



DISTRIBUTION DATE: June 27, 2017
MEMORANDUM

**TO: HONORABLE MAYOR &
 CITY COUNCIL**

FROM: SABRINA LANDRETH

**SUBJECT: Status Report on Executive Order 2017-1:
 Improving Safety of Non-Permitted Spaces
 While Avoiding Displacement**

DATE: June 27, 2017

INFORMATION

In Executive Order 2017-1, issued on January 11, 2017 in the wake of the Ghost Ship warehouse fire, Mayor Libby Schaaf outlined reform efforts targeted at improving the safety of Oakland’s non-conforming spaces while avoiding tenant displacement. The Mayor charged the City Administrator with directing applicable City Departments in the implementation of these new protocols and practices.

The following report outlines the progress that has been made in key areas of reform since the order was issued.

1) Bringing Buildings into Compliance.

Since the Executive Order was issued, the City has identified 18 nonresidential buildings with suspected unpermitted residential occupancies through public notification and a review of current fire and building code enforcement cases. The City Administrator’s Office convened a cross-departmental “Properties Team,” consisting of staff from the City Administrator’s Office, Planning and Building Department, Fire Department, Housing and Community Development Department, and City Attorney’s Office to track and coordinate compliance for these properties. Of the 18 properties initially identified, seven have been resolved and the City is continuing to address the remaining 11 properties. Details on the seven resolved properties are included below:

Complaint Date	Address	Alleged Violation	Outcome
12/9/16	1930 E. 12 th St.	Unpermitted residential	No residential occupancy per inspection.
12/11/16	2317 San Pablo Ave.	Unpermitted public assemblies	Fire Department issued notice to cease and desist unpermitted assemblies.
12/19/16	1255 26 th St.	Unpermitted public assemblies	Previously approved for public assemblies.

12/19/16	1530 E. 12 th St.	Unpermitted residential	Unpermitted residential occupancy confirmed. Permit issued on 1/25/17 to remove unpermitted work. Previous occupants removed by property owner in Dec. 2016. At this point it is unclear if the occupants had permission of the owner to occupy the space or if they were trespassing. The City is researching the actions by the owner in regards to the occupants.
12/19/16	4799 Shattuck Ave.	Unpermitted residential and public assemblies	No residential occupancy per inspection. Previously approved for public assemblies.
12/5/16	1066 47 th Ave.	Unpermitted residential	Previously approved for residential occupancy.
12/5/16	1050 47 th Ave.	Unpermitted residential	Previously approved for residential occupancy.

Of the remaining 11 properties, the City has confirmed that violations exist for nine of the properties and is in contact with the property owners regarding those violations. The City is seeking access to the final two properties to investigate potential violations.

In addition, the offices of the Mayor and the City Administrator convened a working group of community stakeholders and City staff from multiple departments to study potential changes to the City’s Building Codes that would provide pathways for certain unpermitted live/work and assembly spaces to improve safety and establish legal occupancy while preserving affordability.

2) Increasing Inspection Capacity and Enhancing Protocols.

The City has taken concrete steps to expand our inspection capacity and enhance our inspection and compliance protocols, both within the Fire Prevention Bureau and the Planning and Building Department.

In the immediate aftermath of the Ghost Ship tragedy, the City reallocated existing fire house company staff to support inspections until new inspection staff could be put in place. We have prioritized problem properties identified by Oakland Fire Department (OFD) Engine Companies, and are bringing stronger and more proactive residential and commercial inspection programs to City Council for approval.

The proposed 2017-2019 City Budget calls for six additional fire inspection personal within the first fiscal year, doubling inspection staff in the Fire Prevention Bureau upon approval of the City Council. We have fast-tracked the hiring process for these positions. The budget also proposes an additional six fire inspection personal in the second year of the budget cycle, as well as six new inspectors within the Planning and Building Department.

We have accelerated the recruitment process for a new permanent Fire Chief, but with a focus on community input as an integral part of the process. The City has held six community meetings where Oaklanders provided recommendations on the criteria for the next Chief. Residents were also asked to participate in the process via an online survey. The application process closes July 3, 2017.

Additionally, OFD has drafted a Blue Tag and Fire Watch Policy that is currently under review. The purpose of this policy is to identify the process and requirements to institute a fire watch and to address any conditions that can cause fire or contribute to its spread, affect person's ability to safely exit a building, or delay notification of a fire. In addition, the Department's Field Operations Inspections Program Policy has been revised and is pending internal review. In anticipation of these policy revisions, a communication was sent to staff regarding expectations that they report possible violations of the Oakland Fire Code, and how those concerns are to be elevated within OFD.

To enhance inspection protocols, the Planning and Building Department is also developing standardized criteria for correcting imminent life safety hazards while minimizing displacement and improving the way the department provides information to affected building tenants and occupants. Furthermore, Oakland Police Department (OPD) has put in place a new policy that requires officers to provide a detailed report of any unpermitted parties and events that they witness to the department's Special Events Unit so that the information can be shared with other City of Oakland departments.

Finally, a pilot Proactive Rental Inspection program has been submitted for consideration by the City Council as part of the 2017-2019 City Budget approval process. Modeled off similar programs in cities across the country, the program would more effectively identify housing habitability issues through random and targeted annual visits to a subset of the City's housing stock and the inspection of all units throughout a multi-year cycle.

3) Improving Cross-Departmental Communications.

It is clear that our data and our inspection processes must be more integrated. The Fire Safety Task Force quickly identified the need for a cross-departmental data system. After a comprehensive review, staff determined the best option was to convert all City inspection data to the Accela database system, an online record-keeping tool already used by the Planning and Building Department. Having the Fire Department use the same system will allow both departments to more efficiently and effectively share information. As part of this project, Planning and Building and Fire will specify reporting protocols that will be reflected in the system design. Once the Accela system is implemented in the Fire Department, additional applications will be built out to draw in data from other department's such as OPD dispatch data and business tax license data that can be used to call attention to potential fire and life safety hazards. Fire Inspectors and Engine Companies will be equipped with tablets so they can access this system while in the field and can alert other departments immediately when a hazard is identified. The contract was recently approved by Council and implementation will occur over the next six to nine months.

4) Strengthening Tenant Protections and Education

The City has expanded our just cause eviction laws to protect more renters as part of a larger effort to strengthen renter protections and services. Additionally, property owners now must petition to raise rents above the cost of living, and on January 31, the City Council increased the relocation fees that owners must provide tenants who are evicted as a result of code enforcement action. These fees now more closely match the actual cost that a tenant would incur when securing new housing in the current rental market. The City has also expanded services to ensure more renters know their rights and can access free help to defend themselves.

We also proposed the creation of a second Public Education Coordinator for the Fire Prevention Bureau, and have submitted a grant application to FEMA to fund this role. This individual will work directly for the Fire Marshal's office in coordination with their staff to present material at public events such as City sponsored safety fairs and fire station open houses as well as door to door brochure distribution with firefighters and other agency representatives to educate tenants and landlords about the city's inspection systems, tenant protections, and basic safety standards.

In addition, the Office of the City Attorney has released a list of Frequently Asked Questions regarding the rights and protections afforded tenants living in non-conforming living spaces and how they can take action and better protect their tenancy they feel that their home is unsafe. The office will also be conducting several workshops for City staff, including staff from the Housing Assistance Center, Rent Program, and Building Department on these rights and protections, as well as non-profit legal services providers who make available housing counseling and legal defense against eviction.

The City of Oakland has also launched a new online service and education portal for its anti-displacement program, currently called the Rent Adjustment Program (RAP), to increase tenant and property owner access to this critical service, including important 'know your rights' information. Service improvements include easier access to existing ordinances and other housing services, electronic case management system to better track cases and data, and a fillable, smart and secure online petitioning system.

Finally, the aforementioned Proactive Rental Inspection program would improve education and outreach to tenants and provide information about rights under Oakland's rent control and tenant protection laws.

5) Streamlining Event Permitting

The City convened a Special Events Task Force to implement process improvements to encourage greater compliance with permitting requirements, as well as seek safety enhancement recommendations from the Fire Safety Task Force. The Task Force is composed of staff from the City Administrator's Office, Mayor's Office, Cultural Affairs Office, Oakland Police Department, Oakland Fire Department, Building Services and Planning Department. The group has shared internal expertise, examined past efforts to redesign the special event permit process, and met with a focus group of event holders as well as the Executive Director of San Francisco's Entertainment Commission to gather suggestions on how to improve the permitting processes.

The Special Events Task Force has identified several barriers that currently discourage compliance, including a lack of clarity around the rules that govern entertainment, administrative obstacles requiring applicants to navigate various City, County, and State departments, the expense of bringing a space into compliance.

The Task Force has outlined a number of preliminary recommendations to address these barriers and encourage compliance. They include the creation of a "one-stop shop" online application, a user-oriented website that provides all information relevant to event and entertainment permitting, and amendments to the planning code that would authorize ongoing accessory events in appropriate zones and eliminate the need to apply for individual event permits.

The Task Force will release these findings and recommendations to the public for further refinement and input, and will use public feedback to guide the implementation of these proposed reforms over the next several months.

6) Identifying Housing Resources

State Senator Nancy Skinner has carried a bill in Sacramento that would invest \$20 million in low-interest loans to local jurisdictions to bring non-compliant residential and live-work spaces up to current building standards for occupancy. While this legislation would not apply to spaces currently designated exclusively as commercial, the City is in early discussions with the Northern California Community Loan Fund to create a local revolving loan fund to finance health and safety upgrades that would allow for the legal residential use of non-conforming spaces, such as warehouses or other commercial spaces. Access to such a loan fund would be contingent on a property owner's commitment to maintaining affordable rents for existing tenants for some period of time.

Furthermore, Measure KK and Measure A1 will both provide much-needed funding for the acquisition and rehabilitation of affordable housing projects. This increase in the number of below market rate units will in turn alleviate the pressure that causes people to turn to non-compliant spaces as the only viable, affordable option for them to stay in Oakland.

Conclusion

Important strides have been made in identifying unsanctioned and/or dangerous residences, improving our inspection process, closing the information gap between City departments, and ensuring housing security for our most vulnerable residents. But there is much work that still needs to be done. The City will continue to work diligently to keep our residents safe.

Respectfully submitted,

/s/

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City Administrator