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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT LYNETTE GIBSON MCELHANEY

RESOLUTION ESTABLISHING A PROACTIVE RENTAL INSPECTION (PRI) PROGRAM TO ADDRESS HOUSING HABITABILITY VIOLATIONS WITHOUT DISPLACING VULNERABLE TENANTS AND DIRECTING THE CITY ADMINISTRATOR TO RETURN TO COUNCIL WITH A PLAN AND APPROPRIATE LEGISLATION TO BEGIN IMPLEMENTING A PRI PROGRAM

WHEREAS, the Oakland City Council desires to safeguard and ensure decent, safe, and sanitary rental housing in the City; and

WHEREAS, the deterioration of the housing stock in Oakland has led to an unacceptable number of code violations such as inadequate plumbing and heating, leaky roofs, mold, vermin infestations and improper disposal of garbage among many other violations which are disproportionately found in neighborhoods in the flatlands of East and West Oakland which also house communities of color, families with children, low-income renters, undocumented residents, residents receiving public assistance and elderly renters; and

WHEREAS, research by the Alameda County Public Health Department and Urban Strategies Research Council found that these communities who live under deteriorating housing conditions are disproportionately hospitalized for asthma, diabetes, and obesity; and

WHEREAS, the City Council's adopted budget priorities for the FY2015-17 budget (C.M.S. 85672) established the goal of 'A Just City – that promotes equitable jobs and housing that protects and nurtures a diverse and inclusive community that cares for its youth, elderly, families, and the vulnerable'; and

WHEREAS, Oakland's low income communities and communities of color in the flatlands are denied access to a 'Just City' through the inequity of disproportionately living in rental housing in Oakland with serious health and habitability violations that contributes to significantly worse health outcomes for these communities such as mortality rates 140% higher than the County wide average and a corresponding life expectancy that is ten years less on average per the Alameda County Public Health Department; and

WHEREAS, even though most rental housing in the City meets building and safety code requirements, over time, housing may deteriorate due intentional or unintentional neglect by property owners, managers, and tenants and this deterioration may result in substandard conditions that adversely affect the economic values of neighboring structures, and that are hazardous to the public's health and safety; and

WHEREAS, research has found that proactive rental inspection programs in other jurisdictions have significantly improved the health of residents by requiring needed reinvestment into the housing stock to cure outstanding code violations; and

WHEREAS, the City Council adopted policy documents that address the epidemic of dangerous and unhealthy housing in the City of Oakland by committing to implementing a proactive rental inspection program; and

WHEREAS, on December 9, 2014 the Oakland City Council adopted the 2015-2023 Housing Element which outlined 46 policies to address the housing affordability crisis including Action 4.3.7 which commits the City Administration to develop a proactive rental inspection program; and

WHEREAS, on September 30, 2015 the City Council adopted the Housing Equity Road Map as a complement to the Housing Element which included a recommendation to "Pilot a proactive rental inspection policy coupled with tenant protections" in order to equitably improve the habitability of our City's housing stock; now, therefore, be it

RESOLVED: That the City of Oakland hereby finds and determines that the foregoing recitals are true and correct and declares it shall be the policy of the City to use a proactive rental inspection program to address habitability violations; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator to develop a PRI program containing the following elements:

- 1) A timeline that responsibly builds internal capacity: a geographically phased approach that will build internal capacity over a responsible timeline while iteratively improving the design and operations of the PRI program;
- 2) Initial implementation in our most impacted neighborhoods: a first implementation phase that begins in East Oakland and in West Oakland beginning no later than July 1, 2016;
- 3) Strong anti-displacement measures: a PRI program that anticipates, avoids and, at worst, mitigates the unintended consequence of displacing tenants through the condemnation of buildings or a requirement for large scale construction to cure code violations;
- 4) A cost recovering but not burdensome fee: a fee in the master fee schedule that will fully fund the administration of a proactive rental inspection policy that is not overly burdensome to building owners or entirely passed through to tenants;
- 5) Assistance for low-income housing providers: a viable loan fund for landlords with habitability violations and financial hardship to be able to correct code violations; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator to return to City Council with a plan for staffing and implementation and any appropriate legislation for adoption by January 1, 2017; and be it

FURTHER RESOLVED, that this resolution shall be effective immediately upon passage.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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