

Chapter 15.08

OAKLAND HOUSING CODE

Article I Title and Scope

15.08.010 Title.

These regulations shall be known as the 1995 edition of the Oakland Housing Code, may be cited as such, and will be referred to herein as “this Code.” (Ord. 11833 § 3 (part), 1995: prior code § 8-1.01)

15.08.020 Purpose.

The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all buildings and structures within this jurisdiction.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code. (Ord. 12088 § 2 (part), 1998: Ord. 11833 § 3 (part), 1995: prior code § 8-1.02)

15.08.030 Scope.

The provisions of this Code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation and accessory buildings on the same lot. Such occupancies in existing buildings may be continued as provided in Section 3401, as such section shall be amended, of the Oakland Building Code, except such buildings as are found to be substandard as defined in this Code.

Where any building or portion thereof is used or intended to be used as a combination apartment house - hotel, the provisions of this Code shall apply to the separate portions as if they were separate buildings.

Rooming houses, congregate residences or lodging houses, or live/work occupancies shall comply with all the requirements of this Code for dwellings. (Ord. 12088 § 2 (part), 1998: Ord. 11833 § 3 (part), 1995: prior code § 8-1.03)

15.08.040 Application to existing buildings and structures.

- A. Additions, Alterations or Repairs (HSC Section 17958.8). For additions, alterations or repairs, see Section 3403 of the Oakland Building Code. Local ordinances or regulations governing alterations and repair of existing buildings shall permit the replacement, retention, and extension of original materials and the use of original methods of construction as long as the hotel, lodging house, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with the provisions published in the State Building Standards Code and the other rules and regulations of the department or alternative local standards adopted pursuant to HSC Section 17920.7 and does not become or continue to be a substandard building.
- B. Relocation (HSC Sections 17922.3 and 17958.9). Buildings or structures moved into or within this jurisdiction shall comply with the requirements in the Oakland Building Code for new buildings and structures.

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Local ordinances or regulations governing the moving of apartment houses and dwellings shall permit the retention of existing materials and methods of construction so long as the apartment house or dwelling complies with the building standards for foundation applicable to new construction, and does not become or continue to be a substandard building.

15.08.050 General standards.

All materials, assemblies, appliances, fixtures, equipment and installations thereof; all arrangements of occupancies, exits, aisles, stairs, and doors; all parapet wall, cornices, spires, towers, tanks, statuary, signage, structural members, appendages, and appurtenances thereto in buildings and structures regulated by this Code shall be so arranged, assembled, installed, maintained and of sufficient size and so protected as to reduce and minimize all egress, fire, safety, and health hazards.

The quality of all materials, assemblies, appliances, fixtures, and equipment; methods of connection, assembly and installation; allowable stress, strain, deflection, rate and volume and velocity of flow, pressure, temperature, and ampacity; and assumed loads and capacities to be used in the design, construction and maintenance of all buildings and structures, plumbing and mechanical installations, and electrical systems shall be consistent with requirements of this Code and nationally recognized standards of quality and generally recognized and well-established methods of testing, design, installation, and construction. Testing, listing, and affixed labeling shall be prima facie evidence of conformity with approved standards for safety to life and limb, property, and public welfare.

Non-compliance with any of the provisions of this Code, including failure to provide, obtain or maintain valid permits, certifications, tests, listings, affixed labeling, inspection approvals, or other conditions of permit; failure to repair, demolish, remove, or rehabilitate unsafe materials, appliances, fixtures, or equipment; or failure to prevent, restrain, correct, or abate conditions unsafe or hazardous for egress or fire protection or health due to inadequate maintenance, excess loading, dilapidation, or abandonment shall be and is hereby declared to be prima facie evidence of an existing and continuing hazard to life or limb, property or public welfare.

Article II Enforcement

15.08.080 General

- A. Authority. The Building Official is hereby authorized and directed to enforce all of the provisions of this Code and Chapter 8.24 of the Oakland Municipal Code, Property Blight. For such purposes, the Building Official shall have the powers of a law enforcement officer.
- B. Right of Entry (HSC Sections 17971 and 17972). When it is necessary to make an inspection to enforce the provisions of this Code, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied and secured against entry, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is

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refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

The owner or authorized agent or representative of the owner of any building or premises may enter the building or premises whenever necessary to carry out any instructions or perform any work required to be done pursuant to this Code.

No person authorized by this Code to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants or owner without a proper written order executed and issued by a court having jurisdiction to issue the order.

- C. Responsibilities Defined. Owners remain liable for violations of duties imposed by this Code even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be reinspected.

Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Owners shall, when required by this Code, the health ordinance or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall dispose of their rubbish, garbage and other organic waste in a manner required by the health ordinance and approved by the health officer.

Occupants shall, when required by this Code, the health ordinance or the health officer, furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

15.08.090 Substandard Buildings and Structures.

Buildings and structures or portions thereof which are determined to be substandard as defined in this Code are hereby declared to be Public Nuisances and shall be abated by repair, rehabilitation, demolition or removal and may be vacated in accordance with the procedures specified in Article XI and XII of this Code.

Article III Permits and Inspections

15.08.120 General.

No building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official in the manner and according to the applicable conditions prescribed in Section 106 of the Oakland Building Code.

15.08.150 Certificate of Occupancy.

It shall be unlawful to occupy or let to another for occupancy or use any building, or portion thereof, for which a Certificate of Occupancy has not been issued where such Certificate is required by the Oakland Building Code.

The Certificate of Occupancy shall set forth and limit the use and occupancy of buildings, and shall run with the structure, continuing valid until the same is revoked or expires, or until such time as a change in the occupancy or use of the structure or a substandard condition as defined by this Code shall occur, or until the building is demolished.

A new Certificate of Occupancy or the renewal of a revoked or expired Certificate of Occupancy shall be issued only:

1. After application and payment of fees for a Certificate of Occupancy, and
2. After application and payment of fees, and issuance of all required permits related to planning and building permits and approvals, and
3. After completion and approval of final permit inspections, and
4. After the final Certificate of Occupancy inspection finds that said building complies with all the applicable laws of the City of Oakland relating thereto.

The Certificate of Occupancy shall not be construed as authority to violate, cancel, alter or set aside any of the provisions or requirements of any laws or ordinances of the City of Oakland nor shall such issuance thereafter prevent requiring corrections of errors or of violations of any applicable law or ordinance of the City of Oakland.

A building or portion thereof, ordered vacated or declared a Public Nuisance or damaged by any cause whatsoever so as to jeopardize public safety or health shall not be occupied or used under an existing Certificate of Occupancy. A renewal Certificate of Occupancy shall be required prior to reoccupation or use; except the Building Official may under certain conditions permit reoccupation during rehabilitation to preclude vandalism.

An existing Certificate of Occupancy may be revoked after written notice for any one of the following causes:

1. any use not specifically authorized by the Certificate of Occupancy; or
2. discovery of any false statement or misrepresentation made by the applicant; or
3. continued existence of substandard conditions as defined by this Code; or
4. any condition which jeopardizes public health or safety.

Any building for which the Certificate of Occupancy has been revoked may be ordered vacated in accordance with Articles XI and XII of this Code.

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The application for a Certificate of Occupancy shall be submitted by the owner or his or her duly authorized agent on forms provided by the City of Oakland.

Article IV Definitions

15.08.170 Definitions.

For the purpose of this Code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Oakland Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING, RESIDENTIAL is any building or structure, or portion thereof which is used, or designed or intended to be used for human habitation including living, sleeping, cooking, or eating or any combination thereof.

CONGREGATE RESIDENCE is any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by this Code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.

HOT WATER is potable water supplied to plumbing fixtures at a temperature of not less than one hundred ten degrees (110°F) Fahrenheit.

HOUSEKEEPING ROOM is a room used for combined living, dining and sleeping purposes, and meeting the requirements set forth in Section 15.08.230L of this Code.

KITCHEN is any room used, or intended or designed to be used for cooking and preparing food.

NUISANCE. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned well, shaft, basement or excavation; abandoned refrigerator or motor vehicle, or any structurally unsound fence or structure; or any lumber, trash, fence, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to life and limb or to property, as determined by the Building Official or Fire Chief, or is detrimental to public health, as determined by the Health Officer.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.
6. Inadequate or unsanitary sewage or plumbing facilities.
7. Uncleanliness, as determined by the Health Officer.

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8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

SLEEPING ROOM is any habitable room in a residential building not otherwise prohibited for sleeping. Rooms or areas of residential buildings where sleeping is prohibited include, but are not limited to, laundries, kitchens, furnace rooms, any room containing a water heater, any room opening into a garage, any room not having the required means of egress or escape as otherwise required in this or any other pertinent law or regulation, or any other room considered by the Building Official not to meet minimum standards of health and safety for sleeping.

VENT SHAFT is a court used to ventilate a water closet, bath, shower, utility room or other service room.

WINDOW is a glazed opening, including glazed doors, which opens on to a yard, court, or a vent shaft, open and unobstructed to the sky.

15.08.180 Oakland Building Code definitions.

Wherever terms, phrases, words, and their derivatives in this Code are not defined herein but are defined in the Oakland Building Code, said definitions in the Oakland Building Code shall control.

15.08.230 Sanitation (HSC Section 17910, et seq.).

- A. Dwelling Units, Lodging Houses and Congregate Residences. Dwelling units, lodging houses and congregate residences shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower receptor.
- B. Hotels. Hotels or subdivisions thereof where both sexes are accommodated shall contain at least two separate toilet facilities which are conspicuously identified for male or female use, each of which contains at least one water closet.
EXCEPTION: Hotel guest rooms may have one unidentified toilet facility. Additional water closets shall be provided on each floor for each sex at the rate of one for every additional ten (10) guests, or fractional part thereof, in excess of ten (10).
- C. Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted. Drainboards shall be made waterproof.
- D. Fixtures. All plumbing fixtures shall be connected to a sanitary sewer. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. All plumbing fixtures shall be of an approved glazed earthenware type or a similarly nonabsorbent material.
- E. Water Closet Compartments. Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with Section 806 of the Oakland Building Code.
- F. Room Separations. Every water closet, bathtub or shower receptor required by this Code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or food storage rooms by a tight fitting door.
- G. Installation and Maintenance. All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Oakland Building Code.
- H. Basements. No room in a basement shall be constructed, altered, or occupied for living or sleeping purposes unless it conforms to all the requirements of this Code for living and sleeping rooms. The walls and floor of every basement which are below the ground level shall be water-proof and damp-proof, and whenever ordered by the enforcement agency, the walls and ceiling shall be plastered. Every basement shall be ventilated. If the ground adjoining a basement is excavated to

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or below the curb level, or to or below the adjoining natural ground level, the excavated space shall not be less in width than the minimum width specified in the Oakland Zoning Regulations for outer courts of the building in which the basement is situated.

- I. Subdivision of Rooms. No portion of any room in any dwelling, apartment house or hotel shall be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device so as to reduce the area or width below that which is required by this Code.
- J. Kitchen Separation. Every kitchen shall be separated from any room used for sleeping purposes by a full partition with no opening greater than three (3) feet by seven (7) feet unless such openings are closed with full tight-fitting doors. Total area at opening without closure shall not exceed twenty-one (21) square feet with the exception of housekeeping rooms and efficiency dwelling units.
- K. Guest Room Cooking. Food shall not be cooked or prepared in a guest room except in a kitchen or other room designed for that purpose.
EXCEPTION: Microwave ovens in a guest room used to re-heat pre-prepared food.
- L. Prohibited Use. It is unlawful for any person to use or occupy, or permit another person to use or occupy any building or portion of a building thereof for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

Any other room or place which does not comply with the provisions of this Code or in which the judgment of the enforcement agency, sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition, a want of light, windows, ventilation or drainage, dampness, or offensive, obnoxious or poisonous odors in the room or place.

EXCEPTION: Housekeeping Rooms meeting all of the following requirements:

1. Each Housekeeping Room shall have a combined floor area as provided in Section 15.08.210B of this Code for cooking and sleeping in the same room.
 2. Each Housekeeping Room shall be provided with a listed and approved non-portable electric cooking appliance used solely for the cooking or preparation of meals for consumption only by the occupants of the room.
 3. Each Housekeeping Room shall have an approved kitchen sink with hot and cold running water which shall be installed and maintained in close proximity to the cooking unit.
 4. The electric cooking unit shall be so installed and located that the bed, drapes, curtains, towels, or other readily combustible materials do not come into contact with it.
 5. The electric cooking unit shall not be used to provide the required space heat in the room.
 6. Each Housekeeping Room shall have an adequate and approved storage cabinet located immediately adjacent to the sink and cooking unit to provide for the storage of food, beverages, dishes, cooking and eating utensils when not in use.
 7. In a residential building at least one water closet and lavatory with hot and cold running water and at least one bathtub or shower receptor with hot and cold running water shall be installed in separate compartments on a public hallway for each four or fractional part of four Housekeeping Rooms on the floors which are not provided with private water closets and private baths.
- M. Lot Drainage. All portions of a lot about a building, including the yards, areaways, vent shafts, courts, and passageways, shall be properly graded and drained, except Group R - Division 3 and Group U occupancies. Storm and casual water for all occupancies shall not be drained to the sanitary sewer system in any building heretofore or hereafter erected. Area drains unless otherwise approved shall not be connected to the sanitary sewer system.

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- N. Lot Surfacing. Whenever necessary for the protection of the health of the occupants or for the proper sanitation of an apartment, apartment house, apartment hotel, boarding house, lodging house, rooming house, hotel or dwelling, yards, areaways, vent shafts, courts, passageways, or other parts of the lot surrounding the occupancy shall be graveled or properly paved and surfaced with concrete, asphalt, or similar approved material.
- O. Room Finishes. The walls and ceiling of every room in a dwelling, apartment house, or hotel shall be finished, sealed, coated or covered in an approved manner. Approved materials shall be applied as often as necessary to maintain the walls and ceiling in a clean and sanitary condition. Unless built of light-colored materials or unless there is sufficient natural light, the wall of courts and shafts shall be painted in a light color or shall be white-washed. The paint or white-wash shall be applied as often as necessary to maintain the walls in a light color.
- P. Garbage Receptacles. An approved garbage receptacle with close-fitting cover for garbage or a garbage chute or shaft with an approved receptacle and cover shall be provided for the separate living unit which has cooking facilities in a residential building. Each receptacle, chute, or shaft shall be kept in a clean condition by the following persons:
1. in the case of a receptacle in an apartment house, house, flat, home, residence, building or place occupied by one family, by the respective occupant of each living unit in the building;
 2. in the case of a receptacle in a hotel, by the owner or person in charge of the hotel;
 3. in the case of a chute or shaft, by the person in charge or in control of the building.

The installation and use of an approved garbage disposal unit in any residential building shall not preclude the requirement of receptacles for other material classified as garbage. Every closet or compartment in a building now or thereafter used for storing a garbage receptacle shall be lined on all its sides and on the inside of all its doors with galvanized metal with all joints made tight.

- Q. Vector Control. Each room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water closet compartment room, toilet room, bathroom, slop sink rooms, crawl space, washroom, plumbing fixture, drain, roof, closet, cellar, basement, yard, court, and the premises of every building shall be kept in every part clean, sanitary, and free from all accumulation of debris, filth, rubbish, garbage, rodents, vermin and other offensive matter.

Neither any article that is dangerous or detrimental to life or to the health of the occupants; nor any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard or provide harborage for rodents, shall be kept, stored, or handled in any part of an apartment house, hotel or dwelling, or of the lot on which such building is situated, except upon written permit obtained from the officer or agency authorized by law to issue the permit.

- R. Operator. A janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment, hotel, or apartment house in which there are sixteen or more apartments, and of every hotel in which there are twelve or more guest rooms, in the event that the owner of any apartment house, apartment hotel, or hotel does not reside upon said premises. If the owner does not reside upon the premises of any apartment hotel, or apartment house, in which there are more than four but less than sixteen apartments, a notice stating his name, address, and telephone number or the name, address, and telephone number of his agent in charge of the apartment hotel or apartment house, shall be posted in a conspicuous place on the premises.

Article VI Structural Requirements

15.08.250 General

- A. General. Buildings or structures may be on any types of construction permitted by the Oakland Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Oakland Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Oakland Building Code.
- B. Shelter. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.
- C. Protection of Materials. All wood shall be protected against termite damage and decay as provided in the Oakland Building Code. (Ord. 11833 § 3 (part), 1995: prior code § 8-6.01)

Article X Substandard Buildings

15.08.340 Definition.

- A. General. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Oakland Building Code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.
- B. Inadequate Sanitation. Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:
 - 1. lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house;
 - 2. lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel;
 - 3. lack of, or improper kitchen sink in a dwelling unit;
 - 4. lack of hot and cold running water to plumbing fixtures in a hotel;
 - 5. lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house;
 - 6. lack of adequate heating facilities;
 - 7. lack of, or improper operation of required ventilating equipment;
 - 8. lack of minimum amounts of natural light and ventilation required by this Code;
 - 9. room and space dimensions less than required by this Code;
 - 10. lack of required electrical lighting;
 - 11. dampness of habitable rooms;
 - 12. infestation of insects, vermin or rodents as determined by the health officer;
 - 13. general dilapidation or improper maintenance;
 - 14. lack of connection to required sewage disposal system;

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15. lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.
- C. Structural Hazards. Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include but not be limited to the following:
1. deteriorated or inadequate foundations;
 2. defective or deteriorated flooring or floor supports;
 3. flooring or floor supports of insufficient size to carry imposed loads with safety;
 4. members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 5. members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
 6. members of ceilings, roofs, ceilings and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
 7. members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
 8. fireplaces or chimneys which list, bulge or settle due to defective material or deterioration;
 9. fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- D. Nuisance. Buildings or portions thereof in which there exists any nuisance as defined in this Code are deemed substandard buildings.
- E. Hazardous Electrical Wiring. Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard.
- F. Hazardous Plumbing. Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.
- G. Hazardous Mechanical Equipment. Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered substandard.
- H. Faulty Weather Protection. Buildings or portions thereof shall be considered substandard when they have faulty weather protection which shall include, but not be limited to, the following:
1. deteriorated, crumbling or loose plaster;
 2. deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors;
 3. defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering;
 4. broken, rotted, split or buckled exterior wall coverings or roof coverings.

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- I. **Fire Hazard.** Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of the fire department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered a substandard building.
- J. **Faulty Materials of Construction.** The use of materials of construction, except those which are specifically allowed or approved by this Code and the Oakland Building Code, and which have been adequately maintained in good and safe condition, shall cause a building to be substandard.
- K. **Hazardous or Unsanitary Premises.** The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions on a premises constitutes fire, health or safety hazards which shall be abated in accordance with the procedures specified in Article XI of this Code.
- L. **Inadequate Exits.** Except for those buildings or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this Code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the Building Official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exit, or when other conditions exist which are dangerous to human life.

- M. **Inadequate Fire Protection or Fire Fighting Equipment.** Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this Code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- N. **Improper Occupancy.** All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies shall be considered substandard.
- O. **Inadequate Maintenance (HSC Section 17920.3).** Any building or portion thereof which is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code. (Ord. 11833 § 3 (part), 1995: prior code § 8-10.01)

Chapter 8.23 EVICTION FOR NUISANCE AND ILLEGAL ACTIVITY

8.23.100 Eviction for nuisance and illegal activity ordinance.

- A. Purpose. The city of Oakland has a significant problem wherein owners of rental property have tenants who commit illegal acts on the property or use it to further illegal activities. Often rental property owners fail to take action to evict such tenants for a variety of reasons including, but not limited to: neglect, lack of knowledge of the illegal activity, monetary gain from renting to the offending tenants, or fear of retribution from the offending tenants. This illegal activity represents a serious threat to the health, safety, and welfare of other residents in the rental property, the neighborhood in which the rental property is located, and the city as a whole.

The city has broad authority to address nuisances, including nuisances created by illegal activity. Often the city's recourse is to seek mandatory injunctions to force rental property owners to remove tenants who engage in illegal activity; this can be time consuming and costly to the city and the rental property owner. The city may also have to order the property vacated, which often can result in the displacement of tenants who are not engaged in illegal activity. The City Council desires a more expeditious, less costly, and more targeted approach to removal from the rental property tenants committing a nuisance by engaging in illegal activity.

The purposes of the ordinance codified in this chapter include: to establish a procedure whereby rental property owners can be required to evict tenants committing illegal activity on the premises; to penalize such owners for maintaining a nuisance or authorize the city to take other action against the rental property owner for failing to take appropriate action against the offending tenants; to enable rental property owners to assign the eviction cause of action to the city and allow the City Attorney to handle the eviction of the offending tenant; and to authorize owners to remove from the rental unit only the person engaged in the illegal activity and not other tenants in the unit who may be innocent of the activity.