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MEMORANDUM


TO: HONORABLE MAYOR & CITY COUNCIL

FROM: Jestin D. Johnson City Administrator

SUBJECT: Code Compliance Relocation Program/1946 26th Avenue

DATE: February 12, 2024

City Administrator Approval


Jestin Johnson (Feb 13, 2024 17:10 PST)

Date: Feb 13, 2024

INFORMATION

This responds to the Community and Economic Development Committee's request for additional information on the City of Oakland (City) Code Compliance Relocation Program (CCRP), how it has been utilized for 1945 26th Avenue, and how information about the program is provided to the public. Below is a discussion of the CCRP followed by a discussion of how the program was instituted for the 1945 26th Avenue property.

GENERAL OVERVIEW

The primary purpose of CCRP, as codified in the Oakland Municipal Code (OMC) Section 15.60.010, is to "provide for **owner-paid** relocation payments and assistance to residential tenants who are displaced due to compliance with housing, housing, and fire codes." The CCRP was enacted because some residential units have "severe code violations which **threaten the life and safety of occupants**," and such "hazardous living conditions often require that the tenant vacate the structure to allow for extensive repairs[.]" OMC 15.60.020A (emphasis added).

The ordinance is clear that property owners must comply with their obligations under the CCRP, including the requirement to pay relocation benefits to displaced tenants. The City steps in only when a party requests a determination of eligibility under OMC 15.60.120, or if a tenant requests payment from the City because the property owner has failed to comply with their obligation to provide the required relocation payments. The CCRP authorizes (but does not require) the City to make payments on behalf of noncomplying owners, subject to funding availability, but makes clear that such payment continues to be the obligation of the owner.

Under the CCRP, tenants are eligible for relocation payments from the property owner when either the City or the property owner requires them to vacate due to conditions for which the City has issued or could issue a notice to vacate, notice to abate life threatening condition, or declaration of substandard.

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The CCRP defines temporary displacement as less than 60 days and permanent displacement as 60 days or more. For temporary displacement, property owners are required to pay tenants “actual and reasonable moving expenses and temporary housing accommodation costs directly incurred as the result of temporary displacement.” OMC 15.60.110B. Amounts for permanent displacement are based on unit size with additional amounts if the household includes a senior, person with a disability, or minor child. Current funding amounts and more information can be found [here](#).

The City’s role is as follows:

1. Tenant contacts the Department of Housing & Community Development (HCD), often because they have received a brochure from Code Enforcement personnel when they have done an inspection or from Oakland Fire Department (OFD) personnel when they have responded to a fire.
2. CCRP staff asks the tenant if they have contacted the property owner about addressing the code violations or making relocation payments. If not, CCRP advises tenant to contact property owner or property management company, if applicable. Staff also provides information about filing a Petition for Decreased Housing Services with the City’s Rent Adjustment Program (RAP), if applicable.
3. Staff reviews documentation from Code Enforcement and/or OFD. If the violations look like they may be severe enough to necessitate relocation, staff asks tenant to fill out CCRP application. Submitting the application results in staff opening a case and beginning an investigation.
4. Staff works closely with Code Enforcement and the City Attorney’s Office to determine if the eligibility requirements for the CCRP are met.
5. If tenants are deemed eligible, staff issues initial eligibility determination and notifies property owner of their obligations and provides an opportunity for property owner to provide additional evidence. Staff then issues final eligibility decision. Both parties (property owner and tenants) have the right to appeal and the City must hold an appeal hearing.
6. If the property owner is required to pay relocation benefits but fails to do so by the date required by the ordinance, the City may make a payment to the tenant on the owner’s behalf. The City then attempts to get reimbursed by the property owner.

CCRP is funded by the Community Development Block Grant (CDBG) program and has certain requirements to meet including serving low-income residents and maintaining documentation to meet compliance requirements.

1945 26TH AVENUE INCIDENT

For 1945 26th Avenue property, OFD responded to a fire at the property at 7:30 in the evening of January 5, 2024. The fire was confirmed to be confined to the electrical panel. OFD contacted the property manager, received a roster of building occupants and created list of persons needing Red Cross referrals; Red Cross arrived on scene at 10:00 pm to provide support. OFD did not issue a notice to vacate or notice to abate a life threatening or substandard condition.

On January 16, 2024, the property owner applied for an electrical permit, triggering an inspection that occurred on January 22, 2024.

On January 25, 2024, Code Enforcement issued Notices of Violation for the 4 units that had no electricity, which triggered the CCRP.

On January 18, 2024, tenant advocate/attorney Leah Simon Weisberg contacted the City Attorney's Office seeking assistance on behalf of the tenants. She was subsequently directed to the CCRP Program and asked to submit CCRP applications for the tenants. Receipt of a tenant application AND documentation from Code Enforcement and/or OFD is what initiates CCRP beginning an investigation. Typically, when an attorney is representing tenants, their first step is to send a demand letter to the property owner, prior to engaging the City.

The CCRP process for this property is ongoing. The City Administrator was identified to Valarie Bachelor, Oakland ACCE Director, as the single point of contact. Staff is in touch with the tenants' attorney and based on what we know, the landlord is complying with their obligations under the Ordinance.

In sum, the CCRP process proceeded as required under the law. Additional enhancements are discussed below.

PUBLIC INFORMATION

Information about the CCRP is found on the City's website [here](#). To improve the process, the postcard on the CCRP ([Attachment A](#)) has been supplied to OFD and

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Code Enforcement for distribution to tenants and property owners at the time of any incident. Additionally, CCRP staff is in the process of getting program materials translated and, in the meantime, utilizes the language line when needed.

Respectfully submitted,


Jestin Johnson (Feb 13, 2024 17:10 PST)

JESTIN D. JOHNSON
City Administrator

For questions regarding this report, please contact Jestin D. Johnson, City Administrator, at (510) 238-6654 and jdjohnson@oaklandca.gov.

Attachment A: CCRP postcard

ATTACHMENT A

CCRP FLYER

Chapter 15.60 - CODE COMPLIANCE RELOCATION PROGRAM

- If you've been displaced from your housing unit due to significant building code violations or fire, you may be entitled to relocation payments
- If the property owner has told you that you must temporarily (60 days or less) or permanently move in order to address a violation, you are entitled to relocation payments
- If you believe there is a code violation that threatens your health or safety, call 311
- If you have already received a notice that you must move, either from the City or the property owner, and you have not been offered relocation payments, you can call the City of Oakland's Housing Resource Center at 510-238-6182 or email housingassistance@oaklandca.gov.
- **Timing:**
 - **Permanent relocation:** owner must make payment to eligible tenant at least 10 days before expected move
 - **Temporary relocation:** owner must make payment to eligible tenant within 5 days after tenant has submitted documentation to owner of actual or anticipated moving and temporary housing expenses



Housing & Community Development Department
Housing Resource Center | 510-238-6182 | housingassistance@oaklandca.gov

Relocation Benefit Amounts

Permanent Relocation*:

- SRO/studio/one (1) bedroom: \$7,861.52
- Two (2) bedrooms: \$9,675.72
- Three+ (3+) bedrooms: \$11,943.47

Persons that are lower income, have a disability, are 65 and older, or have minor children are eligible for an additional \$2,500.

Temporary Relocation*:

- Eligible tenants may recover their actual and reasonable moving expenses and the cost of temporary housing incurred as a result of the displacement.

*If the tenant must move within 30 days or less, they are entitled to an additional \$500 from the owner.

(As of August 1, 2023)



CITY OF OAKLAND

Housing Resource Center
Housing & Community Development
Department
250 Frank H. Ogawa Plaza, 6th Floor
Oakland, CA 94612

Address:

