviews provided the opportunity to gather general information on the status of operations, identify perceived problem areas, and gain insight into organizational dynamics.

Management Partners also conducted a benchmarking effort to learn from peer cities that had recently undertaken improvement efforts in code enforcement. In conjunction with Code Enforcement management, we identified five peer cities for benchmarking comparisons and to identify best practices. The peer cities are Anaheim, Fresno, Long Beach, Sacramento and San Jose.

Table 1 shows where code enforcement services are housed in Oakland and the peer jurisdictions.

Table 1. Organizational Placement of Code Enforcement Services in Oakland and Peer Agencies

Peer	Department Name <ul style="list-style-type: none"> • Division Name ○ Unit/Section Name
Oakland (prior to restructuring)	Community and Economic Development Agency <ul style="list-style-type: none"> • Building Services Division ○ Property Enforcement Section
Ananeim	Planning and Building Department <ul style="list-style-type: none"> • Community Preservation / Code Enforcement Division

Fresno	Development and Resource Management Department <ul style="list-style-type: none"> • Code Enforcement Division
Long Beach	Development Services Department <ul style="list-style-type: none"> • Neighborhood Services Bureau <ul style="list-style-type: none"> ○ Code Enforcement Division
Sacramento	Community Development Department <ul style="list-style-type: none"> • Code Compliance Division
San Jose	Department of Planning, Building and Code Enforcement <ul style="list-style-type: none"> • Code Enforcement Division

The peer cities were chosen for a variety of reasons, including population, and their ability to demonstrate innovations and best practices. Table 2 contains information on total expenditures allocated to code enforcement services in Oakland and the peer cities.

Table 2. Comparative Data on Code Enforcement Expenditures (FY 2011/12 Budget)

Comparisons	Oakland	Anaheim	Fresno	Long Beach	Sacramento	San Jose
Code Enforcement Division Expenditures	\$5,364,415	\$4,509,815	\$7,168,300	\$4,798,459	\$7,875,859	\$9,425,107
Population	392,932	341,034	500,121	463,894	469,566	958,789
Code Enforcement Expenditures per 1,000 population	\$13,652	\$13,224	\$14,333	\$10,344	\$16,773	\$9,830

As the data in Table 2 show, Oakland spends \$13,652 per 1,000 residents. This figure is slightly above the average for all of the peers, which is \$12,901. Among the peer group, the City of Sacramento spends the most, at \$16,773 per 1,000 residents and the City of San Jose spends the least, at \$9,830 per 1,000 residents.

Management Partners' project team members interviewed the directors of code enforcement services in each peer city to learn about their operations and identify best practices that would be appropriate to apply in Oakland. We also collected documents detailing their processes as well as copies of the notices and forms they send to customer and policy/procedure manuals, as available. We supplied a copy of all information gathered to Property Enforcement management to assist with the improvement efforts that were occurring simultaneously with this project.

Management Partners created process maps of the major code enforcement processes in Oakland. Doing so provided an understanding of each of the various steps involved in completing (or closing) a code enforcement

matter, the time required and the decisions which must be made in handling cases. This information also provides a benchmark that can be used in comparing with other City code enforcement and related abatement procedures. These flow charts (also called process maps) are included as attachments to this report.

During the study, Management Partners met regularly with the City's project manager and regularly attended senior management meetings of the Property Enforcement Section. Along with these meetings, Management Partners provided interim deliverables, which included revisions to blight abatement notices/forms and draft business process maps. The final work products of these interim deliverables are presented in this report, along with our recommendations based on best practices from peer jurisdictions and others.

Human organizations are dynamic and constantly changing. They are always adapting to the environment in which their employees work and are affected by the continuous flow of internal and external changes. This was especially true during this project, as staff members were simultaneously making improvements. Where there are relevant or significant changes affecting issues within the scope of this study, we have attempted to point them out so that the reader will appreciate the context of the analysis.

The very nature of this study is to look for ways to improve services. The good practices and procedures are the beginning point from which further improvement is sought. As the analysis and recommendations for the City of Oakland are reviewed, it is important to note that the goal of this project was to specifically focus on suggestions for improvement, not those matters that are already being addressed by staff or other consultants.

Attachment A provides a summary of the recommendations in this report.

Background

The City of Oakland's Property Enforcement Section is housed in the Building Services Division of the Community and Economic Development Agency. The mission of the Property Enforcement Section is to:

...protect Oakland residents, Code Compliance staff enforces the California Housing Law and the Oakland Municipal Code to ensure that existing buildings used for human occupancy and the surrounding property are maintained in a safe and healthy manner.

In carrying out its mission, Oakland staff members enforce sections of the City's Municipal Code related to maintenance of public rights-of-way and private property within the community as a means to prevent and eliminate blight and address substandard buildings and structures. Staff also administers the City's Vacant and Foreclosed Building Registration program. The primary sections of the Oakland Municipal Code related to these activities are Chapters 8.24, 8.54, and 15.08. Each is described in more detail below.

- Blight enforcement (Oakland Municipal Code Chapter 8.24)
 - Investigation of public nuisance structures or conditions, such as litter, illegal dumping, weeds, graffiti, environmental conditions, or buildings which are causing blight upon the neighborhood.¹
- Substandard buildings and structures (Oakland Municipal Code Chapter 15.08)

¹ The "public nuisance" matters that are handled by the Property Enforcement Section are separate from those handled by the Nuisance Enforcement Unit (NEU) in the Oakland City Administrator's Office. NEU was established to address high-profile nuisance complaints, which differ in scale from the largely residential and light commercial public nuisance and substandard structures that are addressed by staff in Property Enforcement.

- o Inspection and response to complaints of violations, deficiencies, or other problems relating to the Oakland Housing Code (unsafe or unsanitary buildings that jeopardize the health and/or safety of the occupants or the neighborhood).
- Foreclosed and Vacant Building Registration (Oakland Municipal Code Chapter 8.54)
 - o Registration program for vacant residential buildings that enforces maintenance requirements on property owners, property managers, mortgagers, executors, trustees, and others parties that have a controlling interest in foreclosed properties. The program applies to foreclosed residential buildings with less than 5 dwelling units which have been vacant for more than 30 days.

In addition to the above activities the Property Enforcement Section is charged with issuing permits and policy enforcement of the following functions.

- Mobile Food Vendors: Issues permits and enforces regulations with private property owners related to street and vehicular food vendors.
- Hotels and Motels: Performs inspections related to Oakland's "deemed approved" annual inspection program for hotels and motels.
- Work without Permit: Enforces building and zoning codes related to property improvements that occur without the appropriate City approvals.
- Planning and Zoning Complaints: Investigates planning/zoning complaints and enforces regulations related to allowable uses and facilities on private property citywide.
- Geotechnical Enforcement: Investigates and oversees the abatement of geotechnical hazardous conditions, as needed.
- Landlord/Tenant Issues: Investigates and abates code violations that are initiated as a result of tenant complaints. Also work to ensure that undocumented rental units are legalized and/or restored to their approved/original state.
- Right-of-way Activity Inspections: Enforces regulations on private property related to the use of and encroachment on public right-of-ways. This includes sidewalks, news racks, pay phones, merchandise displays, mobile food vendors, advertising, signage, and more.

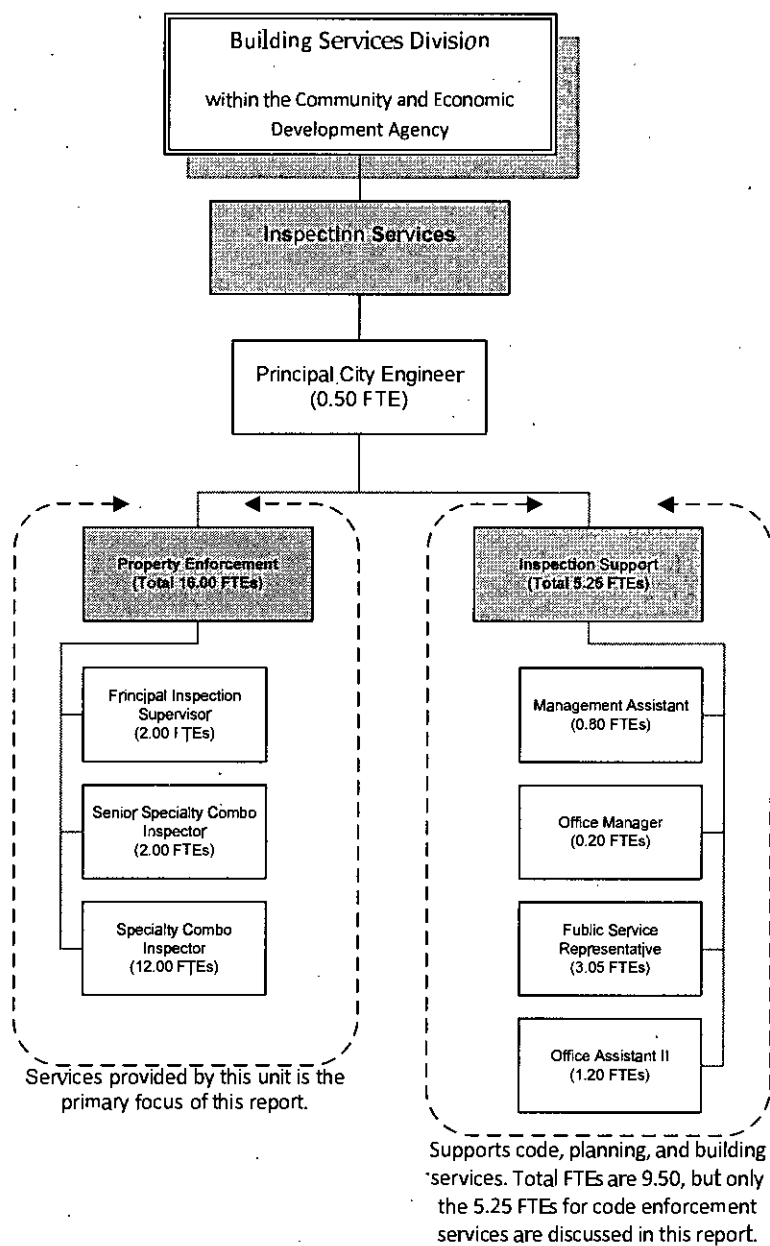
Table 3 shows which of the program and services administered by Oakland code enforcement staff are also administered by code staff in the peer jurisdictions. The data show that the scope of code services in Oakland is greater than that of the peers. For example, in Oakland, code employees oversee geotechnical enforcement and right-of-way inspections. However, in Management Partners' experience these services are more commonly provided by Public Works departments.

Table 3. Program/Service Comparison for Code Enforcement Services in Oakland to Peer Jurisdictions

Code Enforcement Programs/ Services (in Oakland)	Oakland	Anaheim	Fresno	Long Beach	Sacramento	San Jose
Blight, Enforcement	X	X	X	X	X	X
Substandard Buildings and Structures Enforcement	X	X	X	X	X	X
Foreclosed and Vacant Building Registry	X		X	X	X	X
Mobile Food Vendor Permits	X					
Work without Permit	X					
Planning and Zoning Complaints	X					
Geotechnical Enforcement	X					
Landlord / Tenant Issues	X	X	X	X	X	X
Right-of-Way Activity, Inspections	X					

Oakland's Property Enforcement Section employs 16 full-time equivalent (FTE) inspectors. They handle 8,000 new code enforcement complaints per year, which result in roughly 40,000 code enforcement inspections annually. Figure 1 is an organization chart of the Property Enforcement Section as well as the Inspection Support, which supports code enforcement services and permit inspections.

Figure 1. Organization Chart for the Property Enforcement Section and the Inspection Support Unit*



*This figure is based on the organization that existed when this study was begun. It does not reflect the reorganization approved by Council in 2012.

As noted in Table 2, total expenditures for code enforcement services for FY 2011/12 are budgeted at \$5,364,415. The focus of this improvement project centers on the work performed by the 16 FTEs in the Property Enforcement Section as well as the 5.25 FTEs working in the Inspection

Support unit, which supports code services as well as the planning and building services.

The City does not segregate FTEs in the Inspection Support Unit by the services they support. Thus, for the purposes of this report, we are using a figure of 21.75 FTEs for code services, which represents staff in the Property Enforcement Section (16 FTEs), Inspection Support (5.25 FTEs), and the Principal Engineer (0.50 FTE) that oversees both functions. A complete organization chart that shows the hierarchy of the Building Services Division is provided as Attachment B.

Oakland's Business Processes

In an effort to document current processes, Management Partners interviewed management and line employees in the Property Enforcement Section to understand and document the specific steps that are involved in conducting the work. The interview notes were then developed into process maps of the following activities:

- Blight complaints and referrals
- Blight complaints and referrals when the property is lender owned
- Public nuisance/habitability complaints
- Tenant/landlord complaints
- Substandard declarations

Process Mapping Methodology

During the second half of 2011 and beginning of 2012, the Property Enforcement Section initiated many self-directed process improvements. For this reason, Management Partners (with approval from CEDA management) agreed to map the processes noted above using a point in time (July 1, 2011) that predated any changes. This would allow maximum visibility to the changes that will ultimately be adopted through these recommendations and the Property Enforcement Section's internal reform efforts.

Management Partners created process maps based on interviews with Building Services supervisors and senior inspectors who oversee the inspection processes. We reviewed the maps with the same people in an open forum, engaging in group conversations to discuss process nuances and exceptions.


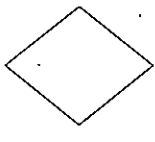
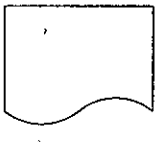
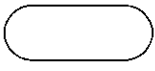

The process maps included in this report are at a high level and are intended to show the general pathways by which a property may navigate through code enforcement issues. These pathways include internal and external handoffs but they do not include step-by-step work activities. The creation of such detailed step-by-step workflow maps are

beyond the scope of this project. However, they should be developed once the City has concluded the major reform efforts that are underway. Detailed maps will serve as a valuable training tool. They will also be useful for succession planning purposes, as they will reduce the loss of internal knowledge during staff transitions.

Process Mapping Conventions

Management Partners created the process maps using Microsoft Visio, which is a standard tool used to create diagrams of various kinds. Table 4 describes each of the shapes in the flowchart. As the table shows, each shape depicts a different process step.

Table 4. Standard Flowchart Shape Conventions

Shape	Description
	Process step
	Decision point
	Document
	Terminator (i.e., beginning or end)
	Separate process

In addition to standard shapes, these process maps also use a "swim lane" approach that helps clarify areas of responsibility. Each swim lane consists of a horizontal grouping of process items and is labeled by area of responsibility. Swim lanes include the following areas of responsibility:

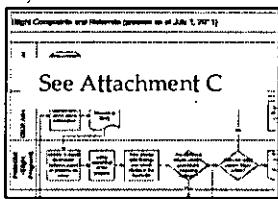
- Administrative staff
- Complainant
- Inspections supervisor
- Inspector
- Other (non-Building Services) code functions
- Other City department
- Outside business
- Property owner
- Tenant
- Title company

Previous Code Enforcement Procedures

This section provides the procedures related to each process mapped by Management Partners. The steps in this section reflect a baseline process as it was on July 1, 2011, prior to recent and ongoing process changes that the City has adopted, as described under the Process Mapping Methodology subheading. Specific changes to the processes are included in this section's footnotes.

Blight Complaints and Referrals

To see the mapped depiction of this process, see Attachment C.



1. Staff learns of a potential blight issue directly from a complainant or through a referral from another City function. Administrative staff logs the item and looks up property owner information.
2. Administrative staff schedules a Request to Verify to an inspector as an item on his/her daily activity report (DAR)².
3. Within five days of the Request to Verify, an inspector visits the property for an initial inspection.
4. The inspector notes any blight violations, including those that are on the street (to be referred to the Public Works Department).

²The Request to Verify process has been modified for minor blight violations. Now, for minor blight violations, such as visible trash, the City sends a courtesy letter to the property owner instead of sending an inspector immediately. The owner is asked to self-certify that the blight is abated within three weeks. If this occurs, the City takes no further action. If the property owner does not respond after three weeks, a Request to Verify is scheduled. If the inspector confirms that the blight is minor by City standards, the inspector takes no further action. There is also an escalation process available to Building Services for cases involving worsened conditions or multiple complaints, resulting in an inspection and following the standard blight process.

5. The inspector checks the title information to verify the owner of the property.
6. The inspector takes photos of the property.
7. The inspector attaches photos and notes of their inspection findings to the property's file.
8. If the inspector sees additional issues that need correction, such as criminal activity, s/he will issue a referral to the appropriate recipient.
9. If the property does not require blight abatement action, the administrative staff will terminate the case and the process is ended.
10. If the property requires blight abatement action, the inspector creates a Notice to Abate a Blight,³ including all violations found on the property.⁴
11. The administrative staff again verifies the property ownership information and sends the Notice to Abate Blight via U.S. Postal Service (USPS) mail and USPS certified mail. Included in the mailing is information about how to appeal the notice.
12. If the property owner wishes to appeal the determination, s/he must file an Administrative Appeal Form with Building Services within 21 days of the initial Notice to Abate a Blight.
13. If the property owner does not appeal the determination, s/he must abate the blight within 10 days. Since the owner is given 21 days to appeal, staff takes no action until after the appeal period is over.
14. Typically, if the owner does not appeal, the inspector will wait 30 days before returning to the property for a second inspection.
15. If the owner does appeal, there are no inspections until the appeal is resolved.
16. If the owner is successful in his/her appeal, the process is ended.
17. If the owner is unsuccessful in his/her appeal, the inspector may return for a second inspection at any time after the appeal is denied.

³Oakland has instituted a new blight notice posting. For blight issues that an inspector has verified, the inspector places a blight poster on the property with staff contact information.

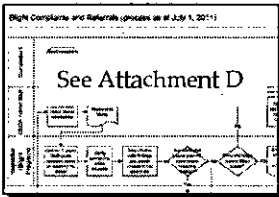
⁴Oakland has expanded their referral services. Staff engages in greater efforts to refer qualifying property owners to City housing and outside resources that may provide assistance before the City decides to abate a violation.

18. If one or more of the violations was a vehicle blight and that blight has not been corrected prior to the second inspection, the inspector refers the violation to Oakland Police Department's (OPD) Abandoned Vehicle Unit. This unit tags the vehicle and notifies the owner to remove, repair or register the vehicle within 10 days. If nothing is done within 10 days, OPD arranges for the vehicle to be towed.
19. If other blight violations have been corrected prior to the second inspection, the process is ended.
20. If abatement efforts are underway but incomplete, the inspector uses discretion prior to escalating the process. If the inspector wishes to schedule the next inspection more than 30 days out, the inspection supervisor must approve this scheduling decision.
21. If other blight violations have not been corrected prior to the second inspection, the inspector submits a request for a fee bill to the administrative staff and begins the bid process to hire a private contractor to abate the blight.⁵
22. If the property owner is uncooperative in admitting a contractor onto the property, administrative staff sends the occupant a Notice of Intent to Obtain a Warrant to the owner. If the owner or occupant is still uncooperative, the inspector compiles all available information about the property in support of the violation and obtains a warrant for entry into the property.
23. Private contractors receive the scope of work and send their bids to staff. Typically, the contract is awarded to the lowest bid. The bid process takes two or three days.
24. Inspectors and administrative staff work together to create a performance agreement with the selected contractor to perform the scope of work.
25. Administrative staff members create a contract and award the selected contractor a Notice to Proceed. The selected contractor goes to the Property Enforcement Section's office to sign the contract prior to beginning work on the property.
26. A monitoring inspector inspects the property prior to work starting to ensure that the full scope of work is still necessary.
27. The contractor begins performing the work.

⁵Oakland has introduced a new abatement bidding model. Staff members are exploring how to select one or more abatement firms or nonprofit organizations through competitive process to conduct abatement work over a span of time, such as one or three years.

28. A monitoring inspector inspects the property during the work to ensure that the contractor is performing the scope of work as needed.
29. A monitoring inspector inspects the property after the contractor has completed work to ensure that the blight violations have all been addressed. If blight issues remain, the monitoring inspector maintains contact with the contractor to assure that the work is completed. Monitoring inspections continue until all blight violations are abated.
30. The initial inspector visits the property for a final inspection.
31. The inspector provides administrative staff with a Request for Billing, which lists the fees incurred during the blight process, including inspection fees, administrative fees, any fees incurred during the appeal process, and contractor billing fees.
32. Administrative staff places a lien⁶ on the property, via Alameda County, for the amount owed.⁷
33. After the blight issues have been abated, the process is ended.

Blight Complaints and Referrals When the Property is Lender Owned



Attachment D provides the mapped depiction of this process.

1. Staff learns of a potential blight issue either from a Building Services "sweep" of lender owned properties⁸ or from a complainant or referral.
2. Administrative staff logs the item and researches property owner information, showing that it is a lender-owned property.

⁶Oakland has placed a halt on prospective liens. The lien process has changed in that there is a halt on non-financial prospective liens, which had been used to indicate that the property has existing outstanding issues.

⁷Oakland has changed the priority lien process. Priority liens, which the City uses to collect late payments owed, were formerly done monthly. They are now issued quarterly, allowing for multiple fees to be included on the lien.

⁸In June 2010, the City of Oakland mandated that vacant lender-owned properties must be registered as such with Building Services. Since that time, Building Services has begun performing site visits on those properties. This alleviates the need to have a complaint before discovering potential blight issues. In addition, in August 2011, the City began a proactive approach to inspecting foreclosed properties for blight and registration violations. Lenders who violate the blight ordinance may be fined \$1,000 per day.

3. If the property is both vacant and lender-owned and not currently registered as a lender-owned property, administrative staff sends a notice to the lender indicating that registration is required.
4. Administrative staff schedules a Request to Verify to an inspector as an item on his/her daily activity report (DAR).
5. Within five days of receiving the Request to Verify, an inspector visits the property for an initial inspection.
6. The inspector makes note of any blight violations, including those that are on the street (to be referred to the Public Works Department).
7. The inspector checks the title information to verify the owner of the property.
8. The inspector takes photos of the property.
9. The inspector attaches photos and notes of inspection findings into the property's file.
10. If the inspector sees additional issues that need correction, such as criminal activity, he or she will issue a referral to the appropriate recipient.
11. If the property does not require blight abatement action, the process is ended.
12. If the property requires blight abatement action, the inspector will contact the lender's local agent and inform him/her of the issue.⁹
13. The administrative staff sends the Official Notice to Abate a Blight with a potential \$1,000 per day penalty to the lender's mailing addresses and to the recorded owner via USPS mail and certified mail. Included in the mailing is information about how to appeal the notice.
14. If the property owner or lender wishes to appeal the determination, he or she must file an Administrative Appeal Form with Building Services within 21 days of the initial Notice to Abate a Blight.
15. If the property owner does not appeal the determination, s/he must abate the blight within 10 days. Since the owner is given 21 days to appeal, staff takes no action until after the appeal period is over.
16. Typically, if the owner or lender does not appeal, the inspector will wait 30 days before returning to the property for a second inspection.

⁹ See footnote 3.

17. If the owner or lender does appeal, there are no inspections until the appeal is resolved.
18. If the owner or lender is successful in his or her appeal, the process is ended.
19. If the owner or lender is unsuccessful in his/her appeal, the inspector may return for a second inspection at any time after the appeal is denied.
20. If blight violations have been corrected prior to the second inspection, the process is ended. If the lender has not yet registered the property as a lender-owned property, the lender is still required to do so.
21. If blight violations have not been corrected prior to the second inspection, the inspector submits a request for a fee bill to the administrative staff and begins the bid process to hire a private contractor to abate the blight.¹⁰
22. Private contractors receive the scope of work and send their bids to staff. Typically, the contract is awarded to the lowest bid. The bid process takes two or three days.
23. Inspectors and administrative staff work together to create a performance agreement with the selected contractor to perform the scope of work.
24. Administrative staff members create a contract and award the selected contractor a Notice to Proceed. The selected contractor goes to the Property Enforcement Section's office to sign the contract prior to beginning work on the property.
25. A monitoring inspector inspects the property prior to the beginning of abatement work to ensure that the full scope of work is still necessary.
26. The contractor begins performing the work.
27. A monitoring inspector inspects the property during the work to ensure that the contractor is performing the scope of work as needed.
28. A monitoring inspector inspects the property after the contractor has completed work to ensure that the blight violations have all

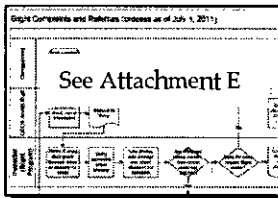
¹⁰For lender-owned properties, the process now escalates to a lender executive (see shaded area of process map in Attachment D). As a part of the program for lender-owned vacant properties, Building Services no longer arranges for abatement. The lenders themselves are responsible for conducting the cleanup. This process change negates process steps 21 through 31 of this report subsection, with the exception of imminent hazard issues where the lender is unresponsive.

been addressed. If blight issues remain, the monitoring inspector maintains contact with the contractor to assure that the work is completed. Monitoring inspections continue until all blight violations are abated.

29. The initial inspector visits the property for a final inspection.
30. The inspector provides administrative staff with a Request for Billing, which lists the unpaid fees incurred during the blight process, including inspection fees, administrative fees, any fees incurred during the appeal process, and contractor billing fees.
31. Administrative staff places a lien on the property, via Alameda County, for the amount owed¹¹.
32. After the blight violations have been abated, the process is ended.

Public Nuisance/Habitability Complaints

Attachment E provides a mapped depiction of this process.



1. Staff learns of a potential public nuisance/habitability issue directly from a complainant or through a referral from another City function.
2. Administrative staff logs the item and looks up property owner information.
3. Administrative staff members schedule a Request to Verify to an inspector as an item on his/her daily activity report (DAR).
4. Within five days of the date on the Request to Verify, an inspector arranges with the property occupant to perform an inspection. Inspection appointments are made in two-hour windows.
5. The inspector conducts the inspection, takes photos, and provides the occupant with his or her business card.
6. If the inspector sees additional issues that need correction, such as criminal activity, s/he will issue a referral to the appropriate recipient.
7. The inspector attaches photos and notes of inspection findings into the property's file, notifying administrative staff that the information is compiled.

¹¹ Oakland has instituted a policy to not place liens on foreclosed properties. The current process for foreclosed properties is to collect directly from the lender for costs incurred due to fees and abatement work performed, rather than placing a lien on the property. This aids new property owners in avoiding unforeseen costs when purchasing a foreclosed property.

8. If the property does not require abatement action, the process is ended.
9. If the inspector declares the property to be substandard, then the separate substandard declaration process is followed (see the Substandard Process description).¹²
10. If the property requires abatement action, administrative staff inputs the inspection data into the noticing system to create a Notice to Abate. The Notice to Abate includes all violations found on the property.
11. Within 10 days of the initial inspection, administrative staff sends the property owner the Notice to Abate via USPS mail and USPS certified mail. Included in the mailing is information about how to appeal the notice. The Notice to Abate contains a scheduled date for the second inspection (30 days from the notice date), by which the public nuisance/habitability issues must be corrected.¹³
12. If the property owner wishes to appeal the determination, s/he must file within 21 days of the initial Notice to Abate.
13. If the property owner does not appeal the determination, the inspector returns for the scheduled second inspection.
14. If the owner does appeal, there are no inspections until the appeal is resolved.
15. If the owner is successful in his/her appeal, the process is ended.
16. If the owner is unsuccessful in his/her appeal, the inspector returns for a second inspection on the scheduled date. If the previously scheduled date has passed due to the duration of the appeal period, the inspector will contact the owner or occupant to reschedule an inspection.
17. If the public nuisance/habitability violations have been corrected prior to the second inspection, the process is ended.
18. If the public nuisance/habitability violations have not been corrected prior to the second inspection, but the inspector determines that the owner has put forth a good faith effort to

¹² Oakland has revised the substandard declaration process. In the case of substandard declarations, if there is no urgent imminent hazard, the City is now able to engage in a more moderate approach. For these cases, staff no longer changes the title to show that the property is substandard (with a revoked certificate of occupancy), nor is a \$5,000 penalty assessed. Instead, the property owner receives a housing violation letter that shows the Notice to Abate with a list of the violations. If the owner fails to comply, then the original substandard declaration process applies.

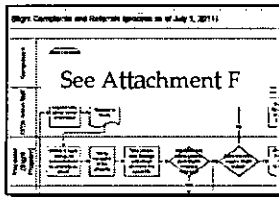
¹³ See footnote 4.

correct the issues, the inspector may allow the owner additional time to complete the work. The inspector schedules another follow-up inspection, the timing of which is subject to the supervisor's discretion.

19. An option for the owner at this time is to enter into a compliance plan, in which the owner and inspector agree on a specific plan for abatement, including milestone dates and needed inspections.
20. Upon the second inspection, if the public nuisance/ habitability issues are not abated and the owner has not put forth a good faith effort to correct them, administrative staff issues the property owner a fee charge for inspections and notifies him/her of the next scheduled re-inspection, set for as soon as two weeks from the fee charge notice.¹⁴
21. The inspector returns to the property for scheduled inspections until the public nuisance/habitability issues have been abated. If the property owner fails to put forth adequate effort to abate the issues, he/she is charged additional inspection and administrative fees for each inspection.
22. Once all public nuisance/habitability violations have been abated, the process is ended.

Tenant/Landlord Complaints

Attachment F provides a mapped depiction of this process.



1. A tenant issues a complaint to staff.
2. Administrative staff logs the item and looks up property owner information.
3. Administrative staff schedules a Request to Verify to an inspector as an item on his/her daily activity report (DAR).
4. Within five days of the Request to Verify, an inspector arranges with the tenant to perform an inspection. Inspection appointments are made in two-hour windows.
5. The inspector conducts the inspection, takes photos, and provides the tenant with his/her business card.
6. If the inspector sees additional issues that need correction, such as criminal activity, s/he will issue a referral to the appropriate recipient.

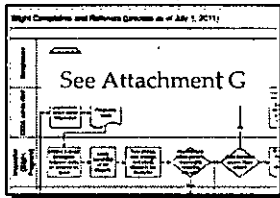
¹⁴ See footnotes 6 and 7.

7. If the property does not require abatement, the inspector will educate the tenant about other resources that may help address the original complaint, providing brochures or other materials if available. The process is then ended.
8. If the property does require abatement, the inspector attaches photos and notes of inspection findings to the property's file, notifying administrative staff that the information is compiled.
9. If the property does require abatement action, administrative staff inputs the inspection data into the noticing system to create a Notice to Abate, which includes all violations found on the property.
10. Within 10 days of the initial inspection, administrative staff sends the property owner the Notice to Abate via USPS mail and USPS certified mail. Included in the mailing is information about how to appeal the notice. The Notice to Abate contains a scheduled date for the second inspection (30 days from the notice date), by which the issues must be corrected.¹⁵
11. If the property owner wishes to appeal the determination, s/he must file an Administrative Appeal Form with Building Services within 21 days of the initial Notice to Abate.
12. If the property owner does not appeal the determination, the inspector returns for the scheduled second inspection.
13. If the owner does appeal, there are no inspections until the appeal is resolved.
14. If the owner is successful in his/her appeal, the process is ended.
15. If the owner is unsuccessful in his/her appeal, the inspector returns for a second inspection on the scheduled date. If the previously scheduled date has passed due to the duration of the appeal period, the inspector will contact the tenant to reschedule an inspection.
16. If the violations have been corrected prior to the second inspection, the process is ended.
17. If the violations have not been corrected prior to the second inspection but the inspector determines the owner has put forth a good faith effort to correct the issues, the inspector allows the owner more time to complete the work. The inspector schedules another follow-up inspection, the timing of which is subject to the inspector's discretion.

¹⁵ See footnote 4.

18. An option for the owner at this time is to enter into a compliance plan, in which the owner and inspector agree on a specific plan for abatement, including milestone dates and needed inspections.
19. Upon the second inspection, if the issues are not abated and the owner has not put forth a good faith effort to correct them, then administrative staff issues the property owner a fee charge for inspections and notifies him/her of the next scheduled re-inspection, set for as soon as two weeks from the fee charge notice.¹⁶
20. The inspector returns to the property for scheduled inspections until the issues have been abated. If the property owner fails to put forth adequate effort to abate the issues, he or she is charged additional inspection and administrative fees for each inspection.
21. Once all issues have been corrected, the process is ended.

Substandard Declarations (secondary process to blight, public nuisance/habitability, or tenant complaints)



Attachment G shows a mapped depiction of this process.

1. An inspector may declare a property substandard based on the severity of issues found during a property inspection.¹⁷ When this occurs, the inspector drafts the following documentation to support the substandard declaration:
 - Résumé of Activities (actions taken so far)
 - Prospective Lien and Special Assessment (only if no lien exists)
 - Condemnation Commencement Memo
 - Historic Preservation Memo
 - Administrative Penalty Assessment Summary (\$5,000)
 - Substandard Processing Form
 - Photographs
2. The administrative staff obtains a litigation report for the property.
3. The inspector re-verifies the property ownership. (Note: the initial ownership verification occurs immediately following the complaint, prior to the substandard determination.)

¹⁶ See footnotes 6 and 7.

¹⁷ See footnote 12.

4. The inspections supervisor reviews the case file to verify that the property should be declared substandard. If so, the inspections supervisor forwards the case file to administrative staff for substandard processing. If not, s/he notifies administrative staff they may terminate the substandard declaration. The property owner must still address any pending blight or public nuisance/habitability issues.
5. Administrative staff sends the owner and the current lender the Declaration of Public Nuisance – Substandard, which includes a \$5,000 citation.
6. An option for the owner at this time is to enter into a compliance plan, in which the owner and inspector agree on a specific plan for abatement, including milestone dates and needed inspections.
7. If the property owner wishes to appeal the substandard declaration, he or she must file an Administrative Appeal Form with Building Services within 14 days of the initial Declaration of Public Nuisance – Substandard.
8. If the owner is successful in his/her appeal, administrative staff members will terminate the substandard declaration. The property owner must still address any pending blight or public nuisance/habitability issues.
9. If the property owner does not appeal the substandard declaration or if the property owner's appeal was unsuccessful, administrative staff members record the Declaration of Public Nuisance – Substandard with Alameda County.
10. Alameda County alters the property title to show that it is substandard.
11. The inspector posts placards and the declaration letter at all entrances to the structure, photographing all postings.
12. Administrative staff attaches photos and inspector notes to the property's file.
13. If the owner has entered into a compliance agreement with the City, inspection monitors periodically visit the property, as agreed upon in the compliance plan, to verify that the abatement process is making adequate progress.
14. Administrative staff notifies the hearing officer and City attorney as necessary during the course of the process to aid in scheduling necessary reviews.
15. If the property undergoes repairs adequate to lift the substandard declaration, administrative staff removes the Declaration of Public Nuisance - Substandard. The County then in turn removes the substandard designation from the property. If non-substandard

issues still exist (i.e., blight or public nuisance/habitability issues), the property owner must still address any pending blight or public nuisance/habitability issues.

16. If the owner does not choose to enter into a compliance plan, or if the progress of abatement on the property is inadequate, then the inspections supervisor, in conjunction with the inspector, evaluates whether or not conditions warrant demolition.
17. If conditions do not warrant demolition, then the property follows the standard abatement process¹⁸ (contractor selection, abatement monitoring, and property owner billing, as shown in the blight and public nuisance/habitability processes). Once this effort is complete, staff removes the Declaration of Public Nuisance – Substandard. If non-substandard issues still exist, the property owner must still address any pending blight or public nuisance/habitability issues.
18. If conditions warrant demolition, the inspector drafts the Order to Remove Personal Property letter and begins steps for possible Demolition and Civil Penalty processing.¹⁹

Process Changes since July 2011

Since July 2011, Property Enforcement staff members have changed a number of its processes in an effort to make improvements prior to a more comprehensive program redesign. The most significant of the process changes are as described below.

- ***Expanded referral services.*** Staff engages in greater efforts to refer qualifying property owners to City housing and outside resources that may provide assistance before the City decides to abate a violation.
- ***Self-certification for abatement of minor blight violations.*** For blight violations, such as visible trash, the City now sends a courtesy letter to the property owner instead of sending an inspector immediately. If the owner self-certifies that the blight is abated within two weeks, the City takes no further action. This

¹⁸Building Services plans to revise and redesign its former receivership program as an alternative to enforcing the standard abatement process or demolition of substandard and problem properties.

¹⁹Additional approvals are required prior to demolition abatements. The City Administrator is required to approve all demolitions, and the City Attorney's office now provides a case review to verify that all requirements have been met.

helps property owners avoid City enforcement action and allows Building Services to focus resources on more significant issues.

- ***New blight notice posting.*** For blight issues that an inspector has verified, the inspector places a blight poster on the property with staff contact information. If the owner is proactive in contacting Building Services and correcting the violation(s), s/he can avoid receiving the Notice to Abate a Blight. If the property is vacant and lender-owned, then the Notice to Abate a Blight is sent at the same time that the poster is placed on the property.
- ***Revised substandard declaration process.*** In the case of substandard declarations, if there is no urgent imminent hazard, the City is now able to engage in a more moderate approach. For these cases, staff no longer changes the title to show that the property is substandard (with a revoked certificate of occupancy), nor is a \$5,000 penalty assessed. Instead, the property owner receives a housing violation letter that shows the Notice to Abate with a list of the violations. If the owner fails to comply, then the original substandard declaration process applies.
- ***Suspension of prospective liens.*** The lien process has changed in that there is a halt on non-financial prospective liens, which had been used to indicate that the property has existing outstanding issues.
- ***Change in priority lien process.*** Priority liens, which the City uses to collect late payments owed, are now only allowed after the City documents notification efforts to the property owner and the failure of the property owner to comply.
- ***Foreclosed property abatements.*** As a part of the program for lender-owned vacant properties, Building Services no longer performs property abatements. The lenders themselves are responsible for conducting the cleanup, with the exception of imminent hazard issues where the lender is unresponsive.
- ***No liens placed on foreclosed properties.*** The current process for foreclosed properties is to collect money owed to the City directly from the lender for costs incurred for fees and abatement work performed, rather than placing a lien on the property. This aids new property owners in avoiding unforeseen costs when purchasing a foreclosed property.
- ***Additional approvals required prior to demolition abatements.*** The City Administrator is required to approve all demolitions, and the City Attorney's office now provides a case review to verify that all requirements have been met.

- ***New abatement bidding model.*** Staff members are exploring how to select one or more abatement firms or nonprofit organizations through competitive processes to conduct abatement work over a span of time, such as one to three years.
- ***Receivership program.*** Staff members have indicated they intend to revise and redesign the former receivership program as an alternative to enforcing the standard abatement process or demolition of substandard and problem properties.
- ***Suspension of an internal appeals process.*** In response to concerns raised by the Grand Jury report, the City placed a moratorium on all appeals in June 2011 and later began using an outside Hearing Examiner to administer blight-related appeals. The City now plans to expand the scope of the existing Housing Residential Rent-Relocation Board to cover code enforcement appeals related to blight.

Revised Notices and Forms

At the beginning of this improvement project, staff was interested in reforming current business practices, as well as making immediate improvements to how the Property Enforcement Section communicated with property owners.

Management Partners was asked to review the notices and forms for the City's Blight Ordinance and make recommendations to improve the clarity of communicated information. The four primary notices/forms for the blight process are:

1. Courtesy Notice (based on initial complaint)
2. Property Owner Certification (for corrected violations)
3. Notice to Abate
4. Appeal Form

We completed our analysis of these documents and provided recommended revised notices and forms to the City in November 2011. Staff accepted our recommendations and began using the revised notices and forms in the following month, December 2011. At the time this report was drafted, we were informed that staff has made subsequent revisions in an effort to further improve communication practices.

Recommended notices provided by Management Partners were intended as an intermediate step to improve communication and customer relations. The notices did not alter existing practices or policies, nor did they change the current fee and fine assessment processes. Further revisions and/or new notices will be needed if the City adopts a new code enforcement model and/or decides to change business practices.

In general, the changes to the recommended notices accomplish the following:

- More clearly articulate the problem (or potential violation) that needs to be corrected.
- Encourage property owners to correct violations and contact an inspector before fines and fees are assessed.

- Utilize less regulatory language, while providing additional text to explain process steps and City requirements.
- Provide instructions on the forms to clarify process and submission details.

The original notices and forms (in existence prior to July 2011) and recommended notices and forms listed below are provided as attachments to this report.

- Attachment H: Prior Courtesy Notice of Potential Blight Violation (based on initial complaint)
- Attachment I: Recommended Courtesy Notice of Potential Blight Violation (based on initial complaint)
- Attachment J: Prior Property Owner Certification Form (for a corrected violation)
- Attachment K: Recommended Property Owner Certification Form (for a corrected violation)
- Attachment L: Prior Notice to Abate Blight (Blight and Zoning Violations)
- Attachment M: Recommended Notice to Abate Blight (Blight Violations, only)
- Attachment N: Prior Code Enforcement Violation Appeal Form
- Attachment O: Recommended Code Enforcement Violation Appeal Form

Best Practices

As the recommended process and business practice changes for the Property Enforcement Section are reviewed, it is important to note that the goal of this project was to specifically focus on suggestions for improvement. Where the City has already made or is in the process of making relevant changes affecting issues being discussed, an attempt has been made to point them out.

In this portion of the report, we discuss areas of improvement for the Property Enforcement Section. Where appropriate we highlight a best practice that was observed in one or more peer jurisdictions. We also provide recommendations for improvement that we believe are appropriate for Oakland's code enforcement services.

Issues areas are addressed in the following categories.

- Customer Service
- Appeals Process
- Financial and Personnel Resources
- Fees

Customer Service

Noticing Practices

Prior to July 2011, the City of Oakland's process for providing notice to potential violators included only two notices to homeowners. The first document to property owners was the Notice to Abate (a blight or public nuisance/habitability issue). The second (if there was not an appeal to the Notice to Abate and the property remained out-of compliance) was an invoice that contained a recitation of the fines and fees that had been assessed as well as a charge for the abatement action, if such as action occurred.

Prior to the start of this project, the City was already working on making changes to noticing practices. To date, the City has instituted an initial 21

(calendar) day courtesy notice for all minor blight, minor zoning and minor right-of-way violations. In addition, staff has added a “blight posting” process, where a poster is placed on the property to inform the occupants of the blighted conditions and provide contact information to the Property Enforcement Section.

While not all of the peer jurisdictions have a posting requirement (most send reminder letters or postcards via mail), all provide courtesy notices. Table 5 shows the standard duration of the courtesy notice periods now in effect in Oakland and the peers for code enforcement violations that do not pose an imminent hazard.

Each city, including Oakland, reserves the right to waive the courtesy notice period if the initial complaint suggests that the violation may pose an imminent hazard or otherwise threaten the safety of the community or occupant of the property. In addition, some cities have created a list of special violation categories that have different courtesy notice periods. For example, while Anaheim provides a standard 30-day notice period, the City has decided that the courtesy notice period for abandoned vehicles is 10 days and graffiti violations is 5 days.

In Oakland the standard 21-day courtesy notice period is applied to minor blight, minor zoning and minor right-of-way violations. Definitions of the minor violations in Oakland are provided below.

- Minor blight: Includes nuisance violations related to litter, illegal dumping, weeds, etc.
- Minor zoning violations: These could include unapproved uses and facilities on residential and commercial properties, such as excessive paving and fence height, commercial use of residential properties, nuisance noise and lighting, illegal advertising, etc.
- Minor right-of-way violations: These include unauthorized use of public streets and sidewalks and may include violations that stem from news racks, merchandise displays, mobile food vending, etc.

Table 5. Standard Courtesy Notice Periods for Code Enforcement Violations Not Posing an Imminent Hazard (shown in Calendar Days)

Oakland	Anaheim	Long Beach	San Jose	Sacramento	Fresno
21 days	30 days	30 days	15 days	30 days	14 days

The addition of the courtesy notice and the blight poster are positive improvements to the business practices of the Property Enforcement Section. They help to mitigate serious customer service issues associated with the prior process when property owners might only receive one notice before Oakland initiated abatement procedures. Nevertheless, we have identified additional improvements that could benefit the current noticing process.

- Pre-abatement letters do not clearly inform property owners that the City may hire a contractor to abate conditions on their property.
- Property owners are not explicitly notified when the City has decided to hire a contractor to abate conditions on their property, nor are they provided with target date(s) when the abatement will occur.

Recommendation 1. Add language to all notices that clearly informs property owners that the City may hire a contractor to abate conditions on their property. While the City of Oakland's notices contain general statements that provide forewarning of potential fines and fees, there is not explicit language to inform property owners that the City may enact their right to abate nuisances and hazardous conditions on private property.

Current language in the City of Oakland's blight posting notice reads

If we do not receive this appeal (no charge) within 3 weeks of the mailing date or you do not correct the violations within 4 weeks, we may charge you for administrative and removal costs and may lien your property and add the charges to your property taxes for collection.

Language in the City of Oakland's notice to abate letters, prior to November 2011, stated that that "failure to comply with this order by the compliance due dates(s) for noted hazards [and] non hazards, may result in re-inspection fee charges, all required enforcement costs, permits and related fees."

Current language, as of January 2012, in the City of Oakland Notice of Violation (formally called a notice to abate), reads

If you do not return the Owner Certification form or notify your inspector why you cannot comply and if the re-inspection verifies that all violations have not been corrected, you may be charged for inspection and administrative costs, which can total

thousands of dollars. The City may also abate the violations and charge you for the contracting and administrative costs, which can also total thousands of dollars. Charges may be collected by recording liens on your property and adding the charges to your property taxes or by filing in Small Claims or Superior Court.

While the current notice has been revised to notify a property owner that the City may abate violations, charge for the cost, and assess administrative fees, no detail is provided about specific charges other than a vague reference to "...can total thousands of dollars." Notices in the peer cities typically provide a specific reference to the primary fee (or citation) that will be charged by the city.

The following wording from a City of Sacramento notice is provided as an example of clear and explicit language notifying the owner that the City may take actions to abate conditions on a given property.

It is very important that you clean-up, remove, repair, or cease unlawful use of said property within the specified time period. If you fail to do so, the City must take action which would entail charging you, the property owner, an enforcement fee of \$690.00. This fee will be in addition to other related fees. The city may also take action which will ultimately lead to the abatement of said nuisance with the cost of the abatement assessed against the property owner and/or the property as a lien.

Language in a Notice to Abate Hazardous and Dangerous Conditions for the City of Long Beach reads:

Abatement of said conditions will be accomplished by either City staff or a private contractor, and all costs and expenses incurred by the City and its staff or a private contractor, and costs billed at the current rate of \$103 per hour, shall be come an indebtedness of the owner and a lien will be placed upon said property.

Both peer examples provide greater clarity than Oakland's current notices.

Recommendation 2. Revise language in the current Notice of Violation to inform the owner of the primary fee (or citation) that will be charged by the City.

Management Partners suggests the following language.

If you do not return the Owner Certification form or notify your inspector why you cannot comply and if the re-inspection verifies that all violations have not been corrected, you may be charged for inspection a \$396 fee for each re-inspection and other administrative costs which can total thousands of dollars. The City may also assign staff or hire a contractor to abate the violations on your property and charge you for the abatement costs as well as contracting and additional administrative costs which can also total thousands of dollars. Charges may be collected by recording liens on your property and adding the charges to your property taxes or by filing in Small Claims or Superior Court.

Recommendation 3. Implement a process to provide a Notice of Pending Abatement to notify property owners that the City has decided to abate conditions on their property. The notice should use clear, simple language and provide a target date(s) that the abatement will occur.

While the current process includes three written notices (a courtesy notice, a blight posting, and a notice to abate), property owners are not explicitly notified, in writing, that the City has decided to hire a contractor to abate conditions on their property. This decision is made after the Notice to Abate (or Notice of Violation) is issued and after multiple (at least two) inspections have taken place.

A best practice is to provide property owners with a final warning and formal notification that the City will enter their property and abate a violation. The City of Sacramento implements this best practice by requiring a Code Enforcement Officer to attempt contact with the property owner or tenant and/or post a notice on the property 24-hours before the abatement occurs. The City of Long Beach uses a different process, but the intent is the same. Final notices (or postcard reminders) are sent via mail before an abatement takes place in Long Beach.

Table 6 shows past noticing practices in Oakland for blight violations as well as current and recommended practices. The table shows that prior to July 2011, property owners might receive only one notice before they receive an invoice. The invoice would contain charges for administrative fees, re-inspection fees and abatement actions, if applicable. As mentioned above, since July 2011, the Property Enforcement Section has added a courtesy notice and a blight posting notice. Management

Partners recommends an additional notice of pending abatement as a final communication to property owners before an abatement action occurs (see Recommendation 3 above).

Table 6. Oakland's Minimum Noticing Practices for Blight Violations

Notices	Prior to July 2011	Current	Recommended
Courtesy Notice		X	X
Blight Posting		X	X
Notice to Abate a Blight	X	X	X
Notice/Posting of Pending Abatement			X
Invoice (includes abatement charges, if applicable)	X	X	X

Communicating the Status of Code Violations

Property Enforcement Section staff members are interested in improving how they communicate with customers that report a potential violation of City's municipal code. Staff expressed a desire to send a "thank you" note or let customers know that the City takes the issue that they reported seriously and is working to address the issue with the appropriate property owner(s). The need for this communication loop is to avoid the feeling that the reported issue has entered a "black hole." While some individuals chose to not leave their name and contact information, others are interested in knowing the City's progress in addressing the issue.

Our best practice research showed that some cities (San Jose and Long Beach) have business processes that involve sending confirmation letters and reply cards to complainants. These processes, while effective in notifying complainants that actions have been taken, are not the most efficient from a personnel and resource perspective.

Among the most efficient processes that we observed were web pages that allow anyone to check the status of an active or closed code enforcement case, provided they know the property address or the case number. Among the peers surveyed for this report, the cities of Anaheim, Sacramento and San Jose provide this public access tool for code enforcement cases. The respective web addresses are provided below.

- City of Anaheim
http://permits.anaheim.net/tm_web/cod/inquirecod.asp
- City of Sacramento
<http://www.cityofsacramento.org/dsd/code-compliance/>

- City of San Jose
<http://www.sanjoseca.gov/codeEnforcement/cets/index.asp>.

Recommendation 4. Develop an online database that provides information status updates for code enforcement activities on private property. This webpage should be established during the transition to Accela, a new permit tracking system that is current being implemented. Accela has a citizen access component that can be used to serve this function. (Additional information on Accela is provided later in this report in the section discussing the use of technology.)

Appeals Process

At the beginning of this project, staff members in the Property Enforcement Section had already begun to address the issue of creating a neutral appeals process for blight violations. The lack of a neutral process was highlighted in the Grand Jury report. The Property Enforcement Section has historically used an internal appeals process for non-substandard housing cases. When a property owner appealed a blight code enforcement action, the decision was made by personnel within the Property Enforcement Section. The City placed a moratorium on all appeals in June 2011 and delayed further penalties on pending blight appeals until a new independent appeal process was implemented.

It should be noted that the City has a history (dating back to 1958) of using an outside Hearing Examiner for appeals related to substandard housing declarations. Currently the City contracts with a private sector attorney who has a background in arbitration to serve as the outside Hearing Examiner.

The Property Enforcement Section is currently developing an independent appeals process for blight issues and is developing a proposal to expand the scope of the existing Housing Residential Rent-Relocation Board²⁰ to include hearings relating to non-structural code enforcement violations and fee charges. In addition, the City has begun to use an outside Hearing Examiner to process the backlog of appeals that has been created since the moratorium on blight appeals was instituted.

²⁰The Housing Residential Rent-Relocation Board hears appeals from Rent Adjustment staff decisions, recommends regulations for, and changes to, the Rent Adjustment Ordinance, and adopts regulations for implementation of the Just Cause for Eviction Ordinance and Oakland's Ellis Act Tenant Protections. The Board also hears appeals related to Code Compliance Relocation Payments.

Management Partners surveyed appeals practices in the peer jurisdictions. Both models proposed by staff in Oakland, that of an independent hearing officer and an outside board, are used by the peers. Table 7 shows the appeal hearing bodies in the peer cities.

Table 7. Appeal Hearing Bodies in Peer Cities

City	Appeal Hearing Body	Areas of Responsibility
Anaheim	Hearing Officers (two to three employees from other departments)	All code enforcement related appeals (violation and fee/billing issues)
San Jose	Hearing Appeals Board	All code enforcement related appeals (violation and fee/billing issues)
Sacramento	Independent Hearing Officer for non-structural issues (non-employee)	Non-structural code enforcement related appeals (violation and fee/billing issues)
	Housing Board for structural issues	Structural issues relating to substandard buildings (violation and fee/billing issues)
Long Beach	Board of Examiners, Appeals and Condemnation (non-employee Administrative Hearing Officers)	All code enforcement related appeals (violation and fee/billing issues)
Fresno	Administrative Hearing Officer (non-employee)	All code enforcement related appeals (violation and fee/billing issues)

Since the City's Property Enforcement Section is already moving towards developing an independent hearing body, which reflects best practices that Management Partners identified in peer cities, no further recommendations are necessary in this area.

Financial and Personnel Resources

By comparison, the City of Oakland has fewer personnel resources dedicated to code enforcement services than do peer jurisdictions. Table 8 illustrates this by showing staffing for code enforcement services in Oakland and the peer cities.

Table 8. Comparative Data on Code Enforcement Staffing

Comparisons	Oakland	Anaheim	Fresno	Long Beach	Sacramento	San Jose
Total Code Enforcement Staff	21.75	26	51.5	35	61	77
Population	392,932	341,034	500,121	463,894	469,566	958,789
Code Staff per 1,000 population	0.06	0.08	0.10	0.08	0.13	0.08

Oakland has the fewest number of code enforcement employees with 21.75, followed closely by Anaheim with 26. When examined as a ratio of staff per 1,000 population, Oakland is also lowest with 0.06 employees. Anaheim, Long Beach and San Jose all have 0.08.

Oakland must utilize its resources in the most efficient manner, while providing effective code enforcement services to improve and maintain the quality of its neighborhoods and business districts. Prioritizing the types of code violations and adjusting the response protocols is important in this time of scarce resources.

Staff has outlined plans for programs that are intended to proactively address major public safety and health problems as an alternative to the current system of reacting to complaints received. These changes are envisioned as a way to approach some of Oakland's larger code enforcement issues with reduced public resources. The proposed programs focus on blighted foreclosed properties, public safety, multiple-family substandard properties, a public health pilot program and commercial corridors.

Setting Code Enforcement Priorities

Oakland's Property Enforcement Section operates as an enterprise business activity, which means that it must recover enough revenues to fund its operations. This is done through the use of special revenue sources such as Community Development Block Grant funds and charging fees and penalties for activities performed by staff.

In our discussions with the peer agencies, many noted challenges from the recent economic recession and stated that they have had to re-prioritize their enforcement activities and concentrate on programs that provided higher levels of cost recovery.

For example, the City of Fresno recently developed a modified process for minor, non-life threatening violations on private property. These lower priority violations, which are mainly reported through citizen complaints, are only addressed administratively using mailed notices until a second complaint is received.

Following a complaint received in Fresno, a letter is sent to the property owner to alert them of the alleged violation. The letter, which is similar to a Courtesy Notice (described above), requests compliance, provides contact information for City staff, and lists the penalties for non-compliance. The City only assigns an inspector to the case after 30 days

and a second complaint, or if there is information in the initial complaint that suggests that the matter poses an immediate risk to public safety. Management staff in Fresno noted that this process has decreased the workload of inspectors and therefore saves scarce resources for other, more important uses. Fresno reported that they were also able to reduce the overall personnel count in the division.

In Fresno, 28 types of minor and non-life threatening code violations are handled using a streamlined process. With a first complaint, a letter is sent and no inspections are made. These code violations are summarized into the following six categories.

- Blighted conditions
- Fencing: maintenance, construction or height violations
- Home auto or boat repair
- Junk and debris
- Landscaping violations
- Vehicle storage in a residential district (boats, semi-trucks, motor homes, etc.)

In June 2011, the City of San Jose Code Enforcement Division modified their response to several violations. This was driven by the need to realign their service model in light of reduced available staff resources. Previously, routine complaints for zoning violations, property blight, excessive signage, graffiti, early set out of yard waste, lawn parking, and other similar conditions, would receive a field inspection within 10 to 15 days. Under the new service model, these complaints no longer receive field inspections. Instead, two letters are sent: one to the alleged violator notifying him/her of the possible violation and another to the complainant along with a pre-printed postcard asking them to inform the City within 60 days if the conditions have or have not been corrected. Appendix 1 provides a staff report from the City of San Jose that describes their modified process and explains how they will communicate with home owners.

Each agency must determine which first-time violations are appropriate for an administrative only process. At the beginning of this project, the Property Enforcement Section inspected nearly every alleged violation, including complaints of garbage and recycle receptacles that were routinely left out on the curb 24 hours after the schedule pick-up day.

Recommendation 5. Revise the process for addressing minor and non-life threatening violations. Given limited resources, minor and non-life threatening violations can be

handled by notices from administrative personnel on the first violation. This process is different from that being used currently, which provides a 21 day courtesy notice for minor violations and an inspection if the property owner does not respond. Under this recommendation, most minor violations would not be assigned to inspection staff until a second complaint is received. Staff members have indicated this change is planned.

Implementing the above recommendation will allow the City to concentrate on high value issues that impact public safety. In doing so, the City should review its general definitions of minor blight, minor zoning, and minor right-of-way conditions and develop specific language to articulate which will be handled by administrative personnel on the first violation.

Improving the Process of Selecting Abatement Contractors

In 2011, the Property Enforcement Section conducted 182 abatement actions on properties in Oakland. The current business process for abatement actions is described above and is referenced on the process maps. The process of selecting contractors to abate violations is labor-intensive and requires a constant commitment of resources, which unnecessarily increases the workload of both administrative support and inspection staff. After the Grand Jury report was released, the City's emergency abatement process was suspended because of concerns about the contracting process which allowed inspectors to award bids to contractors in the field.

The process to award abatement contracts involves a continuous contract bidding process for routine abatement actions (i.e., landscape maintenance, board-ups, and debris removal). Below is a high level summary of the process:

- a. Wednesday and Thursday: Inspectors turn in bid packets that have been approved by supervisors for each property requiring abatement. Details and photo documentation of the conditions that need to be abated are provided.
- b. Thursday and Friday: Support staff prepares and releases bid announcements to potential contractors
- c. Saturday and Sunday: Potential contractors inspect properties and develop bids.
- d. Monday: Inspector verifies site conditions and bids are submitted.

- e. Tuesday: Bids are opened, reviewed, and contracts are generated.
- f. Wednesday: Abatement contracts are awarded.

A best practice for selecting abatement contractors can be found in the City of Fresno, which uses a request for qualification (RFQ) and maintains an open bid process for contractors to become certified with the Code Division at any time. Certified contractors are used on a rotating basis to ensure that no one contractor receives a larger proportion of the work. In addition, the City has been able to predict and control its abatement costs because certified contractors agree to the City's established rates for public nuisance and weed abatement activities.

Fresno also has a process for invoice payment that requires contractors to provide photo documentation before, during, and after the abatement occurs. Fresno conducts two inspections related to abatement activities, one before and one after. As reference material, the Fresno "request for proposal for qualification of contractors for weed abatement and/or public nuisance abatement" and their "public nuisance and weed abatement rate schedule" are included as Appendices 2 and 3, respectively.

While the Fresno process represents a best practice, the City of San Jose uses a different process that is also a best practice. San Jose's process requires fewer staff resources to administer. Instead of an RFQ process that certifies and awards contracts to multiple contractors, the City of San Jose has a bi-annual RFQ process to select a single contractor for all board-up abatements and another contractor for clean-up abatements.

Recommendation 6. Develop a list of approved contractors for routine abatement actions through a request for qualification (RFQ) process by the City's central Department of Contracting and Purchasing. The City should certify as many contractors as are qualified through a professional RFQ process and use them on a rotating basis.

It should be noted that staff has already proposed to develop a request for proposals process for abatement contracts at the start of next fiscal year. In addition, we believe that contracts with certified firms should include a negotiated, standard pricing schedule for landscape work, board-up activities, and debris removal. This model will also allow the City to resume emergency abatements, as it

will always have a list of pre-approved vendors at a set rate. As noted above, the Fresno “public nuisance and weed abatement rate schedule” can be used as a model. This schedule can be found as Appendix 3.

The City of Anaheim takes another approach and does not perform abatement actions on private property. Staff in Anaheim feel that their efforts to notice and levy charges on property owners provides a sufficient compliance rate, so the City does not undertake the risk and costs associated with abatements activities. Of the 54,856 cases Anaheim code enforcement opened in FY 2010/11, 91% (or 49,892) of the properties were brought into compliance after the property owner received one or two notices in the mail.

Expanding the Use of Technology

In March 2011, the Oakland City Council approved a needed upgrade of the existing Permit Tracking System (PTS) used for permits, code enforcement, planning and inspections. In a staff report requesting approval of the \$5 million project, staff noted that “the ability to efficiently process and record information and documents essential to these permits and inspections has decreased due to the age of the PTS software. In addition, there has been an increased demand for capabilities that will facilitate access to these services via the Web. These requirements cannot be met with the existing PTS solution.”

The City selected a software program, Accela, to replace PTS. In the same report, staff noted that Accela

will streamline the inspections, permitting, and cashiering processes, facilitate code enforcement, facilitate an ‘in the field’ automated emergency response capability, accommodate future inclusion of other City agencies and departments, and most importantly, will provide an online web interface to all segments of the population.

During the course of Management Partners’ work conducting the analysis in this report, implementation of Accela was ongoing. The City is scheduled to begin using the code enforcement component of the system in June 2013.

While Management Partners’ recognizes that the City is working with Accela to improve technology and the tracking of code activities, our interviews with code enforcement staff in Oakland revealed current inefficient practices related to the lack of (or limited) use of technology

and the inconsistent workflow practices. Below we discuss two areas of improvement: processing of notices and redundancies in the inspection process. These inefficiencies are not exclusively related to the current permit tracking system.

Processing of Notices

As the business process mapping section of this report discussed, the City's process for generating notices involves collaboration between the inspection staff and administrative support personnel in the Inspection Support unit. After conducting a field inspection, inspectors are to input the results and required next steps into the code enforcement module of the City's Permit Tracking System (PTS). Next, if a notice to the property owner is required, inspectors are to generate the notice and provide it to support staff for mailing and scanning.

Through interviews with staff we learned that the consistency of this practice varies greatly among inspectors, with some relying on support staff to generate their notices. When we asked for the reason for the deviation we were told that some members of the inspection staff are not comfortable using the provided technology. This was verified through discussions with management personnel in the Building Services Division.

Recommendation 7. Mandate that all inspectors use the intended technology and can perform assigned tasks as expected. As part of the Accela implementation, the City has designed a comprehensive training program that includes cognitive behavioral training sessions and other in-person and electronic training classes. In addition to training on Accela, all staff should be knowledgeable and proficient in the other computer-based systems used in code enforcement.

Eliminating Redundancies in the Inspection Process

Existing data tracking and inspection reporting practices are primarily manual, paper based processes, which require staff time to generate and repopulate into the City's electronic systems. For example, each day inspection staff members complete daily activity reports on paper, which are submitted to the administrative unit for data entry. In addition, the existing technology requires staff to print an extra copy of each correspondence sent to a property owner and scan it back into the City's

computer systems for archiving. This practice provides the City with a history file of all correspondence, but it is essentially a workaround that requires additional resources and does not take advantage of new technology that eliminates the redundant process of recording results on paper and then entering the data into an electronic system. The new systems also have the ability to automatically archive notices and other documents.

As noted above, the City is working to improve its use of technology. Implementation efforts for Accela are underway and should alleviate some of the inefficiencies that now exist. The City also has plans to provide inspectors with mobile computers so they can access the new Accela system wirelessly. This equipment is essential if the efficiency benefits from the new Accela system are to be fully realized.

In our survey of peer cities, every agency has or is working to provide field inspectors with mobile computers. Some also provide wireless access to permit tracking systems (or at a minimum the ability to input data electronically in the field which is automatically uploaded to the permit tracking system immediately or when inspectors return to the office). The cities of Anaheim and Sacramento also provide mobile printers that allow inspectors to generate notices in the field. Table 9 provides a summary of the technology that is provided to field inspectors in Oakland and the peer cities.

Table 9. Technology Provided to Inspectors in the Field

Equipment	Oakland	Anaheim	Long Beach	San Jose	Sacramento	Fresno
Cell phone	X	X	X	X	X	X
Camera	X	X	X	X	X	X
Mobile computer	X, planned	X	X	X (50%)	X	X
Mobile Printer		X			X	

Recommendation 8. Analyze the impact and efficiency gains from providing inspectors with printers after the initial Accela implementation. Realigning business practices and providing the accessory technology (such as mobile printers) to accompany the new Accela system will produce efficiencies throughout code enforcement services and result in higher productivity. For example, in some cases inspectors currently travel to a property to confirm a violation, return to the office to print a notice, and return

to the property to post the notice on a property. The addition of a mobile printer will save time and eliminate steps in this process.

The Property Enforcement Section has recently acquired iPhones for its inspectors and is working with Accela to implement Accela Mobile Office. This will allow inspectors to wirelessly connect and update code enforcement cases. The iPhone devices replace the existing cellphones and cameras that were used by inspectors. When fully configured, the photos of violations should automatically and wirelessly upload to the appropriate case files within Accela. The iPhone devices are not a substitute for mobile computers and printers that will allow inspectors to eliminate redundant data input practices, print notices in the field, and perform other tasks currently performed in the office, thereby reducing multiple site visits.

Revenue and Fee Structures

Unlike most of the peer jurisdictions, code enforcement services in Oakland are funded primarily through revenues generated from code enforcement activities. These revenue sources are charges to property owners that include administrative fees, fines, penalties, and reimbursements from abatement activities. In addition, Community Development Block Grant (CDBG) funds and Redevelopment Agency monies have been used to support code services, but as Table 10 shows, the dollars from these funding sources make up a relatively small portion of total revenues.

Table 10. Funding Sources for Code Enforcement Services in Oakland

Funding Source for Code Enforcement Services	FY 2011-12 Budget	FY 2010-11 Est. Actual
Code Enforcement Revenue ¹	\$4,838,971 ²	\$8,565,364 ²
Other Revenue Sources		
Community Development Block Grant (CDBG)	0	\$150,000
Redevelopment Agency	\$187,368	\$239,724
Total	\$5,026,339	\$8,955,088

¹Includes revenue from code enforcement administrative charges or fees such as inspection fees, document fees, administrative fees for contracted work, program registration charges (i.e. vacant/foreclosed building program registration fees), lien removal fees, and other charges that aim to recover the cost of administrative actions related to code violations. Also includes revenue from code enforcement fines and penalties such as late payment charges, failure to register penalties, and other fines for failure to comply or remit payment for charges associated with code violations and revenue from abatement reimbursement charges.

²The FY 2010-11 Estimated Actual Revenue figure includes approximately \$3.7 million that was remitted to the City from liens that were assessed in prior years, but not paid until FY 2010-11. The FY 2011-12 Budget figure does not include an estimate of how much revenue may be received from prior liens.

Table 10 shows that in FY 2010-11 Oakland applied \$150,000 of CDBG funds to code services and that number dropped to zero in the current budget year (FY 2011-12). The only outside funding source for code services in this year's budget is from the City's Redevelopment Agency in the amount of \$187,368. Next year, this funding source will not be available due to the dissolution of California Redevelopment Agencies. Therefore, unless Oakland changes its funding structure, it is likely that all of the funds needed to support code services will come from sources that are generated within Property Enforcement Division (such as administrative fees, fines, penalties, and reimbursements from abatement activities).

Management Partners asked peer jurisdictions to provide a breakdown of their code enforcement division revenue. This information is provided at the summary level in Table 11.

Table 11. Funding Sources for Peer Code Enforcement Services in FY 2011-12

Funding Source for Code Enforcement Services in FY 2011-12	Oakland	Anaheim	Long Beach	San Jose	Fresno	Sacramento
Code Enforcement Revenue ¹	\$4,838,971	\$510,579	\$1,527,995	\$6,981,569	\$2,425,000	\$4,412,655
Other Revenue Sources						
General Fund Allocation	0	898,888	2,917,209	649,908	0	2,762,974
Community Development Block Grant (CDBG) Funds	0	1,680,000	1,140,685	1,793,630	2,867,200	250,000
Miscellaneous Sources	187,368	1,420,347	1,524,472	0	2,308,000	450,230
Sub-total of Other Revenue Sources	187,368	3,999,235	5,582,366	2,443,538	5,175,200	3,463,204
Total	\$5,026,339	\$4,509,814	\$7,110,361	\$9,425,107	\$7,600,200	\$7,875,859

¹Includes FY 2011-12 revenue from code enforcement administrative charges or fees such as inspection fees, document fees, administrative fees for contracted work, program registration charges (i.e., vacant/foreclosed building program registration fees, if applicable), lien removal fees, and other charges that aim to recover the cost of administrative actions related to code violations. Also includes revenue from code enforcement fines and penalties such as late payment charges, failure to register penalties, and other fines for failure to comply or remit payment for charges associated with code violations and revenue from abatement reimbursement charges.

As Table 11 shows, three of the five peers (except San Jose and Sacramento) receive the majority of their revenue from sources outside the code enforcement division, including general fund support, CDBG, and other miscellaneous sources. The miscellaneous sources include park

funds, taxi franchise fees, inoperable vehicle fees, sanitation funds, graffiti restitution funds, redevelopment agency support, health funds, and housing funds.

It should be noted that, while the majority of code enforcement revenue in San Jose is generated from fee charges, the fees are largely paid by commercial businesses and owners of multi-family residential structure (triplexes and above). For example, the Code Enforcement Division in San Jose receives significant revenue from a Solid Waste Enforcement Fee (paid by trash haulers) and inspections of multifamily structures, tobacco retailers, automobile dismantlers, and alcohol retailers.

As a result, the only peer jurisdiction that has a similar funding structure to Oakland, which uses charges to residential property owners as the primary funding source for code enforcement services, is the City of Sacramento. In addition, we note that during the peer interviews for this project, staff at the City of Sacramento stated that they have begun to research new funding sources outside of the current revenue that is received from charges to property owners.

Recommendation 9. Seek non-traditional (i.e., third-party) funding sources to support code enforcement services. Doing so will reduce reliance on revenue sources such as administrative charges, fees, fines, penalties, and reimbursements from abatement activities.

Table 12 provides a brief comparison of the most common code enforcement fees in Oakland and the peer cities. These data show that the rate structures vary significantly among the jurisdictions. Some have hourly charges based on the city's average or weighed personnel cost, some have flat fees, and others have fees per item (e.g., per document, per inspection, or per violation).

Such fees are separate from penalties for late or non-payment and reimbursement of abatement costs that are also charged to property owners. Often, the penalties, late fees, and reimbursement charges can be the largest portion of charges assessed to property owners. A full list of Oakland's fees can be found in Appendix 4.

Table 12. Sample Code Enforcement Fees in Oakland and Peer Cities

Fee Category	Oakland	Fresno	Anaheim	Sacramento	Long Beach	San Jose
Document Fees (order, invoice, notice, declaration, lien release, termination, etc.)	\$297 for preparation per document	\$100 per hour, plus \$100 administrative fee	Civil Citations: \$100, 1 st offense \$200, 2 nd offense \$500, subsequent offenses	\$400 (flat fee), except Notice and Order to Abate Public Nuisance (\$800 flat fee) Notice and Order to Repair, Rehabilitate or Demolish, \$1,400+	\$125 (flat fee)	No document fees
Re-inspection fees	\$396 (flat fee, based on 3 hours inspection and 1 hour administrative)	\$100 per hour	\$196 (flat fee)	Document fees only	\$157 (flat fee)	\$160-183 (flat fee)
Administrative Fees for Contracted Wprk (abatement)	31% or \$693 minimum (per instance or contract, whichever is greater)	\$100 per hour	No fee	20% of abatement costs	\$331 (flat fee)	\$98 per hour
Vacant/Foreclosed Building Program Fees ¹	\$568 registration, administrative and inspection fees (flat fee)	\$250 registration (flat fee)	No specific program	\$150 per month, only after 30 days in violation	\$155 (flat fee)	\$250 average per violation (can escalate to \$1,000 per violation)
Inspection Warrant	\$693 (flat fee)	Hourly rate	No fee	Hourly rate	\$428 (flat fee)	Hourly rate
General Hourly Rate	\$99	\$100 per hour	\$196 per hour	n/a	\$103 per hour	\$98 per hour

¹The City of Oakland's registration fee for the Vacant/Foreclosed Building Program includes administration, inspection and registration costs. The specific components of the peer fees were not collected as part of this study.

While Table 12 shows the fee structures, in the area of code enforcement, the actual charges that a property owner is assessed depends on the actual effort involved with their specific case. For example, it may take

one letter and one inspection for a property owner to correct a blight violation, but it may take four notices and three inspections for another property owner to correct the same violation. In the first example there may be no charge while in the second example the charges might surpass \$1,000.

Irrespective of how Oakland's fees compare with peers, Oakland should further document that their fees are directly related to the cost of the services they provide. A staff report to the Community and Economic Development Committee dated September 13, 2011, states that fees are based on the City's actual costs. Based on information provided by staff, it appears that a comprehensive study was conducted 15 years ago and another outside analysis was conducted five years ago. According to staff, an internal study two years ago resulted in some fee adjustments.

Generally, when local a government establishes fees to recover its costs, it conducts a cost-recovery study (often referred to as a "fee study"), which is updated on a regular basis. Such studies identify the cost of discrete activities that an agency performs and include a methodology that can be used when new fees are established. In addition, a professional fee study helps communicate the rationale behind fees and charges to the public and supports a defense if the agency is challenged about the level of its fees.

Recommendation 10. Conduct an update cost recovery study for code enforcement fees. Update the fee schedule at least every five years to reflect changes in operational costs.

Performance Measures

Management Partners was asked to examine the use of performance measures and recommend appropriate measures for Oakland's code enforcement services. This section explains the value of performance measurement, basic terminology and provides recommended measures.

Performance measurement is the process of identifying indicators that demonstrate an organization's efficiency and effectiveness in delivering a program or service, systematically collecting data, and analyzing that data to assess program performance. It is a tool for identifying successes and needed improvements, and is a method to gauge customer satisfaction. In the context of customer service, performance measures must also address the interest of the community in providing effective services.

Why Measure Performance?

The use of performance measures enables an organization to evaluate the effectiveness and efficiency of its services and programs by documenting how well they are accomplishing what they are intended to accomplish. Performance measurement provides a means to identify where service outcomes are meeting objectives, and likewise where they are not and thus where improvement efforts should be focused. Measuring the elements of performance and then analyzing the data and making improvements where indicated, will lead to higher quality services and increased customer satisfaction. In short, performance measurement gets results.

Performance measurement is a fundamental management tool for operational improvement. It is an instrument for management planning and decision-making and a source of information to assist with directing resource allocation for maximum benefit. Once a program of performance measurement is incorporated into the structure of an organization, it can help drive continuous improvement of programs and processes. Measuring performance helps a manager answer the question, "Are we doing better this year than last year?"

Code Enforcement Performance Measures

The City's Property Enforcement Section does not have a formal performance measurement system or a set of measures that are used on a regular basis. Inspection staff complete daily activity reports and informed Management Partners that it is likely that a special report can be generated to populate workload measures such as the number of annual inspections, the number of properties assessed a specific fee, or the number of abatement actions performed. This information however, is not readily available or used on a regular basis.

The City's current FY 2011-12 budget document contains several business goals, but no measurement statistics for code activities. The business goals related to code enforcement are:

- Promote quality affordable housing citywide through rehabilitation, construction, homebuyer assistance, code enforcement, enhanced community services, and the completion of a citywide affordable housing strategy.
- Continue to increase overall effectiveness of code enforcement through establishing clear priorities, fostering better coordination with City departments, and promoting high property maintenance standards with community partners.
- Provide internal and external customer service that is responsive, timely, and accurate.
- Streamline processes to deliver results while including appropriate community involvement.
- Improve communication with residential and business communities to enhance knowledge of and access to services.

Staff is in the process of developing new code enforcement programs and procedures, and plans to pilot the new activities for a period of one year. During that period they intend to track performance, measure progress toward goals, and provide periodic status reports to City management and Council.

In Management Partners' experience, an effective performance management system for Oakland's code enforcement services will allow these business goals to be measured by identifying related metrics and key indicators. Doing so will enable managers to make informed decisions about needed changes and progress in meeting objectives. Best management practices include using metrics for:

- Day-to-day management decision-making.
- Evaluating whether program objectives are being achieved.

- Setting priorities and directing resources.
- Providing a link between program performance and resource allocation.
- Improving accountability by emphasizing the responsibility of employees and contractors to achieve results.
- Facilitating communication between the staff and elected officials by providing an objective means to evaluate the organization's operations.
- Creating a meaningful connection between outcome data and decision-making processes related to resource allocation and policy development.
- Providing a framework for a community's strategic planning or goal-setting process.

To achieve meaningful results from a program of performance measurement, staff at all levels of the organization should be involved in the process of developing measures and collecting and evaluating performance data. Since performance data may be used to identify organizational strengths and weaknesses and focus improvement efforts, it follows that the people who are actually doing the work should be in the forefront in the implementation of a performance measurement program.

Recommendation 11. Implement a performance management system that measures workload, efficiency, and effectiveness for code enforcement activities and uses them to improve operations. (See specific examples in the next section.) Doing so will require that a customer survey be developed and utilized on a regular basis. It will also be helpful for the City to implement a resident survey to track progress toward the broad goals related to code enforcement.

The design of performance measures should include identifying data sources and staff should be trained in data collection procedures. For performance information to be useful as a management tool, data must be accurate and reliable.

The benefits of a performance measurement program are experienced over time, thus successful implementation requires the ongoing commitment of key leaders in the organization. To be useful in diagnosing and improving service delivery operations, performance results should be documented and analyzed over several reporting

periods, monthly, quarterly, annually, etc., based on what is appropriate for the particular service area.

As useful as performance measurement is, it is not a substitute for good management practices and in-depth analysis. Although performance data reveal the outcome of service delivery efforts, they do not tell a manager why that result occurred. Figuring out the “why” is still the responsibility of the program manager. Determining how to put performance data to work for program evaluation and improvement, likewise, is the job of leaders in the organization.

Based on our experience, we recommend that the City begin with the measures detailed below.

Recommended Performance Measures

Management Partners has provided sample measures in three categories: workload, efficiency and effectiveness. Each is described below.

Workload

Workload (sometimes called output measures) report completed activity or effort. They answer the question: How much of a service was actually delivered? They indicate the amount of work undertaken in the organization and are expressed in units of service provided. Examples of recommended workload measures are provided below.

- Number of requests for inspections received (total, residential and commercial)
- Number of inspections completed (total, residential and commercial)
- Number of repeat inspections conducted (total, residential and commercial)
- Number of inspection appointments scheduled
- Number of appointments with multiple inspections completed
- Number of complaints investigated

Efficiency Measures

Efficiency measures (or unit-cost ratios) reveal how well an organization is using the resources, dollars and staff, for a particular program or service. Efficiency is one of the two most important performance characteristics to be measured. (The other is effectiveness.)

Efficiency is typically expressed as a ratio between the amount of input and the amount of output, and can be calculated on the basis of cost or number of FTEs. Recommended efficiency measures are provided below.

- Number of inspections completed per inspector (residential and commercial)
- Cost per inspection completed (residential and commercial)
- Number of repeat inspections completed per inspector (residential and commercial)
- Cost per repeat inspection completed (residential and commercial)
- Percent of inspections expenditures offset by service fees

The information provided by efficiency measures is particularly useful when comparing with other organizations or within the same organization over time. The measures provide specific, objective information.

Effectiveness (Outcome) Measures

Effectiveness (outcome) measures demonstrate how well a program or service is accomplishing its objectives and fulfilling the purpose for which it exists. These measures are fundamental to the practice of performance measurement in that they indicate quality, impact and outcome. They demonstrate how important the service is to the people it is intended to serve, and how well it is delivered. They generally are the most difficult measures to design to successfully obtain the desired data.

Types of effectiveness measures are:

- Quality measures
- Customer and resident satisfaction measures
- Cycle time measures

Quality measures are used to gauge program success, as indicated by these recommended measures.

- Percent of cases (by type) resulting in compliance through voluntary action by the property owner (as a percent of all cases initiated)
- Percent of code enforcement cases (by type) resulting in compliance through administrative/judicial action (as a percent of all cases initiated)

Customer or resident satisfaction measures are necessary to obtain useful information about program success in a service business. In the business of government, feedback from the public or specific groups of customers is necessary to know how well programs and services are meeting their needs. The quality of customer service must be determined by customers, but input on the overall success of the code enforcement program must be determined by residents of the City of Oakland, which will require some type of resident survey. Although surveys are not currently used, this is an important element of any performance measurement system. Management Partners suggests the following measures, at a minimum.

- Percent of inspection requests completed as scheduled by customer
- Percent of respondents (customers) rating the timeliness of inspections as good or excellent (residential and commercial)
- Percent of respondents (customers) rating the quality of customer service as good or excellent
- Percent of residents rating overall housing conditions in the City of Oakland as good or excellent
- Percent of residents rating housing conditions in their neighborhood as good or excellent
- Percent of residents rating overall cleanliness in the City of Oakland as good or excellent
- Percent of residents rating the cleanliness of their neighborhood as good or excellent
- Percent of residents rating overall property maintenance standards in the City of Oakland as good or excellent
- Percent of residents rating property maintenance standards in their neighborhood as good or excellent
- Percent of residents rating blight conditions in the City of Oakland as improving
- Percent of residents rating blight conditions in their neighborhood as improving

Cycle time measures address a basic element of customer service: How long did the customer have to wait to be served? While cycle time can be considered an indicator of workforce efficiency, its importance to customer satisfaction in a service business requires that it be considered a primary measure of program effectiveness. Recommended cycle time indicators are provided below.

- Average number of days from dangerous building complaint to initial inspection
- Average number of days from dangerous building complaint to compliance
- Percent of inspection requests scheduled for date requested by customer
- Percent of inspections performed within two working days of request
- Average number of days from initial call until meeting to resolve correction notices

The amount of time to receive a service is a fundamental part of customer service. Customers will judge the quality of a program or service based on how long they have to wait before their request is fulfilled.

Tracking Performance

The Accela system will provide a powerful tool to track and present many of the efficiency and effectiveness measures suggested in this report. Care should be taken to identify the measures and ensure that all staff members understand the expectations for tracking related data. During the implementation of Accela, the City should design customized report templates that aligns to its performance measures and how staff will use the data.

The only way to track customer satisfaction, however, is by asking customers for their feedback. Best practice jurisdictions use routine surveys as well as phone follow-up to assure customer needs are being met. In addition, an annual or bi-annual survey of residents will be the only way the City can judge how well it is accomplishing some of its goals related to code enforcement. Such a survey should be crafted in conjunction with other city services so residents can provide their opinions about services that are meeting their needs and expectations and those that are not.

Data specific to code enforcement operations should be reviewed by program managers regularly as a way to manage the work and progress of the organization. Best practice jurisdictions typically review measures with their management team on a quarterly basis so that necessary adjustments in operations can be responded to as necessary.

Conclusion

Since Management Partners began this study in the fall of 2011, significant improvements have been made in code enforcement practices in an effort to address concerns raised by from the Grand Jury Report, the Council, the City Administrator and the public. This report notes some of those changes as they relate to specific processes we studied.

This report provides recommendations based on best practices that will help Oakland prioritize its code enforcement activities and alter operational practices to more efficiently utilize personnel and financial resources. In addition, the process maps and procedures that are included in this report provide a foundation from which staff can continue to document current practices in other areas and reengineer workflow to reduce process steps and eliminate inefficiencies. Documenting internal workflows will also provide valuable knowledge transfer to future employees and help City leaders and the public understand the work that is involved to preserve and enforce the quality of life standards set by the Council and the community.

When implemented, the recommendations in this report will help Oakland continue its improvement efforts. The combination of improving procedures along with implementing new, improved technologies will help bring about successful change. As code enforcement staff continue to work on reforming how and what services they provide, we look forward to continuing to provide assistance to augment those efforts.

Attachment A – List of Recommendations

Recommendation 1. Add language to all notices that clearly informs property owners that the City may hire a contractor to abate conditions on their property.

Recommendation 2. Revise language in the current Notice of Violation to inform the owner of the primary fee (or citation) that will be charged by the City.

Recommendation 3. Implement a process to provide a Notice of Pending Abatement to notify property owners that the City has decided to abate conditions on their property.

Recommendation 4. Develop an online database that provides information status updates for code enforcement activities on private property.

Recommendation 5. Revise the process for addressing minor and non-life threatening violations.

Recommendation 6. Develop a list of approved contractors for routine abatement actions through a request for qualification (RFQ) process by the City's central Department of Contracting and Purchasing.

It should be noted that staff has already proposed to develop a request for proposals process for abatement contracts at the start of next fiscal year.

Recommendation 7. Mandate that all inspectors use the intended technology and can perform assigned tasks as expected.

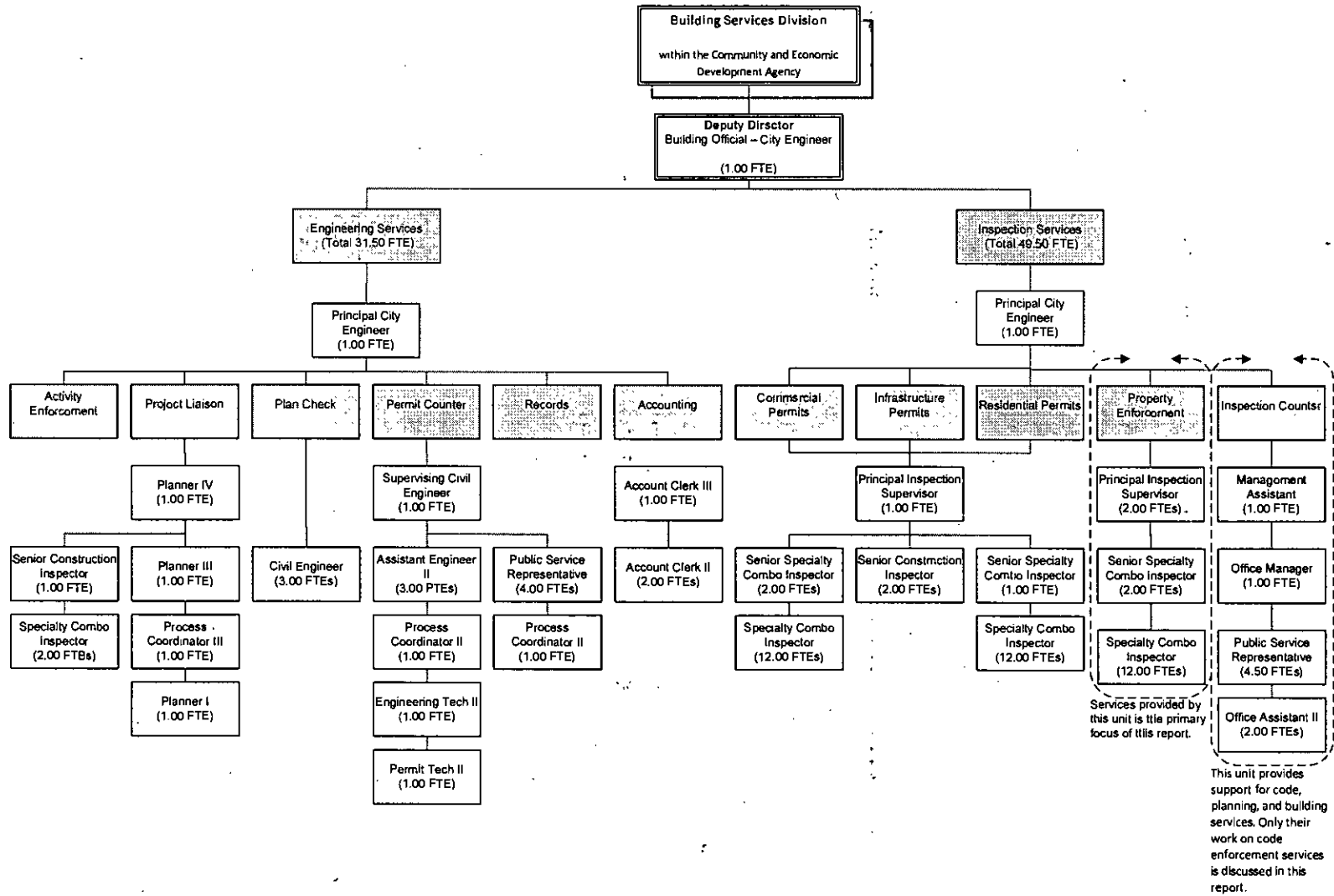
Recommendation 8. Analyze the impact and efficiency gains from providing inspectors with printers after the initial Accela implementation.

Recommendation 9. Seek non-traditional (i.e., third-party) funding sources to support code enforcement services.


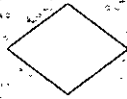
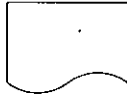
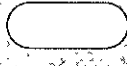

Recommendation 10. Conduct an update cost recovery study for code enforcement fees. Update the fee schedule at least every five years to reflect changes in operational costs.

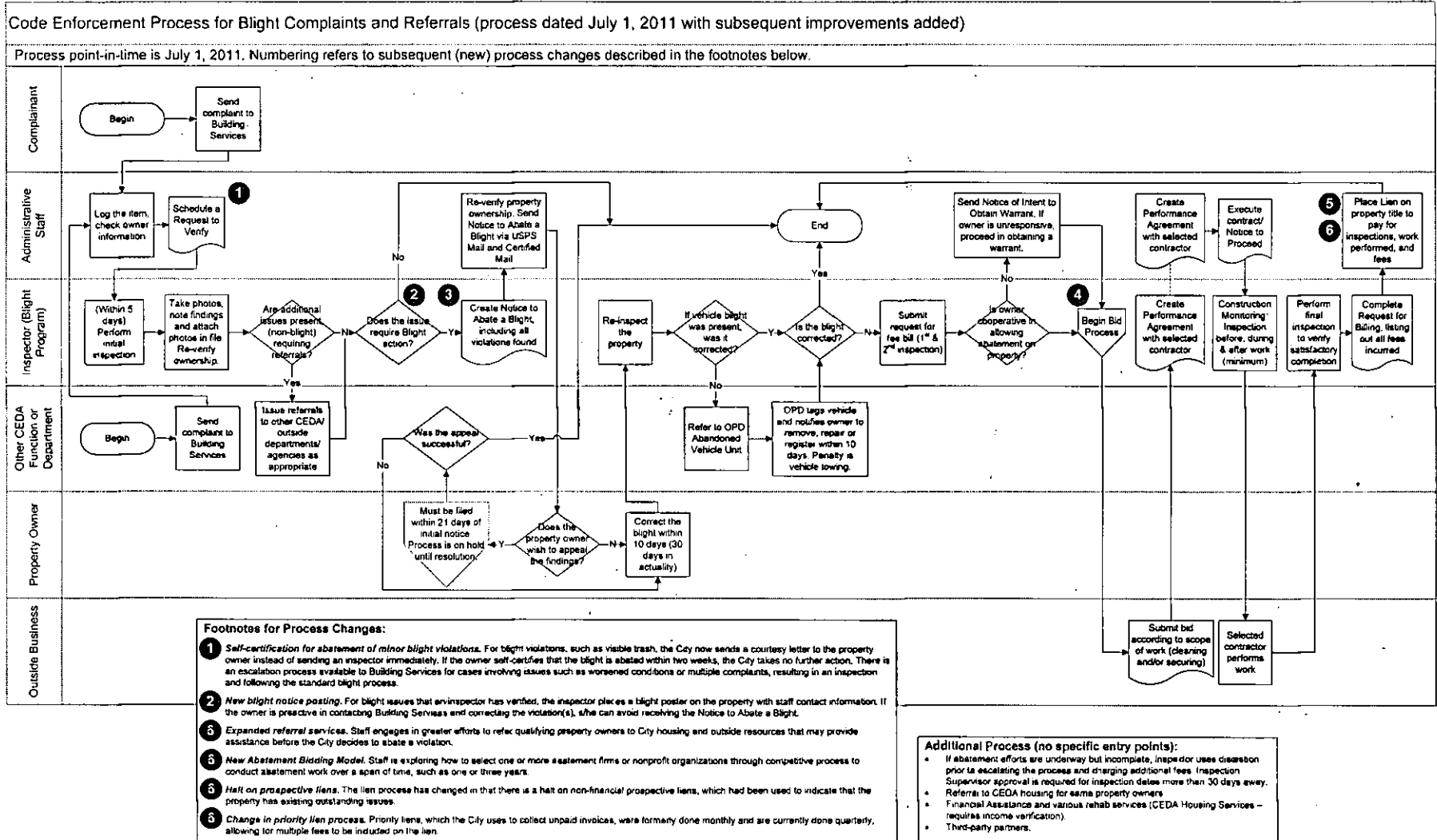
Recommendation 11. Implement a performance management system that measures workload, efficiency, and effectiveness for code enforcement activities and uses them to improve operations.

Attachment B – Organization Chart



Attachment C – Blight Complaints and Referrals process

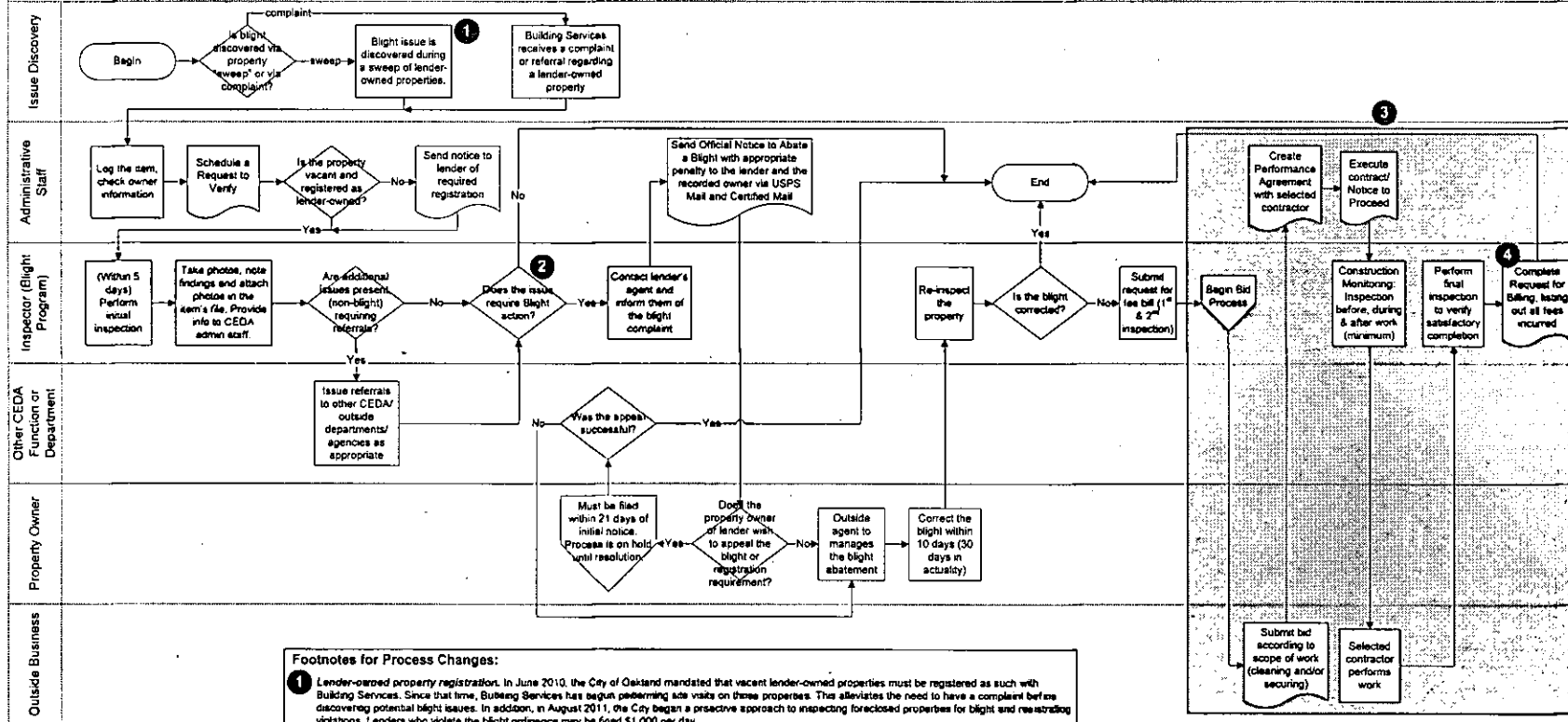
Shape	Description
	Process step
	Decision point
	Document or form
	Terminator (i.e., beginning or end)
	Separate process



Attachment D – Lender Owned Properties Process

Code Enforcement Process for Blight Complaints and Referrals for Lender Owned Properties (process dated July 1, 2011 with subsequent improvements added)

Process point-in-time is July 1, 2011. Numbering refers to subsequent (new) process changes described in the footnotes below.



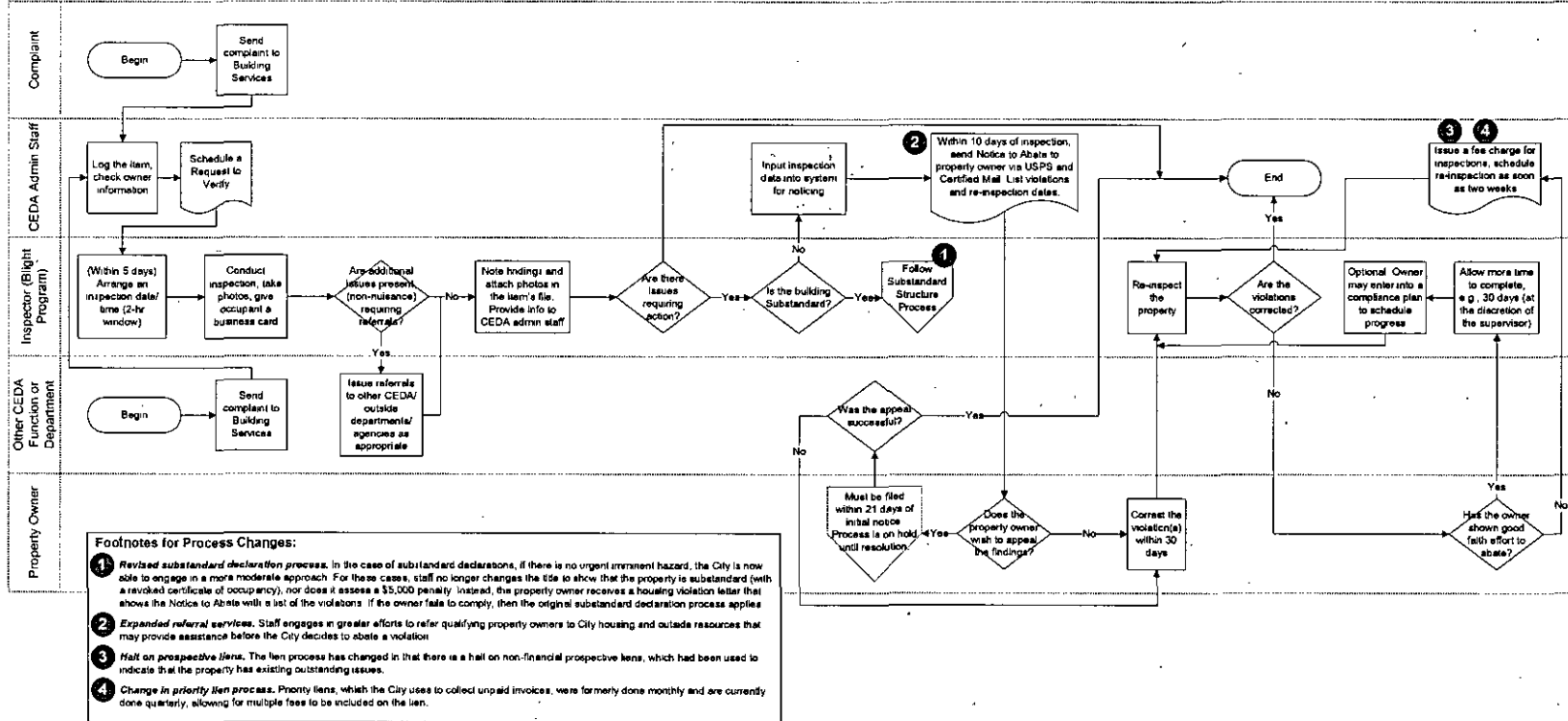
Footnotes for Process Changes:

- 1 Lender-owned property registration.** In June 2010, the City of Oakland mandated that vacant lender-owned properties must be registered as such with Building Services. Since that time, Building Services has begun performing site visits on those properties. This alleviates the need to have a complaint before discovering potential blight issues. In addition, in August 2011, the City began a proactive approach to inspecting foreclosed properties for blight and re-arresting violations. Lenders who violate the blight ordinance may be fined \$1,000 per day.
- 2 New blight notice posting.** For blight issues that an inspector has verified, the inspector places a blight poster on the property with staff contact information.
- 3 Process escalates to lender executive (shaded box on fee right).** As a part of the program for lender-owned vacant properties, Building Services no longer arranges for abatement. The lenders themselves are responsible for conducting the cleanup, with the exception of imminent hazard issues where the lender is unresponsive.
- 4 No liens placed on foreclosed properties.** The current process for foreclosed properties is to collect money owed to the City directly from the lender for costs incurred due to fees and abatement work performed, rather than placing a lien on the property. The also new property owners in avoiding unforeseen costs when purchasing a foreclosed property.

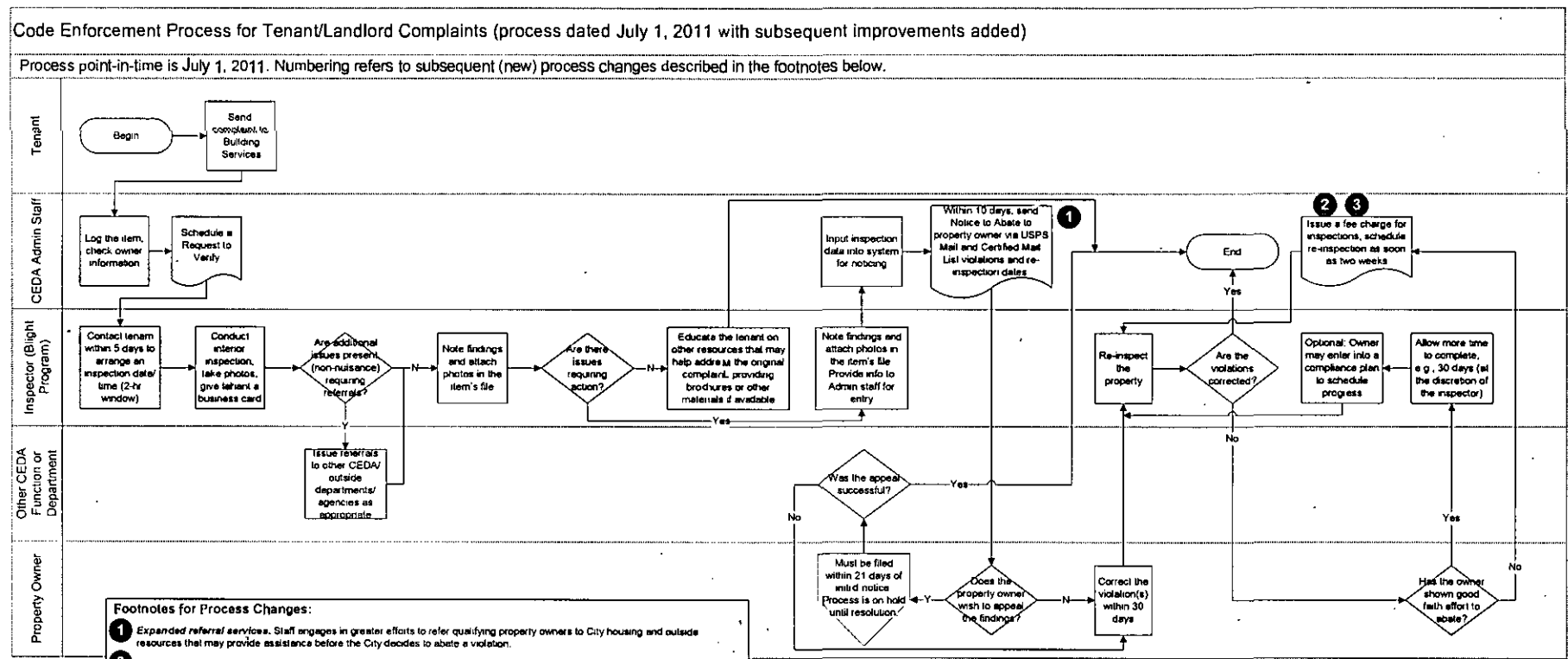
Attachment E – Public Nuisance/Habitability Process

Code Enforcement Process for Public Nuisance/Habitability Complaints (process dated July 1, 2011 with subsequent improvements added)

Process point-in-time is July 1, 2011. Numbering refers to subsequent (new) process changes described in the footnotes below.



Attachment F – Tenant/Landlord Complaint Process



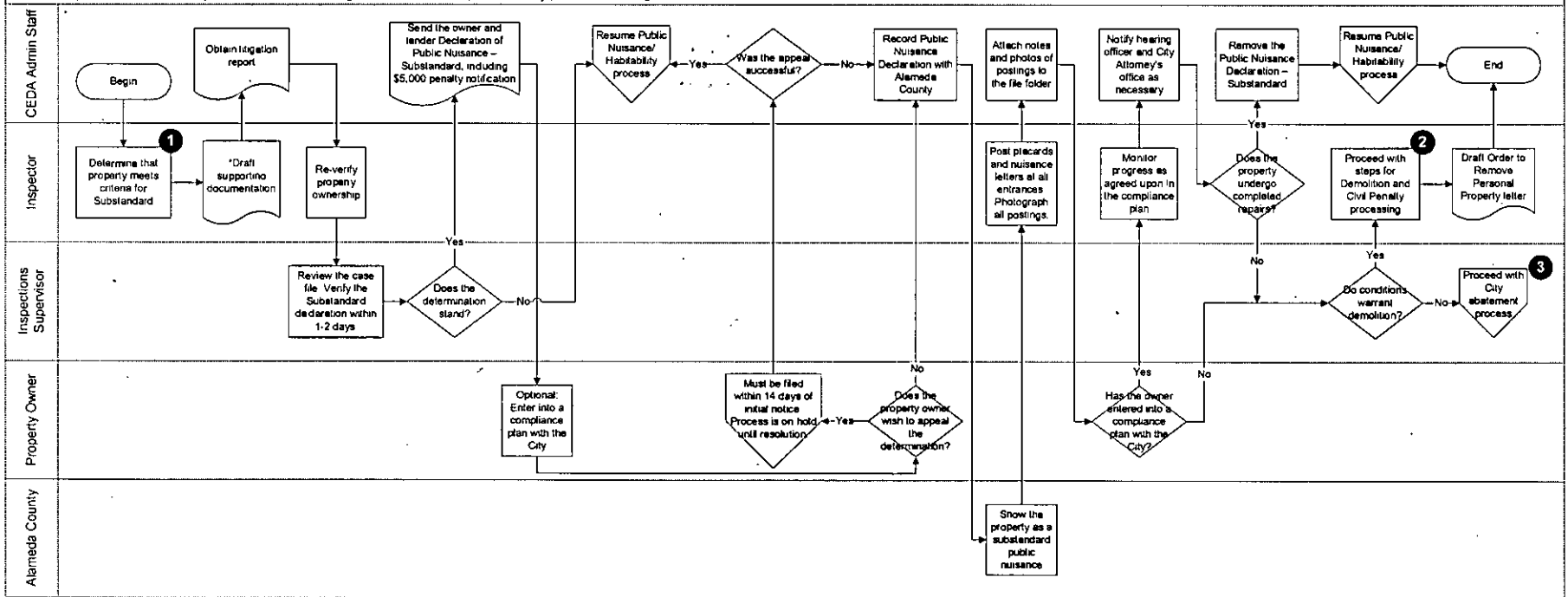
Footnotes for Process Changes:

- 1 Expanded referral services. Staff engages in greater efforts to refer qualifying property owners to City housing and outside resources that may provide assistance before the City decides to abate a violation.
- 2 Halt on prospective liens. The lien process has changed in that there is a halt on non-financial prospective liens, which had been used to indicate that the property has existing outstanding issues.
- 3 Change in priority lien process. Priority lien, which the City uses to collect unpaid invoices, were formerly done monthly and are currently done quarterly, allowing for multiple fees to be included on the lien.

Attachment G – Substandard Declaration Process

Code Enforcement Process for Substandard Declaration (process dated July 1, 2011 with subsequent improvements added)

Process point-in-time is July 1, 2011. Numbering refers to subsequent (new) process changes described in the footnotes below.



- * Documentation includes:
- Resume of Activities (actions taken so far)
 - Prospective Lien and Special Assessment (only if no lien exists)
 - Condemnation Commencement Memo
 - Historic Preservation Memo
 - Administrative Penalty Assessment Summary (\$5,000)
 - Substandard Processing Form
 - Photographs

Footnotes for Process Changes:

- 1 Revised substandard declaration process. In the case of substandard declarations, if there is no urgent imminent hazard, the City is now able to engage in a more moderate approach. For these cases, staff no longer changes the title to show that the property is substandard (with a revoked certificate of occupancy), nor does it assess a \$5,000 penalty. Instead, the property owner receives a housing violation letter that shows the Notice to Abate with a list of the violations. If the owner fails to comply, then the original substandard declaration process applies.
- 2 Additional approvals required prior to demolition statements. The City Administrator is required to approve all demolitions, and the City Attorney's office now provides a case review to verify that all requirements have been met.
- 3 Receivership program. Building Services plans to revise and redesign its former receivership program as an alternative to enforcing the standard abatement process or demolition of substandard and problem properties.

Attachment H – Prior Courtesy Notice of Potential Blight Violation (based on initial complaint)



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA • SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031
 Community and Economic Development Agency
 Building Services Department
 www.oaklandnet.com
 (510) 238-6402
 FAX (510) 238-2959
 TDD (510) 238-3254

Certified and Regular Postage

Subject: Courtesy Notice of Violation
 Oakland Municipal Code Chapters 8.24, 15.08, and 15.64, and Title 17

Property:
 Parcel No.:
 PTS No.:

Dear Property Owner

It has come to our attention that your property allegedly has the following Municipal Code violation(s):

VIOLATIONS 1, 2	
Yard and Vacant Lot Maintenance	Exterior Building Maintenance
Landscaping	Graffiti
Dead tree	Deteriorated roof
Overgrown shrubbery in the yard	Deteriorated paint
Overgrown weeds or grass in the yard	Broken window glass
Overgrown grass or shrubbery obstructing the sidewalk	Bedroom window bars
Trash and Debris	Zoning Regulations
In the yard, walkway, driveway	Parking
On the sidewalk, gutter, or street	Vehicles or trailers in the front yard
Storage	Landscaping
Unregistered or inoperable vehicles or trailers	Concrete piling in front yard landscaping areas
Laundry in front yard, porch or balcony facing the street	Fencing

	Furniture, appliance, mattresses, etc. on front porch or yard		Barbed or razor wire
Odors		Notes: 1 See enclosed Blight brochure for information. 2 See enclosed Property Owner Certification form. 3 See enclosed lead paint brochure.	
Fencing			
Graffiti			
	Deteriorated boards or posts		
Garbage and Recycle Bins			
	Inadequate garbage/green waste/recycling collection service (bins overflowing).		
	Garbage/green waste/recycling bins not moved to the sidewalk for weekly collection.		
	Garbage/green waste/recycling bins not removed from the sidewalk after collection (in public view)		

We are sending this Courtesy Notice before we inspect your property, to allow you an opportunity to correct the violation or the allegation without any further interaction from the City. We have enclosed a Blight brochure which explains Municipal Code Chapters 8.24 and 15.08 and a Property Owner Certification form which confirms that you have corrected the violation or the allegation.

Please return the Property Owner Certification form to us with a dated photograph within due (3) weeks from the date of this Courtesy Notice either by:

- email at inspectioncounter@oaklandnet.com, or by
- facsimile at 510-238-2959, or by
- mail in the enclosed envelope

You may also leave us a telephone message at 510-238-6402. If we receive a second complaint, we will inspect your property. If we confirm the violation, we will post a Blight Notice on your property and mail a Notice of Violation, which you may appeal.

We appreciate your responsiveness to this Courtesy Notice and your support in our efforts to Keep Oakland Beautiful, Clean, and Green.

Sincerely,

Building Services Department
 Community and Economic Development Agency

Attachment I – Recommended Courtesy Notice of Potential Blight Violation (based on initial complaint)



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA - SUITE 2340 - OAKLAND, CALIFORNIA 94612-2031
 Community and Economic Development Agency (510) 238-6402
 Building Services Department FAX (510) 238-2959
www.oaklandnet.com TDD (510) 238-3254

Certified and Regular Postage

Subject: Courtesy Notice of Violation
 Oakland Municipal Code Chapters 8.24, 15.08, and 15.64, and Title 17

Property:
 Parcel No.:
 PTS No.:

Dear Property Owner

REVISED
 TEXT

The City of Oakland's Code Enforcement Division has received a complaint that your property may be in violation of the City's Blight Ordinance. You are receiving this letter as a courtesy before we inspect your property to allow you an opportunity to correct the violation (if one exists) without any further action by the City.

The complaint referenced the property located at [### STREET NAME], Oakland, CA [ZIP CODE]. It was alleged that the property contained the following blight violation(s):

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 FORMAT

ALLEGATIONS ^{1,2}	
Yard and Vacant Lot Maintenance	Exterior Building Maintenance
Landscaping	Raffia
Dead tree	Deteriorated roof
Overgrown shrubbery in the yard	Deteriorated paint ³
Overgrown weeds or grass in the yard	Broken window glass
Overgrown grass or shrubbery obstructing the sidewalk	Redmond window bars
Trash and Debris	Zoning Regulations
In the yard, walkway, driveway	Parking
On the sidewalk, gutter, or street	Vehicles or trailers in the front yard
Storage	Landscaping

REVISED
 FORMAT

	Unregistered or inoperable vehicles or trailers		Concrete paving in front yard landscaping areas
	Laundry in front yard, porch or balcony facing the street.	Fencing	
	Furniture, appliance, mattresses, etc. on front porch or yard		Barbed or razor wire
Odors		Notes	
		¹ See enclosed Blight Brochure for information. ² See enclosed Property Owner Certification form. ³ See enclosed lead paint brochure.	
Fencing			
	Graffiti		
	Deteriorated boards or posts		
Garbage and Recycle Bins			
	Inadequate garbage/green waste/recycling collection service (bins overflowing)		
	Garbage/green waste/recycling bins not moved to the sidewalk for weekly collection		
	Garbage/green waste/recycling bins not removed from the sidewalk after collection (in public view)		

REVISED
 TEXT

The Code Enforcement Division is charged with protecting the City's neighborhoods and business districts to ensure that private property complies with the Municipal Code and does not pose a threat to the life, health, and safety of the community.

We have enclosed a Blight Brochure which explains the Municipal Code Chapter 8.24 and a *Property Owner Certification* form.

If you have corrected the alleged violations, please complete the attached *Property Owner Certification* form to notify us that your property is in compliance with the Blight Ordinance. Doing so will allow you to avoid fees and penalties, if the form is submitted within two (2) weeks from the date of this notice. A dated photograph is required to document that the violation has been corrected. Complete and detailed instructions can be found on the *Property Owner Certification* form.

If you believe that the alleged conditions were not (and are not) present on your property, please contact the Code Enforcement Division via email, telephone or facsimile:

- Email: inspectioncounter@oaklandnet.com
- Facsimile: 510-238-2959
- Telephone: 510-238-6402

Should you have any questions, please contact the Code Enforcement Department immediately at 510-238-6402.

We appreciate your responsiveness to this Courtesy Notice and your support in our efforts to Keep Oakland Beautiful, Clean, and Green.

Sincerely,

Timothy Low, P.E.
 Inspections Manager, Building Services Department

Attachment J – Prior Property Owner Certification Form (for a corrected violation)



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA • SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031
 Community and Economic Development Agency (510) 238-6402
 Building Services Department FAX (510) 238-2939
 www.oaklandnet.com TDD (510) 238-3254

PROPERTY OWNER CERTIFICATION

Property Address:

PTS Number:
 Courtesy Notice Date:

I certify that I have corrected the following violations or allegations identified in the Courtesy Notice I received from the City of Oakland.

CORRECTED VIOLATIONS or ALLEGATIONS	
Yard and Vacant Lot Maintenance	Exterior Building Maintenance
Landscaping	Graffiti
Dead tree	Deteriorated mof
Overgrown shrubbery in the yard	Deteriorated paint
Overgrown weeds or grass in the yard	Broken window glass
Overgrown grass or shrubbery obstructing the sidewalk	Bedroom window bars
Trash and Debris	Zoning Regulations
In the yard, walkway, driveway	Parking
On the sidewalk, gutter, or street	Vehicles or trailers in the front yard
Storage	Landscaping
Unregistered or inoperable vehicles or trailers	Concrete paving in front yard landscaping areas
Laundry in front yard, porch or balcony facing the street	Fencing
Furniture, appliance, mattresses, etc. on front porch or yard	Barbed or razor wire
Odors	Owner Comments:
Pets	
Spray paint, chemicals	
Fencing	
Graffiti	
Deteriorated boards or posts	

Code Enforcement Process Improvement Analysis
Attachment J – Prior Property Owner Certification Form (for a
corrected violation)

Management Partners

Garbage and Recycle Bins	
<input type="checkbox"/>	Inadequate garbage/green waste/recycling collection service (bins overflowing).
<input type="checkbox"/>	Garbage/green waste/recycling bins not moved to the sidewalk for weekly collection.
<input type="checkbox"/>	Garbage/green waste/recycling bins not removed from the sidewalk after collection (in public view).

Further, I understand that if a future complaint regarding the same violation on my property is verified, I will be subject to fee charges for the inspections and clean-up of the property.

Owner name Owner signature Date

PRIOR

Attachment K – Recommended Property Owner Certification Form (for a corrected violation)

NEW INSTRUCTIONS



CITY OF OAKLAND

Community and Economic Development Agency
 Building Services Department

PROPERTY OWNER CERTIFICATION FOR BLIGHT VIOLATIONS

Instructions

After violations/allegations have been corrected:

1. Review pre-printed information make any necessary changes
2. Attach photos to documentation as applicable
3. Sign form
4. Return to the Code Enforcement Division via email, fax, or regular mail.

Email: inspectioncenter@oaklandnet.com
 Facsimile: 510-238-2959
 Address: 250 Frank H. Ogden Plaza/Suite 2340
 Oakland, CA 94612-2031

Property Address:

PTS Number:

Courtesy Notice Date:

REVISED
 FORMAT

CORRECTED VIOLATIONS	
Yard and Vacant Lot Maintenance	Exterior Building Maintenance
Landscaping	Graffiti
Dead tree	Deteriorated roof
Overgrown shrubbery in the yard	Deteriorated paint
Overgrown weeds or grass in the yard	Broken window glass
Overgrown grass or shrubbery obstructing the sidewalk	Bedroom window bars
Trash and Debris	Zoning Regulations
In the yard, walkway, driveway	Parking
On the sidewalk, gutter, or street	Vehicles or trailers in the front yard
Storage	Landscaping
Unregistered or inoperable vehicles or trailers	Concrete paving in front yard landscaping areas
Laundry in front yard, porch or balcony facing the street	Fencing
Furniture, appliance, mattresses, etc. on front porch or yard	Barbed or razor wire
Odors	Owner Comments
Pets	
Spray, paint, chemicals	
Fencing	
Graffiti	
Deteriorated boards or posts	
Garbage and Recycle Bins	
Inadequate garbage/green waste/recycling collection service (bins overflowing).	
Garbage/green waste/recycling bins not moved to the sidewalk for weekly collection.	
Garbage/green waste/recycling bins not removed from the sidewalk after collection (in public view)	

REVISED
 TEXT

I certify that the above violations identified in the Courtesy Notice that I received from the City of Oakland on [DATE] have been corrected.

Property Owner Name

Property Owner's Signature

Date

Attachment L – Prior Notice to Abate Blight (Blight and Zoning Violations)



Community and Economic Development Agency
Building Services
250 Frank H. Ogawa Plaza 2nd Floor
Oakland, California 94612
(510) 238-3381

NOTICE TO ABATE

To:

Date:
Complaint#:
Property Address:
APN:

An inspection of your property was made on [redacted]. Attached is a List of Violations which must be corrected within the required time frame and in accordance with the codes and regulations of the City of Oakland. *Failure to comply with this order by the compliance due date(s) for noted hazards (*). Non Hazards, may result in reinspection fee charges, all required enforcement costs, permits and related fees.* Substandard action may also be taken to vacate the premises should conditions warrant.

Note: You or your agent must be present at the scheduled re-inspections. Should you or your agent not keep the appointment or the work is not performed and accessible for inspection you will be billed and notified of the next Fee-Charged Reinspection date. Should the bill not be paid within the prescribed time a lien shall be recorded against the property for the amount of the bill plus a lien fee of \$446.00 and an invoice fee of \$297.00. The fee for releasing a lien is an additional \$297.00.

The first Fee-Charged Reinspection is scheduled below. Morning appointments are from 9:00 a.m. to 12:00 p.m. Afternoon appointments are from 12:00 p.m. to 3:00 p.m. Reinspections made after the compliance due date will be fee-charged at \$396.00* per re-inspection until compliance is achieved.

Compliance Due Date: [redacted]

By:

Phone No.: (510) _____

First Fee Charged Re-inspection Date:
Morning Afternoon

Second Fee Charged Re-inspection:
Morning Afternoon

July 2010

*Fees Do Not Include 9.5% Records Management Fee and 5.25% Technology Enhancement Fee

**Attachment M – Revised Notice to Abate Blight (Blight and
 Zoning Violations)**

STANDARDIZED
 HEADER



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA • SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031
 Community and Economic Development Agency (510) 238-6402
 Building Services Department FAX (510) 238-2959
 www.oaklandnet.com TDD (510) 238-3254

NOTICE TO ABATE BLIGHT

To:

Date:
 Complaint#:
 Property Address:
 APN #:

REVISED
 TEXT

You are receiving this Notice to Abate because the Code Enforcement Division has inspected your project located at [### STREET NAME], Oakland, CA [ZIP CODE] and confirmed a violation(s) of the City's Blight Ordinance (OMC Chapter 8 Property Blight Section 8.24.020 D4, "Property Inadequately Maintained").

Specifically, the City of Oakland has verified that the following conditions were present on your property. Photos of each violation are attached to this notice.

REVISED
 FORMAT

Item No.	Life-Threatening*	Hazardous**	Description of Violation	Oakland Codes

REVISED TO CLARIFY
 COMPLIANCE DATES FOR
 LIFE-THREATENING &
 HAZARDOUS
 CONDITIONS

*Life-threatening conditions require immediate correction. These items must be corrected by [DATE].

**Hazardous conditions seriously affect habitability. These items must be corrected by [DATE].

Please note that on (date), we sent a courtesy notice to you after receiving a complaint about the condition of your property. In that courtesy notice, we asked that you correct the same violation(s) as noted above.

At this point, no fees or charges have been assessed for the above violations. To stop any further action by the Code Enforcement Division, you are advised to correct the above violation(s) immediately, but no later than [DATE]. Upon doing so, please contact, [NAME], who is the Inspector assigned to your property, at (510) 238-XXXX.

REVISED
 TEXT

REVISED
TEXT

Re-inspections will occur on or after the following dates.

First Re-inspection Date:

- Morning (9:00 a.m. to 12:00 p.m.)
- Afternoon (12:00 p.m. to 3:00 p.m.)

Second Re-inspection Date:

- Morning (9:00 a.m. to 12:00 p.m.)
- Afternoon (12:00 p.m. to 3:00 p.m.)

If you fail to correct the violation(s) by [DATE] and do not contact the Inspector, you may be assessed re-inspection fees if it is verified that your property is not in compliance. Please note that the re-inspection fee is \$396.00 until compliance is achieved. Continued failure to comply with this order may result in additional re-inspections, administrative fees, abatement costs, permits and related charges.

Sincerely,

Timothy Low, P.E.
Inspections Manager

Important Notes:

- You or your agent must be present at the scheduled re-inspections. Should you or your agent not keep the appointment or the work is not performed and accessible for inspection you will be billed and notified of the next Fee-Charged Re-inspection date. Should the bill not be paid within the prescribed time a lien shall be recorded against the property for the amount of the bill, plus a lien fee of \$446 and an invoice fee of \$297. The fee for releasing a lien is an additional \$297.
- Fees Do Not Include 9.5% Records Management Fee and 5.25% Technology Enhancement Fee
- Failure to comply with this order by the aforementioned date(s) may result in re-inspection fee charges, all required enforcement costs, permits and related charges. Substandard action may also be taken to
- Some areas may not have been open for inspection. Any violations or deficiencies subsequently identified shall become a component part of this report and shall be corrected in an approved manner

Attachment N – Prior Code Enforcement Violation Appeal Form



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA • SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Building Services Department
www.oaklandnet.com

(510) 238-6102
FAX (510) 238-2959
TDD (510) 238-3254

CODE ENFORCEMENT VIOLATION APPEAL

Property Address: _____ APN _____
Complaint#: _____ Owner's Name _____
Mailing Address: _____
Contact Number: _____ City _____ State _____ Zip _____

You should contact the inspector, as indicated in the NOTICE OF VIOLATION, if you have corrected the violation to avoid fee charges OR to make arrangements to correct the violations.

Briefly describe the reason you believe the City has erred or abused it's discretion in determining that a violation exists. (Attach pictures, written documentation etc.)

Return this form and the mailing envelope within 30 days of receipt to the:

CEDA, Building Services Department 250 Frank Ogawa Plaza, 2nd Floor Oakland, Ca 94612

Your appeal will be reviewed and you will be notified of the status of your appeal within thirty (30) days. If your appeal is denied and you do not correct the violations the City will continue abatement actions which include fee assessment, administrative fees and a \$113.00 appeal processing fee. No further appeal action will be granted. You may file against the City in Small Claims Court to recover any fees, penalties, or remove liens the City has charged or recorded on your property.

Office Use Only	
Receive Date: _____	Forwarded to _____
Determination: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Owner-Record Error <input type="checkbox"/> 21 Day Appeal Deadline <input type="checkbox"/>	
Other _____	Inspector _____
Owner notice mailed _____	Date Contacted by Phone _____

October 2011

Scans to: Code Enforcement-Chronology-Abatement Activities

Attachment O – Recommended Code Enforcement Violation Appeal Form



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA • SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031
Community and Economic Development Agency (510) 238-6402
Building Services Department FAX (510) 238-2959
www.oaklandnet.com TDD (510) 238-3254

BLIGHT VIOLATION APPEAL FORM

Instructions

If you have received a Notice to Abate Blight or have been charged fees related to a blight violation, you have the right to appeal. Please complete this form and mail it (along with supporting documentation) to the Building Services Department, at 250 Frank Ogawa Plaza, 2nd Floor Oakland, CA 94612. Appeal forms must be received within 30 days of the Notice to Abate Blight or within 30 days of receiving notification that fees have been charged.

Property Address: _____ APN #: _____

Complain #: _____ Owner's Name: _____

Mailing Address: _____

Contact Number: _____ City: _____ State: _____ Zip: _____

You should contact the inspector, as indicated in the NOTICE TO ABATE BLIGHT, if you have corrected the violation to avoid fee charges OR to make arrangements to correct the violations.

Briefly describe the reason you believe the City has erred in determining that a violation exists. (Please attach pictures and additional written documentation to support your position.)

Your appeal will be reviewed and you will be notified of the status of your appeal within thirty (30) days. If your appeal is denied and you do not correct the violations, the City of Oakland may continue abatement actions, which include fee assessment, administrative fees and a \$113.00 appeal processing fee. If your appeal is denied, no further appeal actions will be granted. Subsequently, you may file against the City in Small Claims Court to recover any fees, penalties, or remove liens the City has charged or recorded on your property.

Receive Date: _____	Office Use Only
Determination: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> - Owner Record Error <input type="checkbox"/> 21 Day Appeal Deadline <input type="checkbox"/>	Forwarded to _____
Other _____	Inspector _____
Owner notice mailed _____	Date Contacted by Phone _____

Scan for Code Enforcement Chronology/Abatement Activities

NEW
INSTRUCTIONS

REVISED
TEXT

REVISED
TEXT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
Agenda Report

2011 NOV 17 PM 4: 25

TO: Office of the City Administrator
ATTN: Deanna J. Santana
FROM: Community and Economic Development Agency
DATE: November 29, 2011
RE: Report On Residences Demolished By Building Services Between 2007 and 2011 And New Procedures Requiring The City Attorney And City Administrator To Review The Public Nuisance Process Before Demolition Contracts Are Bid

SUMMARY

On September 20, 2011, the City Council requested that staff return with a report on

- residences that the Building Services Division (BSD) of the Community and Economic Development Agency (CEDA) has demolished in the past five (5) years, and
- a proposed policy requiring that the City Administrator approve demolitions of residences.

Between 2007 and 2011, BSD demolished the following five (5) uninhabitable residences that were severely damaged either by fire or weather:

PUBLIC NUISANCE RESIDENCES DEMOLISHED BY BUILDING SERVICES BETWEEN 2007 AND 2011				
PROPERTY ADDRESS	CAUSE OF DAMAGE	DECLARED PUBLIC NUISANCE	OWNER APPEAL	DEMOLISHED
2640 74th Ave	Fire	2008	owner did not appeal	2011
3131 Adeline St	Fire	2008	2008 appeal denied by Hearing Examiner	2011
3600 Calafia Ave	Weather (missing roof)	2007	owner did not appear at either of the 2007 appeal hearings	2009
3419 Chestnut St	Fire	2007	owner did not appeal	2008
2933 Harrison St	Weather (missing roof)	2004	2004 appeal denied by Hearing Examiner	2011

Pursuant to the Council motion of September 20, CEDA has adopted procedures requiring the City Attorney and the City Administrator to review the administrative record of the public nuisance process before contracts are bid to demolish privately owned residences.

Item No. _____
 Community and Economic Development Committee
 November 29, 2011

FISCAL IMPACT

There are no fiscal impacts identified in this report. The prior demolitions and new procedures discussed in this report do not change any existing fiscal practices.

BACKGROUND

Oakland Municipal Code Chapter 15.08 (Building Maintenance Code) contains the procedural requirements for demolishing public nuisance buildings. The regulatory framework is codified in the California Health and Safety Code section 17910 et seq. (State Housing Law). The OMC has expanded the State Housing Law provisions to include the following major elements:

- Defines the conditions for declaring a building or real property Substandard (structural hazards, electrical hazards, etc.) and Imminent Hazard (collapse, explosion, etc.).
- Requires that the Building Official declare a building or property with Substandard or Imminent Hazard conditions a public nuisance, and order the vacation whenever conditions are dangerous.
- Requires that lenders and others with a financial interest in the property also be notified by mail of the Substandard declaration.
- Revokes the building's Certificate of Occupancy and requires that a Public Nuisance notice be recorded on the property title.
- Requires that the property owner either rehabilitate or demolish a Substandard property within a limited time and immediately remedy an Imminent Hazard.
- Requires an appeal hearing with a Hearing Examiner if the owner appeals within fourteen (14) days of the Substandard or Imminent Hazard declaration.
- Authorizes the Building Official to demolish Substandard buildings and requires abatement of Imminent Hazard conditions.
- Requires that the property owner (either original or follow-on) sign a Compliance Plan and pay all fees, penalties, and performance deposit as condition for issuing rehabilitation or demolition permits.

KEY ISSUES AND IMPACTS

Residential Demolitions

Between 2007 and 2011, BSD demolished five (5) privately owned residences which were severely damaged by fire or weather (missing roofs). Prior to demolition, BSD was in direct communication with the property owners or their representatives. There were no issues

regarding lack of notice of the substandard conditions, lack of notice of a neutral appeals process, or lack of notice of impending demolition. BSD's enforcement actions resulted from neighbor complaints of severe blight, toxics and pollutants, rats and other vector, attractive nuisance for children and vagrants, and structural instability adjacent to their homes. Please refer to *Attachment A* for photographs.

- 2640 74th Avenue

The single family dwelling was severely damaged by a tire in 2008. In response to neighborhood complaints, BSD declared the public nuisance building Substandard in October 2008. The owner did not appeal. BSD posted the property and recorded the public nuisance notice in February 2009. The owner, a prospective purchaser, and the owner's grand daughter contacted BSD in March and April 2009 concerning rehabilitating the tire damaged building, but a Compliance Plan was not signed. The damage was so severe that the residence would have had to have been demolished and rebuilt. BSD mailed warning notices to the owner of pending demolition in April 2009, July 2010, and October 2010. The owner did not respond to the notices. The residence was demolished in May 2011. Liens to date for fencing, blight removal, hazardous material remediation, demolition, administrative costs, and penalties exceed \$84,000.

- 3131 Adeline Street

The single family dwelling was severely damaged by a tire in 2008. In response to neighborhood complaints, BSD declared the public nuisance building Substandard in May 2008. The outside Hearing Examiner denied the owner's appeal in December 2008. BSD recorded the public nuisance notice in November 2009 and posted the property in January 2010 and May 2011. BSD mailed warning notices to the owner of pending demolition in January 2010 and December 2010. The owner did not respond to the postings or notices. The residence was demolished in August 2011. Liens to date for blight removal, hazardous material remediation, demolition, and administrative costs exceed \$62,000.

- 3600 Calafia Avenue

The owner's contractor abandoned the re-construction and expansion of the single family dwelling in 2005. The circumstances of which were investigated by the Contractors License Board and the District Attorney. In response to neighbor complaints of rats and structural instability (missing roof), BSD declared the public nuisance building Substandard in February 2007. The owner failed to appear for the July 2007 appeal hearing with an outside Hearing Examiner and for a re-scheduled hearing. BSD posted the property and recorded the public nuisance notice in September 2008. BSD mailed a warning notice to the owner of pending demolition in October 2008. The owner and her attorney contacted BSD during the hazardous material survey in February 2009 to postpone the demolition, but the owner had been unable to

obtain financing to restart construction. The residence was demolished in March 2009. Liens to date for blight removal, hazardous material survey, demolition, and administrative costs exceed \$42,000.

- **3419 Chestnut Street**

The single family dwelling was severely damaged by a tire in 2006. In response to neighborhood complaints, BSD declared the public nuisance building Substandard in July 2007. The owner did not appeal. BSD posted the property and recorded the public nuisance notice in March 2008. BSD mailed a warning notice to the owner of pending demolition in May 2008. The owner did not respond to the posting or notices. The residence was demolished in July 2008. Liens to date for fencing, blight removal, hazardous material remediation, demolition, and administrative costs exceed \$99,000.

- **2933 Harrison Street**

In response to neighborhood complaints of severe damage by weather due to years of deferred maintenance, BSD sent a Notice to Abate in 2003 to repair the single family dwelling. A large portion of the roof was missing, and the roof and interior framing and wood shingle siding were deteriorated. Because the property owner was unresponsive BSD declared the public nuisance building Substandard in July 2004. The outside Hearing Examiner denied the owner's appeal in November 2004. The owner signed a Compliance Plan in November 2004, but did not obtain permits or start repairs. In September 2005, BSD revoked the expired Compliance Plan, recorded the public nuisance notice, and posted the property. BSD mailed warning notices to the owner of pending demolition in September 2005, February 2006, May 2008, June 2010, and October 2010. The owner did not respond to the notices. The residence was demolished in September 2011. Liens to date for blight removal, hazardous material remediation, demolition, and administrative costs exceed \$66,000.

Review of the Public Nuisance Administrative Record Prior to Demolition

Although OMC Chapter 15.08 does not require a review by the City Attorney's Office (OCA) or the City Administrator's Office (CAO) for the Building Official to demolish a public nuisance residence, CEDA has established a policy that before demolition contracts are bid the administrative record must be submitted to the OCA for review of potential procedural errors and to the CAO for review of conformance with neighborhood revitalization and other policies.

SUSTAINABLE OPPORTUNITIES

Economic: Demolitions of severely damaged buildings improve the economic vitality of neighborhoods and viability of commercial districts by eliminating blight and enhancing the quality of life perceptions of Oakland residents.

Environmental: Demolition of a severely damaged building improves the health of Oakland residents by removing environmental health hazards, including rodent harborages, lead-based paint, toxics, and respiratory pollutants.

Social Equity: Code enforcement regulation of the State Housing Law contributes to fair housing practices for low and moderate income renters.

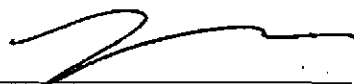
DISABILITY AND SENIOR CITIZEN ACCESS

Code enforcement abatement actions include requiring rehabilitation permits which can necessitate improvements to handicapped accessibility.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Council accept this report.

Respectfully submitted,



Fred Blackwell, Assistant City Administrator
Community and Economic Development Agency

Prepared by:

Raymond M. Derania
Deputy Director - Building Official
Building Services Division

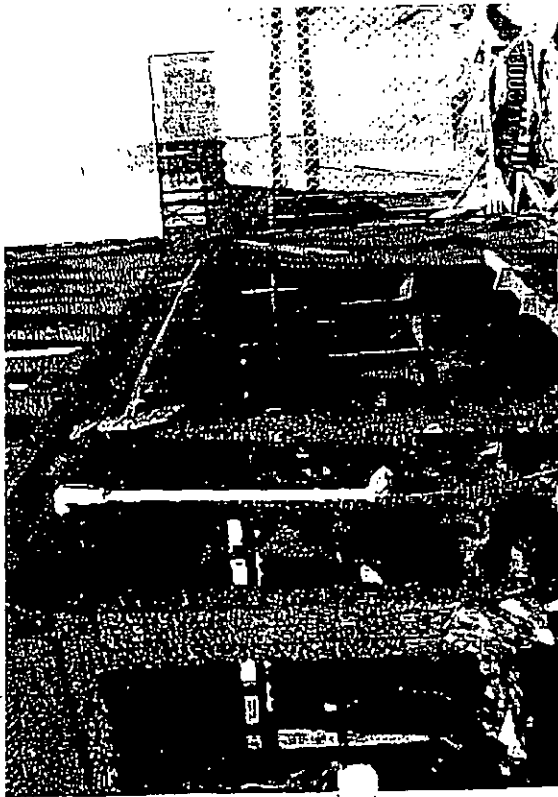
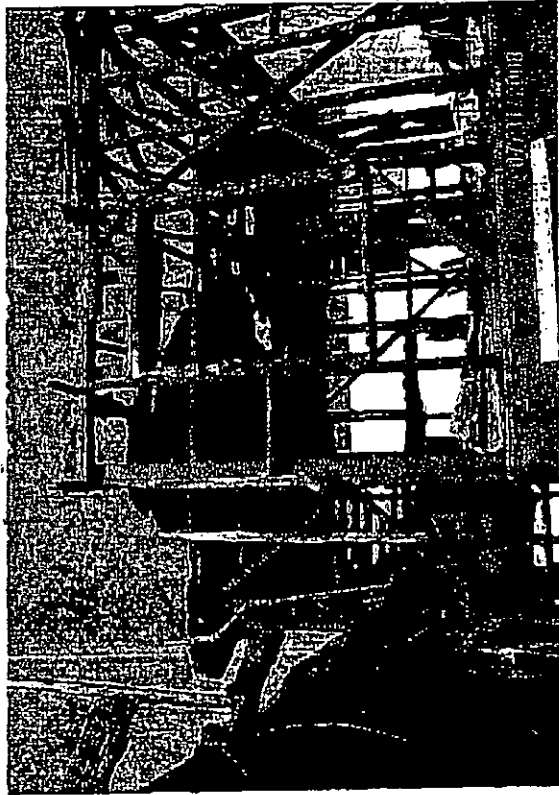
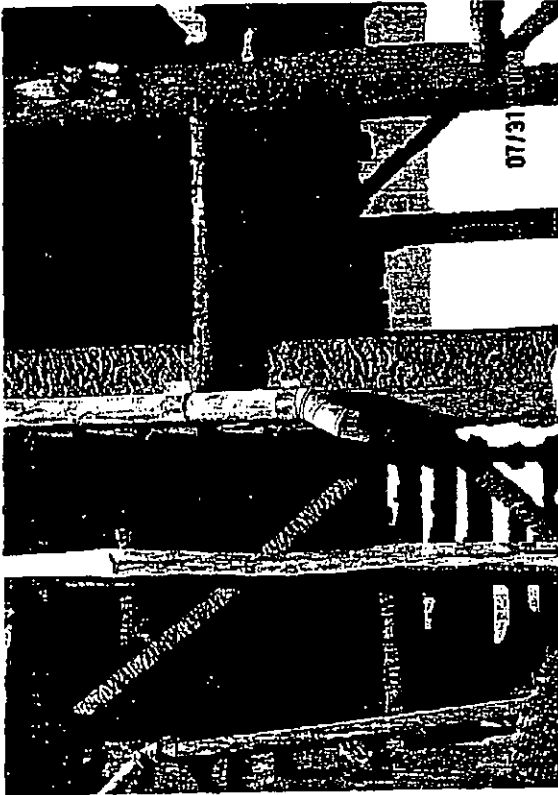
Margaretta Lin
Special Projects Director
Community and Economic Development Agency

APPROVED AND FORWARDED TO THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:


Office of the City Administrator

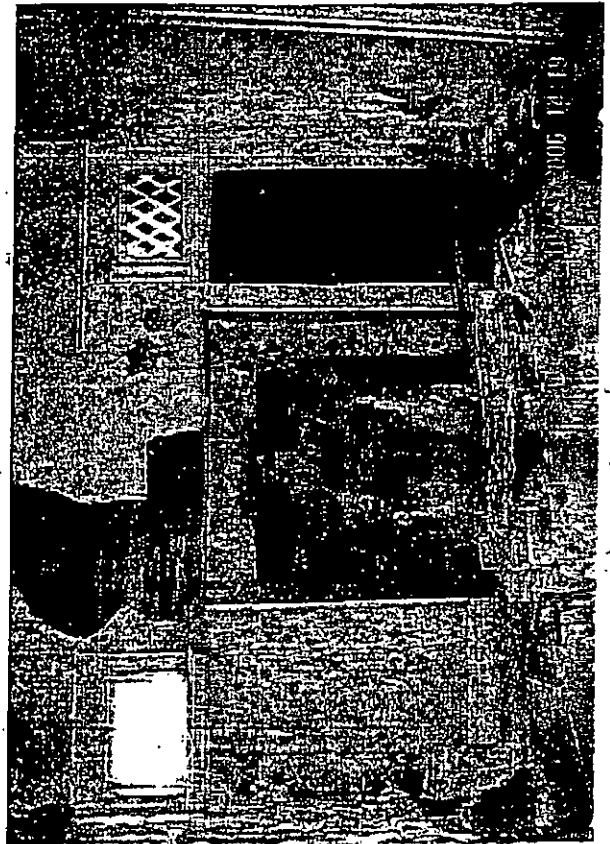
Attachment A – building photographs

Attachment A
2640 74th Avenue



Attachment A

2933 Harrison Street



2933 Harrison Street

Building Services Improvements Advisory Task Force

Recommendations to City Council for Process and Program Improvements

Introduction.....1

Schedule of Meetings.....2

General Recommendations from Different Task Force Members.....3

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Proposed Additional Recommendations.....13

Introduction

On December 6, 2011, the Oakland City Council passed Resolution 83653 to create the Building Services Improvements Advisory Task Force (“Task Force”). The Council specified that role of the Task Force was to provide feedback on proposed new procedures and program design for Code Enforcement.

The 12-member Task Force is comprised of individuals appointed by the Mayor and City Council members (for a total of nine), with the remaining three appointed by the City Administrator. The makeup of the Task Force was meant to ensure that it reflects the balance of perspectives and the overall breadth of experience needed. The Task Force members were not asked to come to consensus on each of the topics discussed, but rather to provide their feedback.

The Task Force members are as follows:

- Ms. Anne Bruff
- Ms. Michelle Cassens
- Mr. Curtis Caton
- Mr. Alan Dones (Chair)
- Ms. Donna Gianouhs
- Mr. Ken Houston
- Mr. C. Joseph Keffer
- Ms. Lynette Jung Lee
- Ms. Ellen Lynch
- Rev. Dr. Valerie Miles-Tribble
- Ms. Sherry L. Niswander
- Ms. Patricia C. Zamora

Prior to each meeting, Task Force members received agenda packets containing topics such as proposed program design elements, new procedures and industry best practices. Task Force members were asked to review these materials and come to meetings prepared to discuss them with their own perspectives in mind. Additional meetings were held for Task Force members to provide recommendations, concerns, or questions regarding items outside of what was presented by City staff or consultants. Consultants recorded the Task Force comments and

recommendations in the minutes for each meeting. This report summarizes the general recommendations and feedback from Task Force members based on the items discussed during scheduled Task Force meetings.

Due to Oakland's transparency commitment, the Brown Act and Sunshine Ordinance rules apply to the Task Force. As such, the Task Force's meetings were noticed 72 hours in advance with published agendas and other written materials, and only agenda topics were allowed to be discussed during meetings. The public also had the opportunity to speak in open forum and regarding specific agenda items. Management Partners, a professional management consulting firm, provided staffing assistance for the Task Force meetings under contract with the City.

Schedule of Meetings

To date, the Task Force has held public meetings according to the following schedule:

February 1, 2012

Topic: Orientation

Oakland City Hall Hearing Room 1, 4-6 p.m.

February 29, 2012

Topics: Review of Already Implemented Changes and Proposed Program Design

Oakland City Hall Hearing Room 3, 4-8 p.m.

March 14, 2012

Topic: Procedures and Operations

Oakland City Hall Hearing Room 2, 4-8 p.m.

March 21, 2012

Topic: General Discussion and Task Force Recommendations

Oakland City Hall Hearing Room 2, 4-7 p.m.

April 4, 2012

Topic: Review of Task Force Draft Report to Council

Oakland City Hall Hearing Room 2, 5-7 p.m.

July 25, 2012 (cancelled due to lack of quorum)

August 30, 2012

Topic: Building Services Management Review

Oakland City Hall Hearing Room 2, 5-8 p.m.

Prior to and over the course of the Task Force's meetings, the City has shown a strong effort to implement several program changes, which the Task Force has generally favored. These changes include:

- A proactive approach to lender-owned blighted properties
- Sending courtesy notices to alert property owners of code compliance issues
- Posted blight notices
- Owner certification of minor blight abatement
- Demolition process changes, including additional reviews

The recommendations that arose during meeting discussion and through various Task Force members' written comments are summarized below. These recommendations are not meant to imply group consensus or the majority perspective of Task Force members.

General Recommendations from Different Task Force Members

Recommendation 1. Future Task Force meetings.

Per the City Council's resolution (Resolution 83653) to create the Task Force: "...and be it FURTHER RESOLVED, that the Task Force be appointed to serve for up to six (6) months after the comprehensive report on Building Services priority improvements is heard by Council..."

Several members of the Task Force do not feel that their work is done. As such, they would like to see the Task Force continue to meet, per the Council's timeline, to continue discussing issues relevant to Building Services.

On the other hand, other members supported continued public involvement through other means. One member raised issues regarding potential conflict of interests among political appointments. More than one member indicated that they did not wish to continue their participation beyond the set meeting schedule. Task Force members expressed varied opinions about whether or not the scope of an extended schedule should be limited.

Recommendation 2. Broaden public outreach for Task Force meetings and Building Services.

Members of the Task Force have noted that many members of the public are not aware of the work being done in Task Force meetings. Additionally, many members of the Task Force feel that the City should adopt a broad approach to communicating with the public, including accessing newspaper publications, website outreach, neighborhood email list serves (such as NCPC email lists and local Yahoo! email groups), council member list serves, flyers available during site inspections, during "on hold" recordings, during phone calls to the department and direct mail to residents in the Building Services database.

Meetings should be scheduled during at a time of greatest likelihood that the public will be able to attend.

Some Task Force members emphasized that the City should have put forth more effort in noticing the public about the Building Services Advisory Task Force meetings. Another opinion expressed on the Task Force was that while future efforts should include reaching out to engage the public, some of the Task Force's suggestions to do this may be too broad and cumbersome for the City to reasonably accomplish.

Some members recommended that as the City moves forward with implementing an Accela application that provides online accessibility to specific code enforcement cases, it would be important to provide and publicize additional portals by which the public can access this information, as not everyone has access to a computer.

Recommendations on Proposed Program Design

Recommendation 3. Adopt proactive models proposed by City administration as a new approach to providing code enforcement services.

Many Task Force members agree that a proactive model is needed for Oakland residents, particularly for low-income tenants who suffer disproportionately with habitability issues, such as mold and other major code violations, and who do not know where to turn to for help. In light of Oakland's health and habitability issues, which the Task Force has thoroughly discussed as a part of this process, a new approach that no longer relies solely on complaints is needed. Task Force members raised that Building Service's existing model of responding to complaints can result in contentious relationships, particularly between tenants and landlords. The Task Force generally agrees with the City's plan for implementing programs based on inter-agency referrals and the development of a rental housing inspection program for multi-unit properties, and they hope to see public outreach and education when the City begins implementation of new programs or services.

For a rental housing registry and inspection program, some Task Force members suggested that the City create a registration form that it can use as an education tool, possibly including a checklist for the property owner. This approach could support and improve self-compliance, as well as provide an additional tool for inspectors. It could also provide a head start in the process, saving money and effort.

Some Task Force members felt that to have the greatest impact on public health, Building Services should focus its initial efforts on multi-unit buildings located in areas of particular public safety concern. Tenants should be notified in advance (e.g., 10 days) of an inspection. Multi-lingual tenant complaint procedures should be posted in a conspicuous public place (laundry room / mailboxes / entryway / elevator) in multi-unit structures. In instances where owners of several multi-unit buildings have code violations in all or most of them, consequences and fines should increase significantly in severity.

While Task Force is largely supportive of new program adoption, some expressed concern that the personnel resources may be insufficient for these programs to be successful, and some expressed that responding to complaints should continue to be a high priority. The hope is that the department will have adequate resources to enable inspectors to produce high quality work. Members of the Task Force have indicated that they understand the importance of a fair and even-handed proactive inspection program in which training and policy are of upmost importance (see Recommendation 18) and that managing the inspectors' write-ups is critical. These issues should be revisited and evaluated after implementation.

Recommendation 4. Implement measures that decrease instances of illegal construction.

Some Task Force members indicated that the emphasis on code compliance in new and remodel construction should continue as a high priority to avoid unsafe or unsightly work without permits. One factor in this effort will continue to be resident complaints, which inspectors need to prioritize appropriately through proper training. An additional method could be to require the owner/seller to provide permit history to prospective buyers, with burden for bringing a structure up to code potentially falling upon the owner/seller. Another provision could be that quotes for construction come from bonded, licensed, and insured contractors who are willing to verify that all of his or her employees and all subcontractor employees are on payroll and are covered by worker compensation. (The Task Force notes that there is an exception for owner/builder permits, which are permitted under State law.) Permit issuance could be dependent on appropriate sign-off that the work is not being done by a "handy person," and liability could fall to the property owner for accidents to employees not covered by workers compensation. These potential requirements would take into account owner/builder permits, which are permitted under State law, and further study could be done to determine whether or not single-family homes and perhaps buildings up to four units need comply.

Recommendation 5. Continue and expand the City's response to and enforcement of blighted lender-owned properties.

The majority of the Task Force has voiced support for the City's program to address blighted lender owned properties, including the City's plan to expand this program. The City should remain diligent in its enforcement of compliance penalties, as the condition of these properties affects a host of city services. Additionally, the City should clarify the lender-specific notice and enforcement procedures to make sure that the City's expectations for compliance and penalty collection are clear.

Recommendation 6. Prior to adopting new programs, engage in thorough research of potential unintended consequences that may affect the City's housing stock. The City should conduct appropriate research in partnership with health partners in Alameda County.

Many members of the Task Force strongly cautioned that more research is needed and that the City should get input and feedback from other cities which have proactive inspection programs in place. This research may provide guidance as to the unintended consequences associated with a proactive inspection model of any type, such as a program that utilizes a rental housing registry. Of special concern to members of the Task Force are cases where a property is non-conforming (e.g., zoning issues, work without permits, etc.) but does not present habitability issues and therefore should not result in the loss of Oakland's valuable housing stock and tenant displacement. The City should conduct its own research with the support of health partners in Alameda County. This research should include the number of units required in a multi-unit dwelling that would be captured under a rental housing registry. One member cautioned that additional research should not be used to delay or negate the implementation of the new programs.

The Task Force also discussed the possible lack of protection for landlords. The City should evaluate the models used in other cities to assure that both tenants and landlords are treated fairly.

One additional suggestion from a Task Force member is that the City's new code enforcement model include an updated habitability code with policies that ensure that the rights of tenants. This update could include funding the existing code enforcement relocation ordinance to ensure that tenants in uninhabitable properties have the means to move into habitable housing, strengthening the department's ability to abate unhealthy conditions such as mold, creating a database of tenant occupied properties to adequately track maintenance/habitability issues and landlords so that tenants have access to the history of a property, and expanding existing tenant ordinances (such as Measure EE, the Just Cause for Eviction Ordinance) to include newer properties

(built after October 1980) to ensure that tenant protections are expanding to appropriately address and meet the current housing crisis and conditions.

Another Task Force idea was to explore with banks the use of their loan funds through the Community Reinvestment Act to create a loan pool to cure habitability issues such as mold, especially in low income neighborhoods where such CRA funds should be used. Alternatively, a portion of the fees charged to bank owned properties could be put into such a pool.

Recommendation 7. Implement a community group in the future to evaluate adopted program changes.

Some Task Force members believe that a body representing community members should review implemented changes within Building Services to evaluate their effectiveness. The suggestion is to convene an advisory board representing the community, which could include members of the Task Force, at certain benchmark dates (i.e. such as when the City proposes a proactive inspection model) to provide further advice and feedback. The benchmarks and milestones should be based on the Grand Jury report and Council guidance to assure that changes are being implemented. Some members of the Task Force have expressed willingness to continue their work, while others have not. The group should have knowledge of Building Services and the issues facing code enforcement and residents. One Task Force member stressed that the review of how new policies are working deserves citizen input and that ongoing reviews of Building Services by a citizen task force is prudent, if not necessary for effective and lasting positive change.

One Task Force member raised concerns about potential conflicts of interest in political appointments, and suggested the appointed body not include members with a vested interest in the outcome.

Recommendation 8. Create a thorough and consistent approach for addressing mold issues.

Some members of the Task Force feel that mold is a serious issue that does not receive enough consideration from Building Services, both in identification of mold issues and helpfulness of referrals. Customer service representatives within the department should include mold in complaints when complainants specifically mention it, and inspectors should consistently address mold on resultant Notices to Abate. Although the department has taken some recent positive steps in this area, some members of the Task Force feel there should be greater effort from Building Services to gather information, procedures, and training around mold inspections from other jurisdictions, and the department should have proper inspection certification to identify specific mold issues. San Francisco's Code Enforcement Departments has been helpful to the City as in

sharing information, and the City should continue its efforts to learn of that department's procedures, equipment and possible trainings around mold inspections for its own enforcement program. Fulfilling this recommendation would require resources for specialized training and equipment to directly address mold issues, but some members of the Task Force felt there is still room for improvement in how the City addresses issues of violation and mediation. An additional suggestion is to employ a collaborative approach to addressing mold, with help from the Alameda County Department of Public Health, engaging in appropriate outreach and education such as issuing public service announcements regarding proper mold cleanup and mold prevention for landlords/property owners and tenants. Representatives from the Alameda County Department of Public Health indicated that could serve as a direct link for referrals regarding mold issues in cases where a medical assessment and review with the patient points directly to habitability issues.

Recommendation 9. Seek funds and publicize available resources for low-income or disadvantaged property owners who need to address code enforcement issues. Some members of the Task Force would like to see more funds made available to low-income Oakland property owners and landlords who need financial support to make necessary repairs or enhancements to bring properties or rental units up to code. One member noted that the term "disadvantaged" should be well-defined, since it could potentially include individuals, businesses or developers. One suggestion was to set the standard for low income status as falling below 60% of median income (such as the threshold for affordable housing eligibility), or possibly the City could work with Rebuilding Together for volunteers to help with low income or disadvantaged property owners. Funds for this effort could come from an expanded foreclosure registry or future registry program. One Task Force member urged that existing funds should not be diverted from enforcement of current codes.

Additionally, the department could create a process by which needed help to property owners could come from volunteers, interns and experts from the professional community.

One member indicated that the time required for a property owner to comply with code enforcement violations should complement the schedule imposed by outside resources and programs available to help with remediation, if the property owner has made an application for this assistance. No penalties or interest should apply to property owners while waiting for application responses or resultant funds.

Recommendation 10. Enhance the written materials available to the community for handling code compliance issues.

Some Task Force members suggested that the City provide more resource guides to code violators, with accessible language, that can better assist people who are struggling with the code enforcement process. Fact sheets should be available for common code violations along with general explanations of the process. The City should provide information that explains the difference between a licensed, bonded, and insured contractor and a handy person (who may not be authorized to perform necessary work). Some Task Force members indicated that all such handout materials should not only be available in multiple languages, but also peer reviewed by the multi-lingual community to ensure clarity of information.

Recommendation 11. Consider rewording the two programs labeled as proactive to clarify the distinction between them.

The City has used the term "proactive" to describe two different programs (the Public Health Pilot Program and the Multiple-Family Substandard Properties program). The City's program proposals actually call for a combination of "proactive" (user fee based), "reactive" (complaint driven), and "collaborative" (other agency referrals) methods. The Task Force generally suggested that the City consider rewording its programs to provide for more clarity.

Recommendation 12. Establish a different process for selecting contractors to conduct property abatement work that enhances transparency.

Some members of the Task Force are concerned about allegations of favoritism as a factor in past practices when selecting contractors to perform abatement work. The City can remedy this issue through implementing a process that allows for a regular rotation of qualified contractors. One member suggested that the City evaluate whether the work should or could best be performed by City Workers. Factors such as whether contractors pay a prevailing or living wage and benefits, the advantage of the city exercising direct control over the work, and the possibility that the City might incur costs to complete unfinished or substandard work should all be taken into consideration.

Recommendations on Procedures and Operations

Recommendation 13. Establish a multi-member Appeals Board to hear appeals by property owners. Make appeals hearings open to the public.

Some members of the Task Force feel that the best method for providing a fair code enforcement appeals process is to establish an appeals board with at least five members. This board should consist of qualified members who are familiar with the kinds of property and building issues that come forward during these

appeals. One suggestion is to require an attorney be placed on the panel. The members of the panel should have no vested interest in the appeal outcomes.

One Task Force member felt that these hearings should be open to the public unless prohibited by law or the order of a hearing officer, as closed hearings might have the potential to jeopardize a fair hearing or employee rights. The wish is for hearings appeals to begin immediately and that appeals be completed by the end of 2012. One interim solution is that, until a full board is in place, appeals be heard by a member of the Alameda County Bar Association. In creating the appeals board, one suggestion is that it consist of architecture, engineering and contracting professionals who have strong knowledge of building codes, as well as one property owner (i.e., an architect, a construction attorney, an engineer, a contractor and a property owner). Given the need for and concerns about quorum, perhaps the City could recruit 15 citizens (3 from each category above) for the appeals board so that five could be present to hear appeals at any given time.

Additionally, some Task Force members have recommended that if an appellant is unable to receive a hearing within a specified timeframe (e.g., three weeks, 90 days, etc.), the City should drop the case in question. The City should develop criteria allowing for continuing cases where the severity of the violation has a large impact. One Task Force member noted that many cases could legitimately exceed a pre-determined timeframe, and avoiding a judgment could present a threat to public safety.

Some Task Force members have questioned whether or not a five-member appeals board is required by State law (although research has shown that other California cities often use an outside hearings officer). One Task Force member asked for further City Attorney review of this topic.

Recommendation 14. The use of the Rent Board for code enforcement appeals.

Some members of the Task Force feel that the City's proposal to have the Rent Board hear code enforcement appeals as unfeasible. The Rent Board has a specific focus that is unrelated to code enforcement issues. Its members hold a different set of competencies, focus of purpose and legal charge from what is required to hear code enforcement appeals, and therefore are not an appropriate choice for this activity.

However, one Task Force member pointed out that the Task Force was not fully informed about the operations of the Rent Board and that this recommendation may lack sufficient knowledge and information.

Recommendation 15. Create an acknowledgement form for signature by inspector and property owner.

As part of the initial inspection, one suggestion from the Task Force is to provide the property owner with an inspection form that shows immediate information on how to respond to the code enforcement issue. Each party should come away from the inspection with an initialed copy of this form to indicate that both parties acknowledge it. In this model, acknowledging the form does not imply that the property owner agrees with the inspector's findings. One Task Force member noted that there may be cases in which using such a form will not be possible, such as when the property owner cannot be located, so the City will need to be careful when developing its process.

Recommendation 16. Create a different complaint system for the public when a dispute arises, such as between inspectors and property owners.

Currently, when someone has a customer service complaint, Building Services handles the matter via the employee's supervisor. The department has stated that they are putting in place procedures for escalating complaints. Some members of the Task Force expressed interest in seeing the City enact changes in this area. One Task Force member expressed support for the existing process, and noted that any complaint process should balance the rights of the city, employees, and the public. The Task Force member noted that it is important for inspectors and other employees to not be hindered in their work for fear that their enforcement will lead to action being taken against them.

Recommendation 17. Establish trainings for inspectors to address consistency and customer service improvements. Establish required levels of training necessary for various inspection tasks.

Several Task Force members recommended trainings for inspectors to improve greater consistency in how violations are reported in the inspection process, and for inspectors to be respectful of all parties they come in contact with while representing the City. The Grand Jury report of June 2011 discussed both of these factors. Some Task Force members wish to see a consistent and predictable process implemented in which inspectors clearly inform affected parties of the process, with special consideration for residents' well-being, showing respect and cultural sensitivity. The department could look to other cities' approaches to this issue to create standards for qualification.

Recommendation 18. Establish greater consistency in how violations are reported in the inspections process.

Some Task Force members indicated that there should be improvements in this area as there have been inconsistencies from what one inspector would include as a violation versus another inspector. The department is reportedly in the process of creating a procedures manual, which may help with this issue.

Written code interpretations would be of use as well. Upon resolution of the issues associated with a cited property, the City could provide a closure letter to the property owner indicating that the process is complete.

Task Force members expressed hope that Building Services soon offers an advanced online system where residents can track their complaint or inspection and receive more information online about the status with their case.

Recommendation 19. Enhance the multi-lingual capacity within Building Services to better serve the community.

Some Task Force members raised that the language capability of inspectors and the multi-lingual communication of technical subject matter appear to present difficult challenges to Building Services. Due to the diversity of Oakland residents, some Task Force members feel that multiple language access needs to be available to customers. Recommendations include adding multi-cultural and bilingual staff in order to address this growing issue. One suggestion from the Task Force is that the department work towards greater availability of multi-lingual resources, perhaps through language incentives to staff and to provide peer review of printed materials containing translated items so that critical subtleties are correctly conveyed, and printed materials should be available to hand out during inspections. The City could also consider adding a pre-recorded informational phone line in multiple languages for residents to access.

Recommendation 20. Reevaluate which services Building Services provides to align with other code enforcement agencies.

The Management Partners report showed that Oakland's code enforcement staff performs activities that other cities' code enforcement functions do not, including mobile food vendor permits, work without permit, planning and zoning complaints, geotechnical enforcement, and right of way activity inspections. Some Task Force members suggested that Oakland consider removing these functions from code enforcement so that inspectors can focus on blight enforcement, substandard building and structures enforcement, and foreclosed and vacant building registry. One Task Force member noted that this change is dependent on whether other Departments have the resources, political will or greater capability to undertake the work that would transition out of code enforcement.

Recommendation 21. Improve procedures to address improper staff

The Task Force understands that personnel issues are under the purview of the City Administrator and not the City Council. Some Task Force members feel that the City should take appropriate disciplinary action where Building Services staff members have behaved inappropriately. One additional suggestion is to implement a process by which a complainant can learn what actions, if any, the

department has taken with an employee. The department may wish to look at the process that other cities use to accomplish this, if it hasn't already. Any new process should not send the message to employees that they are being scrutinized during the course of doing their jobs, and proper due process and employee rights should continue to be observed.

It is difficult to change an organization's culture, and some Task Force members suggested that those staff members who are perpetuating the current culture should be reassigned.

Recommendation 22. Create a fair process that allows for the possibility of lien relief. Some Task Force members feel that the City should consider relief options for property owners who carry burdensome liens. Many property owners are facing considerable costs incurred from Building Services, and there may be a need for some individuals to receive full or partial relief from the resulting liens placed on their properties.

In general, members of the Task Force were unsure that Building Services is charging an appropriate amount in fees for service. One suggestion is to conduct a fee study, as recommended by Management Partners' report.

Proposed Additional Recommendations

The following two recommendations arose at the final Task Force meeting and therefore did not receive as much discussion or development as other recommendations in this document.

Permit History Ordinance. To prevent further misconduct and/or degradation to Oakland's building stock going forward, create a Permit History Ordinance. Prior to sale of any residential or commercial building, the seller or sellers' agent should provide current permit history to prospective buyers. City employees must provide permit history immediately upon request.

Require similar standards for contractors and/or owner-builders and City employees. As with contractors who pull permits, who sign under penalty of perjury that all information provided is accurate, also require city inspectors and their superiors to sign off on their inspection reports under the same penalty of perjury. If perjury/illegal activity is committed, consequences should include employee being fired and pension and retirement benefits forfeited. (Two Task Force members expressed concern over this, as there is currently a process in place for employees alleged to have engaged in improper activity, including impartial arbitrators to hear these cases; this recommendation may be an oversimplification of the actual issues.)