

PUBLIC NUISANCE ORDINANCE & NUISANCE EVICTION REFERRAL PROCESS

The Nuisance abatement Division (NAD) will receive potential public nuisance & nuisance eviction cases from 3 sources:

- A) The Chief of Police, Deputy Chief, Captain, Special Resource Lieutenant or Problem Solving Officer, or ABAT may refer a police report to the NAD to review and assess for a potential nuisance eviction order. The NAD will review all arrests reports related to drug-related nuisance, gang-related crime, illegal drug activity, illegal possession, sale, or use of weapon, violent crime, or threat of violent crime, whether residential or commercial. NAD review will consist of determining the nexus between the violation, the property, and the perpetrator of the crime.
- B) City Departments/Staff: Department/staff person will forward a brief summary containing the information outlined below. Referral can be made by email submission followed up with hard copy submission, or by appointment with Case Manager. After initial assessment additional information may be requested including information on reporting party and historical information about prior referrals to City Departments. Nuisance Case Manager will meet with referring staff person to discuss all administrative options and determine best abatement strategy/outcome, including referral to appropriate/alternate department.
- C) Neighborhood Crime Prevention Council's (NCPC)/Oakland Residents: NCPC's and Neighborhood groups may make general descriptive complaints to the NAD general line. The call may be confidential, however if follow up requested caller must provide information so that NAD staff may follow up by providing them with information retrieved after researching the property being complained about. After initial assessment additional information may be necessary in order to determine whether or not this property is in fact a nuisance. Additional information may be garnered through further research; follow up requests for inspections; or police response. All administrative options and processes will be looked at to determine best abatement strategy/outcome, including referral to appropriate City Department.

Public Nuisance (PNO) Referral Process

Referrals should include the following:

Required:

- 1. Description of the property (including address and owner information if known)
- 2. A description of the nuisance and nuisance type (i.e. crime, blight, general conduct;
- 3. Nuisance person/object causing/committing nuisance if known;
- 4. Length of time nuisance occurring/recurring (length of time will go to establish nuisance likely to recur even if currently abated);



Optional:

1. Community contact NSC or NCPC (if applicable);
2. City department to which issue was first referred;
3. Tracking number (if applicable or known): Code Complaint number or Police Report number or other (Fire, Planning, etc.)

Nuisance Eviction (NEO) Referral Process

Referrals should include the following:

Required:

1. Police Report
2. Name and residence of tenant
3. Location of incident, type of crime, and proximity (distance) from residence.
4. Tenants criminal background information, if any

Recommended:

5. Name and contact information of neighborhood or community contact with background/historical information on the nuisance activity.

Case Priorities:

The NAD will prioritize violations that:

- A) Represent a danger to the health, safety, and welfare of the residents in the rental property, the neighborhood in which the rental property is located, and the City as a whole.
- B) Where the offending tenant is convicted; and/or
- C) The tenant is being held over for trial; and/or
- D) There exist specific circumstances that warrant nuisance declaration and/or eviction order. Special circumstances include:
 1. evidence now coming forward that tenant was arrested for nuisance activity; and
 2. tenant poses an ongoing threat danger to community; and
 3. tenant subsequently arrested for the commission of the same or similar crime; or
 4. tenant has a history of physical violence

