



1 FRANK H. OGAWA PLAZA · 3RD FLOOR · OAKLAND, CALIFORNIA 94612

Office of the Mayor
Libby Schaaf

(510) 238-3141
FAX: (510) 238-4731
TDD: (510) 238-3254

January 11, 2017

EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement

Buildings in Oakland should be safe places to live, work and play. In the wake of the Ghost Ship tragedy, unpermitted living, assembly and work spaces are under heightened scrutiny. We must unite as a City to improve the safety of non-conforming spaces while also working to avoid displacing vulnerable community members.

This executive directive creates new protocols and tasks consistent with existing regulations to enhance safety in unpermitted spaces while reducing the risk of displacement. It also clarifies our immediate work ahead to first enhance safety, while also protecting cultural community assets and working to prevent unnecessary tenant displacement during this time of unprecedented housing insecurity.

In the aftermath of the Ghost Ship Warehouse Fire, property owners have become more aware of the potential hazards of allowing unpermitted uses in former warehouse and industrial buildings and have, in some cases, evicted current tenants in an effort to reduce personal liability. Such evictions have resulted in displacement of people with few options for alternate housing or workspace due to the current affordability crisis. In many cases, tenants of these former warehouses and industrial buildings have long remained silent in the face of unresolved safety issues because alternative housing and workspaces are unaffordable and there is a high degree of anxiety concerning displacement or fear of eviction in response to their seeking life safety improvements.

The City of Oakland has long been in the forefront of adaptive reuse and live-work strategies for many former warehouse and industrial buildings, developing code compliance strategies and life safety standards that assure safe use of such buildings. We as a City affirm that having housing, workspaces and cultural gathering spaces in unpermitted spaces that operate safely and responsibly are valuable to the community, and the City should take actions to preserve and legalize these spaces to avoid adverse impacts on the City's affordable housing stock and availability of workspaces and performance venues for vulnerable members of our community.

EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement

We must take additional steps to protect physical, cultural and artistic assets and workspaces in the community while making necessary changes to improve life safety, provide for safer public events and improve standards and procedures for evaluating and assuring compliance.

Therefore through this Executive Directive, I hereby direct the City Administrator to direct the applicable City Departments to undertake the following actions:

1. In existing buildings that are not permitted for residential occupancy and that do not otherwise conform to Building, Housing or Fire Code or zoning requirements, including nonconforming residential, work space, or live work uses, but in the judgment of the Building Official or Fire Marshal, based on physical inspection and evaluation of identified hazards and known conditions, do not represent an immediate threat to life safety of the individuals currently residing in the building or to the surrounding properties, the property owner shall enter into an abatement and compliance plan with the City within 60 days. The following criteria shall guide the development of any abatement and compliance plan:
 - a. avoid displacement of any individuals residing or working in the property if that can be accomplished without imminent life safety risk;
 - b. cure Building, Housing and Fire Code violations within the time prescribed by the abatement and compliance plan, which plan shall be based on the severity of the violations;
 - c. secure any necessary zoning approvals if the property is not currently permitted for residential occupancy;
 - d. in the event any temporary or permanent relocation of residential occupants may be required, provide information to all known tenants and property owners on their rights and duties to comply with Relocation Payment, Right of Return and Just Cause for Eviction requirements;
 - e. for Building, Housing and Fire code inspections not requested by an occupant of the building, when practicable, notify occupants of the building of the scheduled time for inspections of the property at least five (5) calendar days prior to the inspection, except in the event of an immediate threat to life safety of the individuals currently residing in the building or to the surrounding properties as determined by the sole judgement of the Building Official or Fire Marshal; and
 - f. generally work in the spirit of cooperation with property owners, tenants and master lessors to correct code violations that are not deemed to be an imminent life safety risk; and while immediate life safety determinations rest in the sole professional judgment of the Fire Marshall or Building Official, these officials shall utilize problem solving skills and tools, including, for example, requiring on-site Fire Watch, to maximize both safety and housing security.
2. Review available housing resources to make recommendations during both the Notice of Funding Availability (NOFA) and the Budget process as to how such resources can be

EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement

used to assist in legalizing non-conforming residential units that house vulnerable community members, as well as work with the Artist Housing and Workspace Task Force to jointly present an informational meeting about these resources and assistance within 60 days.

3. Have the Housing, Residential Rent and Relocation Board review the Just Cause for Eviction Ordinance, Tenant Protection Ordinance and their regulations to see if there are any amendments to those ordinances or their regulations that could be enacted to strengthen protections and avoid displacement of occupants of nonconforming buildings.
4. Convene a Special Event Permits System Redesign group to implement process improvements to encourage greater compliance with permitting requirements, as well as seek safety enhancement recommendations from the Fire Safety Task Force.
5. With the assistance of the City Attorney, create an easy-to-understand “frequently asked questions” clarifying the rights and duties of tenants, landlords and persons who may be living or working in non-conforming spaces; and within 10 days commence a public education campaign to disseminate such information.
6. Ensure the Fire Safety Task Force promptly delivers its initial priorities: (1) developing and conducting a Community Risk Assessment and Risk Reduction Plan, including a census of buildings and structures, building fire safety risk assessment, and prioritization method for inspections that maximizes fire prevention while minimizing tenant displacement, (2) conducting an assessment/audit of the Fire Prevention Bureau using the NFPA 1730 Standard on Organization and Deployment of Fire Prevention Inspection and Code Enforcement, Plan Review, Investigation, and Public Education Operations, and (3) creating a shared database and reporting protocols for better sharing of information across various city departments.

Unless required sooner, the City Administrator or her designee shall report back to me at least every 60 days on each of the above actions along with any additional plans or recommendations to further this directive until all tasks are complete.

We will never forget those lost in the Ghost Ship Warehouse Fire and we will learn all we can from this horrific tragedy to make Oakland a safer and more resilient community.

Mayor Libby Schaaf
City of Oakland

Cc: Sabrina Landreth, City Administrator
Darin Ranelletti, Interim Director of Planning and Building

EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement

Michelle Byrd, Housing Director
Barbara Parker, City Attorney