



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Melinda Drayton
Interim Fire Chief

SUBJECT: 2019 California State Fire Marshal
Mandated Inspections Report

DATE: June 18, 2020

City Administrator Approval

Date: July 9, 2020

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Acknowledging Receipt Of A Report From The Oakland Fire Department (OFD) Regarding Annual Inspections Of Certain Building Occupancies As Required By Sections 13146.2, 13146.3, And 13146.4 Of The California Health And Safety Code.

EXECUTIVE SUMMARY

This Report and Resolution provides details on the changes to the Health and Safety Code of California in respect to inspections and compliance reporting, as well as an update from the Oakland Fire Department on the status of State mandated inspections conducted in Oakland in 2019.

The California Health and Safety Code is the codification of general statutory law covering the subject areas of health and safety in the State of California.

BACKGROUND / LEGISLATIVE HISTORY

High-occupancy venues, such as schools, apartment buildings, and businesses where groups of people often assemble and are sometimes unfamiliar tend to carry the burden of being at higher risk for significant fire fatality incidents. To help reduce these incidents, State law mandates regular inspections of these facilities and recommends inspections in others. These mandatory inspections ensure various fire safety features are present and functioning correctly such as smoke detectors, extinguishers, and clear access and egress.

Due to recent fires resulting in fatalities, including the 2016 Ghostship Warehouse fire, a new requirement was signed into law by the Governor of California in 2018 regarding annual inspections of certain building occupancies as required by sections 13146.2, 13146.3, and 13146.4 of the California Health and Safety Code. The new law, Senate Bill 1205, which added a section to the Health and Safety Code, relating to fire protection requires every city or county fire department, or fire district, to report out annually to its administering authority, for example a City Council, on the department or district's compliance with the State mandated inspections.

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The Bill also requires the administering authority to acknowledge receipt of the report in a resolution or similar formal document.

The Bill was approved by Governor Newsom on September 27, 2018 and filed with the Secretary of State the same day.

ANALYSIS AND POLICY ALTERNATIVES

The Health and Safety Code of California states that the Fire Chief of any City or County fire department or district providing fire protection services and his or her authorized representatives are required to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing specified building standards, not less than once each year. They also are required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards. To comply with Senate Bill 1205, the Department is now required to provide a status update on the progress of those inspections, year to year, and the administration authority is expected to approve a resolution acknowledging receipt of said report.

In accordance with this new law, moving forward, the Fire Marshal or Chief of the Oakland Fire Department will provide an annual update to the full City Council on the status of compliance with annual inspections of certain buildings as required by sections of sections 13146.2, 13146.3, and 13146.4 of the California Health and Safety Code.

The State mandated inspections that are now required to be reported out on are:

- hotels, motels, lodging houses, apartment houses but not “dwellings”
- every building used as a public or private school

The figures below represent the mandatory inspections completed in 2019, according to records kept in the One Step inspection database utilized by the City of Oakland.

- R1 designated Hotels – 29 inspected
- R1 designated Motels – 13 inspected
- R1 designated Lodging Houses – 0, none identified in records.
- R2 designated Apartment Houses – 337 inspected
- E designated public & private schools – 55 inspected
- High Rise Buildings – 61 inspected

The Fire Prevention Bureau of the Oakland Fire Department moving forward will work closely with the City’s Planning and Building Department, which oversees the regulations for the City’s growth and development, to ensure that the Bureau is maintaining an accurate catalog of all existing hotels, motels, lodging houses, and high rises, as well as those in development. Additionally, the Bureau will work with the Oakland Unified School District and other education

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partners to maintain an accurate count and timeline for all inspections of public and private schools in Oakland.

FISCAL IMPACT

As noted in the Senate Bill, the California Constitution requires the State to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

PUBLIC OUTREACH / INTEREST

The residents and businesses of Oakland stand to benefit from keeping abreast of new State legislation that has a direct impact on their health and safety locally; particularly if they frequent locations that the City is required to inspect annually.

COORDINATION

The Budget Bureau and the Office of the City Attorney were consulted in the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: There is no economic impact caused by the passage of this resolution.

Environmental: There is no environmental impact caused by the passage of this resolution.

Race and Social Equity: Inspections play a key role in ensuring the health and safety of all residents, especially the most vulnerable, including children, seniors, or the medically fragile and impoverished.

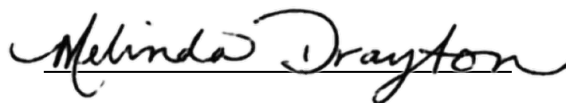
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ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends City Council Approve A Resolution Acknowledging Receipt Of A Report Made By The Oakland Fire Department Regarding Annual Inspections Of Certain Building Occupancies As Required By Sections 13146.2, 13146.3, And 13146.4 Of The California Health And Safety Code.

For questions regarding this report, please contact Fire Marshal Orlando Arriola, and (510) 238-4051.

Respectfully submitted,

A handwritten signature in cursive script that reads "Melinda Drayton". The signature is written in black ink and is positioned above a horizontal line.

MELINDA DRAYTON
Interim Fire Chief

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