

PUNITIVE TO REHABILITATIVE: STRATEGIES FOR LIVE-WORK PRESERVATION IN OAKLAND

COMMUNITY DEVELOPMENT STUDIO FINAL PROJECT, SPRING 2018

UC BERKELEY DEPARTMENT OF CITY AND REGIONAL PLANNING

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EXECUTIVE SUMMARY

CONTEXT

On December 2, 2016, thirty-six people died in a fire at the Ghost Ship warehouse space in Oakland, most of whom were there visiting for a show. This tragic loss of life brought to the forefront live-work spaces as an overlooked type of housing in Oakland. While retrospectively the conditions at the Ghost Ship warehouse were exceptionally unsafe, the tragedy raised life-safety questions about other nonconforming spaces, and especially do-it-yourself (DIY) warehouses. While not all spaces represent the same safety risk that Ghost Ship did, there are many steps that can be taken to make these spaces safer without displacing residents.

WHO WE ARE

This report was completed by students in the Masters in City Planning program in UC Berkeley’s Department of City and Regional Planning. This document represents the culminating effort of a semester-long community development studio. We focused our research on code compliance processes and preservation financing. Our methods included conducting semi-structured interviews, reviewing the City of Oakland’s code enforcement database, compiling case studies from other cities, and visiting live-work spaces in Oakland.

FINDINGS

CODE ENFORCEMENT

Code enforcement and artists’ experience post-Ghost Ship

Despite Mayor Schaaf’s Executive Order that stated that officials should avoid displacement, many live-work communities received notices to

vacate after the Ghost Ship fire. After examining the city’s code enforcement database, we found a spike in complaints post-Ghost Ship. Additionally, our interviews with residents and artist non-profit representatives, and our site visits, suggest that live-work residents want to make life safety improvements, but face obstacles.

Notices of Violation

The current Notices of Violation (NOVs) often create barriers that impede the code compliance process. Directives may simply order the property owner or resident to “discontinue use” rather than provide productive feedback on life-safety improvements. Other issues include a lack of prioritization of more imminent life-safety hazards, the use of ambiguous photos or codes that lack clear steps on fixing violations, and a freeze on work on the property until the owner submits a compliance plan for addressing all violations.

Live-work landscape in other cities

Components of policies from each of the cities described in our case studies could be taken together to represent a more comprehensive approach toward live-work spaces. These policies include culturally sensitive code enforcement outreach, proactive rental inspection, safety checklists that distinguish between life-safety hazards and other code violations, amnesty programs, and centralized access to funding for intermediaries supporting live-work spaces on code compliance processes.

LONG-TERM AFFORDABILITY

Developing new live-work communities with affordable rents

Developing new live-work communities with subsidized rents is a potential solution for long-term affordability. The Adeline Lofts project is a local example of a live-work community constructed by an affordable housing developer. Since its completion 15 years ago, Adeline Lofts remains

the only subsidized live-work development in Oakland, which speaks to the difficulties that these spaces can create for traditional affordable housing developers. Moreover, it has been challenging for the property management to maintain a tenant base of artist residents without a direct connection to the artist community.

Live-work community preservation

We describe in the report how the community land trust (CLT) model could be used to preserve affordable live-work housing and guarantee housing stability for low-income artist residents. In this model, a CLT would partner with tenants to purchase the live-work property. The CLT owns the land in perpetuity and maintains permanent affordability for residents in the building. The 23rd Avenue property that the Oakland Community Land Trust recently purchased in partnership with tenants offers a model for CLT preservation of existing live-work communities.

RECOMMENDATIONS

CODE ENFORCEMENT

Inspections reform

Reformat Notices of Violation to be itemized and explicit. Develop an inspection checklist of imminent life-safety hazards.

Amnesty program and relaxed requirements

Establish an amnesty program for spaces with unpermitted work and relax other construction standards for live-work spaces.

Strengthen intermediary role

Centralize funding with third-party intermediaries like Safer DIY Spaces, create a project-specific city interagency task force, conduct broader

culturally specific outreach for code compliance, provide educational resources to live-work residents, and ensure live-work spaces are included in any proactive rental inspection program.

Assembly use

Allow live-work spaces to be permitted for assembly use, provided that commensurate life-safety measures are put in place.

Adopt a harm reduction stance

This would better protect the safety of residents and attendees than an overly regulatory and punitive approach.

LONG-TERM AFFORDABILITY

Set aside affordable housing funds for smaller buildings

Live-work buildings are smaller than what traditional affordable developers typically find to be efficient and cost-effective with their development model. Setting aside funds for smaller buildings would ensure that the CLT organizations interested in preserving these buildings could obtain funds to purchase vulnerable live-work communities and maintain their affordability.

Redefine impact

Current narrow definitions of affordable housing funding impact (units produced or preserved) do not include the number of ways impact can be assessed by preserving or creating live-work spaces, which typically have fewer housing units in the traditional sense. A more holistic definition of impact could examine safety improvements, environmental sustainability, and preservation of local culture.

CONTEXT

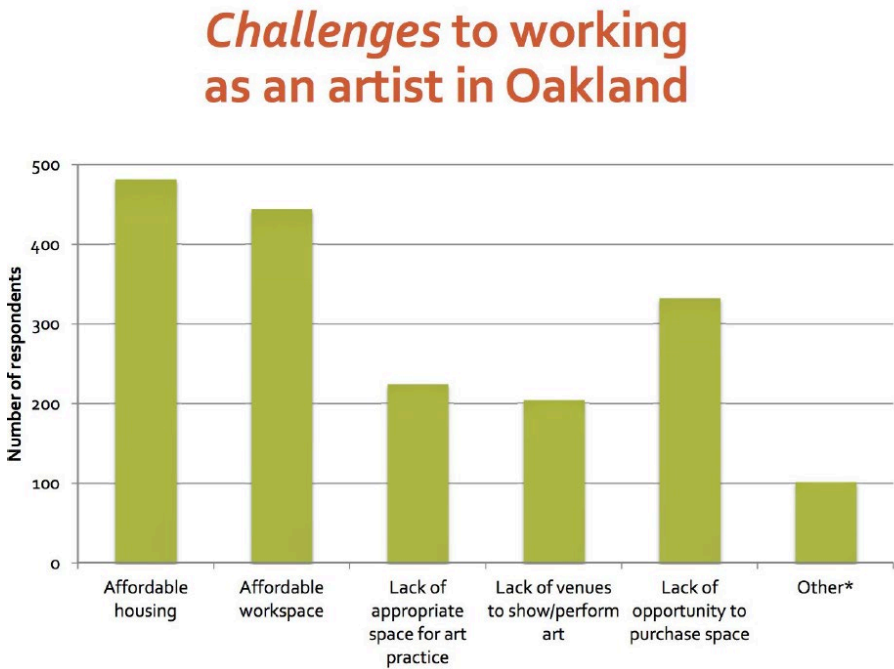
LIVE-WORK IN OAKLAND

Oakland has historically been known as a cultural center of art and music. As noted by Ismael Reed (1995) in *Oakland Rhapsody: The Secret Soul of an American Downtown*, “Oakland is America’s best-kept secret,” a city that remains on the cutting edge due to its “resilient, free-spirited and confident” residents. In the past decade, Oakland’s vibrant art and culture scene has received more widespread attention, but a growing number of arts and cultural spaces are now at risk of displacement.

In the Bay Area, warehouse living began in the 1970s. The decline of manufacturing and a shift toward using shipping containers for goods movement caused many Oakland warehouses to become vacant or under-utilized (Dolan, 2012). Artist communities were often the first to occupy these newly available spaces, converting them to live-work residences or artist lofts. The live-work concept, where the building or buildings provide for both residential and working space on a single property, was an ideal arrangement. Occupants could be self employed and work from home and often needed the large open spaces in warehouses for their endeavors. There was also a desire to transform vacant buildings into vital artistic spaces. In many cases, these new occupants made renovations and built what was needed to make the space habitable and safe, often times under the radar of building officials and city planners.

To facilitate these new living arrangements, Oakland became one of the earliest cities to adopt a live-work planning code. This code, adopted in 1980, has remained largely unchanged. Live-work artist communities continued to grow over the following decades, and live-work architect Tom Dolan estimates that, as of this current moment, there are an estimated 5,000 people living in at least 200 live-work spaces in Oakland, including sanctioned live-work buildings and ones that are still under the radar. However, these spaces and the artists residing in them face growing pressures in Oakland’s increasingly expensive housing market.

In the spring of 2016, the Mayor’s Artists Housing and Workspace Task Force published a white paper titled “Strategies for Protecting and Creating Arts & Culture Space in Oakland” that reported results



from a survey of 900 Oakland artists. Of note, 25% of respondents said that they had been displaced or were facing imminent displacement. Moreover, a majority of respondents said that affordable housing and affordable workspace were the biggest challenges to living in Oakland (Mayor’s Artist Housing and Workspace Task Force, 2016). This lack of affordable housing can force artists and other low-income residents into overcrowded and hazardous living conditions, such as those present in the Ghost Ship warehouse prior to the 2016 fire.

POST-GHOST SHIP CONTEXT

OAKLAND

On December 2, 2016, a fire at the Ghost Ship warehouse killed thirty-six people, most of whom were there visiting for a show. This tragic loss of life brought to the forefront live-work spaces as an overlooked type of housing in Oakland. While retrospectively the Ghost Ship warehouse had especially dangerous fire hazards, the tragedy raised life-safety questions about other non-conforming spaces, and especially DIY warehouses. As noted above, these spaces have long served as affordable housing, workspace, and community spaces for artists in Oakland, but many have been under the radar.

Shortly following the fire, Oakland Mayor Libby Schaaf issued an Executive Order stating Oakland’s commitment to increasing life safety, without displacing artists from the spaces they have called home. Executive Order 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement focused on owners of existing buildings that are not permitted for residents and/or that do not conform to building codes. The Executive Order directed these property owners to make a plan with city officials within sixty days to correct the space’s issues. This approach has not worked given the complex building code and life safety issues. Only a few property owners have come forward, and of the plans that were initiated, there have been no successful outcomes to date. Owners were also asked to refrain from displacing tenants in those buildings if none of the code violations were life-threatening.

In addition to the Mayor’s more immediate commitment to life safety without displacement, the City also has stated broader and more sustainable strategies for preserving local culture and housing affordability. “Oakland at Home,” a report by the Mayor’s Housing Cabinet and Enterprise, a national community development nonprofit, focuses on protecting affordability and notes that acquiring “naturally occurring” affordable housing¹ is a key strategy for accomplishing this goal (City of Oakland, Enterprise, 2016). Additionally, the Mayor’s office supports efforts to prevent the displacement of local artists, as demonstrated by the establishment of an Artist Housing and Workspace Task Force and the “Strategies for Protecting and Creating Arts and Culture Space in Oakland” white paper issued by this group (Mayor’s Artist Housing and Workspace Task Force, 2016). Broadly speaking, our report on live-work housing in Oakland and the city’s affordable housing objectives share three common goals:

1. Maintain the long-term affordability of existing housing stock.
2. Preserve local culture.
3. Stop the involuntary displacement of Oakland residents.

¹ “Naturally occurring” affordable housing is a term that denotes housing that does not have a subsidy but is still relatively affordable compared to other housing on the market. Quotation marks are used here to signal that the authors of this report do not agree with the notion that the lower price of this housing stock is a natural phenomenon, as this affordability typically results from disinvestment, neglect, and/or structural discrimination. For more information, see this article by Steve King of the Oakland Community Land Trust: <https://shelterforce.org/2017/04/25/thoughts-unnatural-occurrence-cheap-housing/>

Indeed, since Mayor Schaaf’s Executive Order, some important work has been done to better protect residents of “non-conforming units.” The Code Compliance Relocation Program was amended in July 2017, establishing that if an owner creates an illegal unit, they may have to compensate tenants for relocation expenses if the tenants can demonstrate residency through utility bills, a lease or other agreement, etc.

However, displacement continued to happen even after the Mayor’s stated commitment. Evictions have taken place in Oakland, as highlighted in Sam Lefebvre’s 2017 East Bay Express article, “Evictions After Ghost Ship.” Lefebvre points out that “of the 64 investigations of nonresidential properties conducted by the city in the eight months following the fire, ten resulted in evictions that displaced more than 45 people, and interviews with landlords, tenants, and attorneys indicate that more are likely to come” (Lefebvre, 2017). According to Tom Dolan, inspectors have not made changes to respect the Executive Order to avoid displacement and focus on safety.

In order to prevent the further displacement of unsanctioned live-work spaces, Safer DIY Spaces formed after the fire to help live-work residents ensure life safety while fighting code enforcement-based evictions. Now a nonprofit organization, Safer DIY Spaces continues to play an intermediary role between live-work residents and city government, meeting with live-work communities around Oakland to help them create informal compliance and abatement plans while maintaining confidentiality. In addition to Safer DIY Spaces’ work, new strategies for longer-term protections and sustained affordability for live-work spaces need to be explored. Recommendations for both strengthening compliance processes and ensuring long-term affordability will be discussed in this report.

AROUND THE COUNTRY

After the Ghost Ship fire in December 2016, it quickly became clear that this local tragedy would have national implications. As Matthew Richter, Cultural Space Liaison in the City of Seattle, put it, “Every mayor in America turned to someone in their administration and said, ‘do we have a Ghost Ship here?’”

As this report will show, in many cases, including to some degree in Oakland, the initial impulse for minimizing the risk of another tragedy was to minimize spaces that seemed in any way reminiscent of Ghost Ship. In both Baltimore and Denver, this meant evictions of the most prominent spaces in each of those cities, Bell Foundry in Baltimore; Rhinocerospolis and Glob in Denver.

But not all spaces represent the same safety risk that Ghost Ship did; there are many steps that can be taken to make spaces safer without displacing residents. Furthermore, creating a culture of fear around code enforcement violations only makes residents less safe. A letter from the Seattle Arts Commission to Seattle Mayor Ed Murray in the wake of the Ghost Ship fire summarizes some of these points, referencing the “life-saving value of [live-work] spaces,” and referring to them as “a precious, non-renewable resource.” The letter points out that “adversarial enforcement... drives people further underground and further away from our shared goal of improving safety” (see Seattle letter in [Appendix E](#)).

Indeed, in the context of post-Katrina New Orleans, Adams et al describe “chronic disaster syndrome,” in which the city sees “permanent displacement of the most vulnerable populations from the social landscape as a perceived remedy that actually exacerbates the syndrome” (Adams et al, 2009). It is critical to avoid chronic disaster syndrome in Oakland following the Ghost Ship fire. While removing people from unsafe spaces may appear to eliminate a safety threat, as the Seattle letter puts it, “displaced people and spaces will reappear elsewhere.” Given the national impact of this tragedy, Oakland has an opportunity to model a response that both focuses on the safety of people and recognizes the inherent value of live-work spaces.

So, how do we better align processes to achieve the stated goal of safer Oakland residents?

“Every mayor in America turned to someone in their administration and said, ‘do we have a Ghost Ship here?’”

Matthew Richter, Cultural Space Liaison, Seattle

WHO WE ARE

We are a group of seven Master's in City Planning (MCP) students in the Department of City and Regional Planning at University of California-Berkeley. This report was done as the culmination of a semester-long community development studio, Cities, Development, and the Arts, taught by former Oakland Assistant City Administrator, Claudia Cappio.

Studio courses are courses with clients who propose a semester-long project for students to complete. In this course, non-profit intermediary, Safer DIY Spaces, acted as our client, proposing that we research other cities' approaches to helping live-work spaces address life safety issues, with residents in place, and maintaining affordability. They also asked us to look into financing strategies for preservation more broadly.

Safer DIY Spaces' work requires confidentiality so that tenants in unsanctioned spaces feel comfortable coming forward and having their buildings evaluated to increase fire and life-safety provisions. This need to maintain confidentiality in order to keep current, unsanctioned spaces from being evicted was justly deemed more important than the risk of having addresses become known. Consequently, our class was limited in its access to current residents and buildings. However, we were able to visit a handful of spaces in Oakland and Stockton and meet artist residents. We also spoke to other local artists and arts groups in Oakland and in other cities, as will be described in detail below.

OUR VISION AND VALUES

Given the context, it is important to establish vision and values for how Oakland and other cities might shift their perspective and approach on live-work spaces.

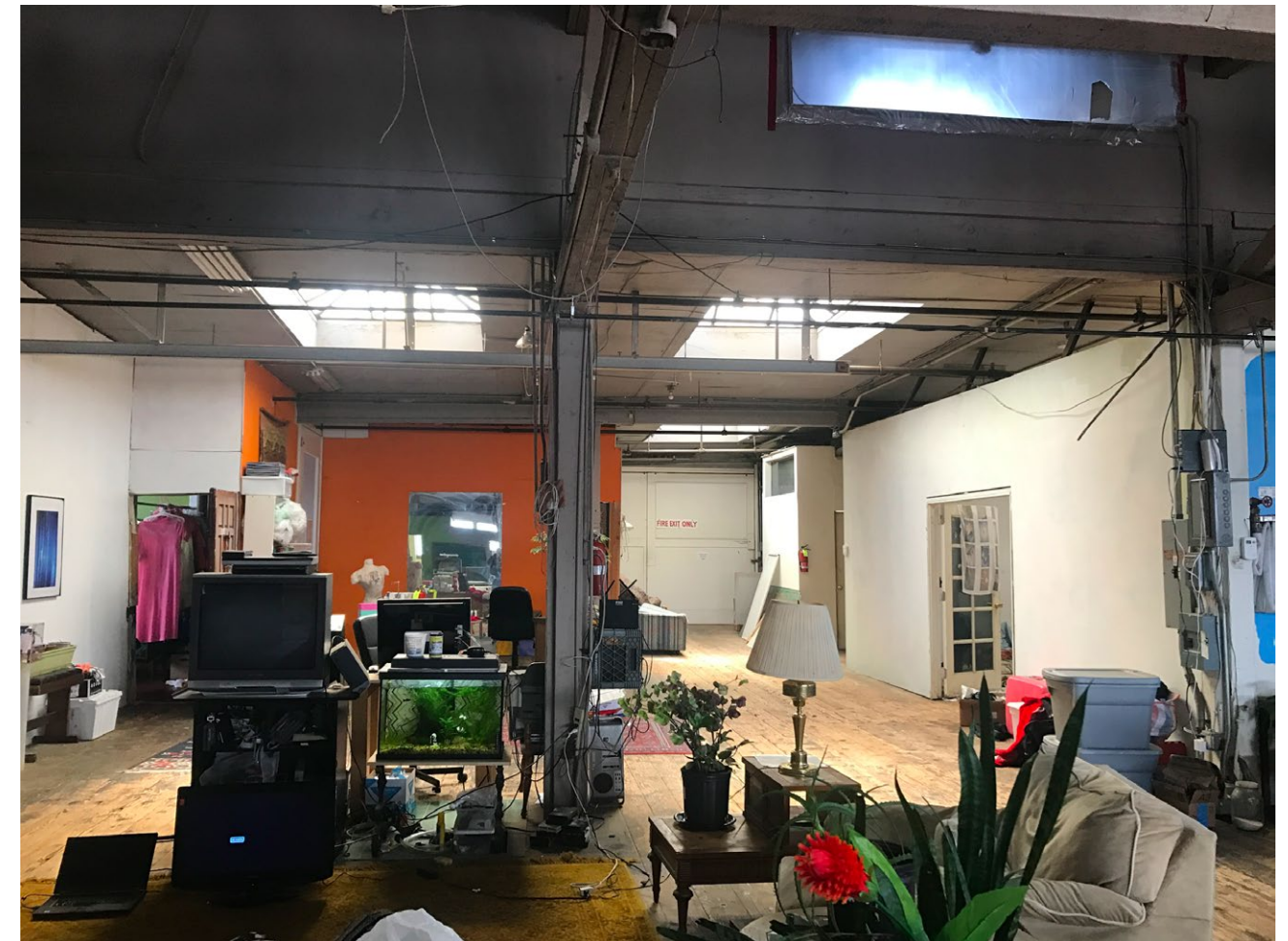
As suggested by this report's title, our overarching vision is a shift from a punitive approach to one that is rehabilitative — in code enforcement processes, and sufficiently resourcing long-term affordability strategies for artists.

This starts with taking a different view when looking at a space like the one pictured in order to see:

- Oakland residents — not occupancy violations;
- affordable housing — not just warehouses;
- homelessness prevention — not just risk of fire;
- community — not nuisance; and
- culture being made — not mess.

In order to better meet our shared goal of safer Oakland residents, our values are manifest in the following shifts in perspective:

- From punitive to rehabilitative
- From terminating non-conforming uses to anti-displacement
- From disciplinary to educational
- From antagonistic to collaborative
- From binary (compliant/non-compliant) to compliance processes



RESEARCH APPROACH

As noted, our client, Safer DIY Spaces, helped establish our focus on code compliance processes and preservation financing.

From there, we broke into four teams: a) code enforcement in Oakland, b) code compliance processes in other cities (code enforcement and the role of intermediaries), c) artist experiences in Oakland and elsewhere, and d) financing for long-term affordability. All of the teams employed semi-structured interviews as their main research methodology.

In addition to the semi-structured interviews, we conducted quantitative analysis of Accela, the public code enforcement database, to bolster our research findings on code enforcement in Oakland. In order to conduct more comprehensive research of code compliance processes in other cities, case study methodology was employed.

INTERVIEWS

FOCUS ON ARTIST EXPERIENCES IN OAKLAND AND OTHER CITIES

For this component of the report, we spoke with Rebuild Foundation and Artspace, developers who build affordable housing for artists. We also interviewed an artist in a live-work building in Baltimore to learn more about the inner-workings of these communities. To understand the artist scene in Oakland, we spoke with an African-American artist running a museum, and we learned about the process for acquiring this space. We conducted three site visits in Oakland to see how live/work spaces function and spoke with community members directly about the issues they face in a post-Ghost Ship context.

	Artist and other residents of non-conforming spaces	Artist Affordable Housing Developer
Oakland	Artist who wishes to remain anonymous	
Baltimore	Artist who wishes to remain anonymous	
Minneapolis	N/A	Aneesha Marwah, Manager, Consulting and Strategic Partnerships, Artspace
Chicago	N/A	Maya Wallace, General Programming Assistant, Rebuild
New York	N/A	Michele Gambetta, Broker/ Co-founder of ArtCondo

FOCUS ON MODELS FOR LONG-TERM AFFORDABILITY

To learn more about possible models for long-term affordability in live-work spaces, we conducted interviews with a variety of local stakeholders. After speaking with affordable housing professionals, artists advocates, and local government officials, we learned about the strengths and weaknesses of the of funding mechanisms for affordable housing and how this financing could be applied to live-work spaces.

The table below shows the range of respondents contacted to help answer this question.

	Government Official	Affordable Housing Professionals	Nonprofit Arts Real Estate Developer
Oakland/ Berkeley	Kelley Kahn, Policy Director, Arts and Development	Steve King, Executive Director Oakland Community Land Trust Eve Stewart, Director of Real Estate Development, SAHA (Berkeley)	Tyese Wortham, Director of Community Engagement, Community Arts Stabilization Trust (CAST)
San Francisco	N/A	James Yelen, Program Fellow Enterprise Community Partners Tyler Macmillan, Organizational Director SF Community Land Trust	
Alameda County	Michelle Starratt, Assistant Housing Director	N/A	N/A

CODE ENFORCEMENT

We sought out the perspectives of city officials working within code enforcement and compliance in Oakland and nearby cities to learn more about how code enforcement works and to get their perspectives on enforcement pre- and post-Ghostship. While we did not speak with code enforcement officers or officials in Oakland directly, we spoke with other Oakland officials familiar with these issues. Additionally, we toured live-work artist spaces and asked the residents about their experiences with code enforcement.

	City Official	Artists/Artist Advocate
Stockton	County Building Director	2 artists in live-work spaces
Fremont	Code Enforcement Manager	N/A
San Jose	Code Enforcement Supervisor	N/A
Oakland	Ethan Guy, former Chief Resilience Officer (now Senior Manager, Street Level Advisors) Greg Minor, Assistant to the City Administrator Nuisance Abatement/Special Activity Permits Division	2 live-work communities who are working with the city to bring their residences up to code and prefer to remain anonymous

CASE STUDIES

Case studies on other cities — San Francisco, Seattle, Baltimore, and Denver — sought to describe the live-work landscape and efforts by governmental agencies, the arts community, and intermediaries, to address safety in live-work spaces while preserving them as affordable housing and cultural space. To that end, we conducted interviews with a combination of city officials (particularly in code enforcement), nonprofit intermediaries, and artists and artist advocates.

Where possible, we talked to a combination of stakeholders in order to triangulate perspectives. For example, talking to city government and artists in the same city allow us to better understand artist perspectives on city actions. This range of interview subjects was not always possible, particularly given challenges we faced around limited access to artists. Below is a breakdown of the distribution of interviews completed for the case studies:

	City Official	Artists/ Artist Advocate	Intermediary
Seattle	Matthew Richter, Cultural Space Liaison, Seattle Faith Lumsden, Code Compliance Director	No artist interviews, but intermediary is an arts organization	Jason Clackley, Director of Programming & Talent Buying, The Vera Project
Denver	Laura Swartz, Development Services Communications, Community Planning and Development	Bree Davies, DIY Community Advocate 2 artists who wish to remain anonymous	N/A
Baltimore	N/A	Artist who wishes to remain anonymous	Amy Bonitz, President and CEO, Baltimore Arts Realty Corporation (BARCO) Ellen Janes, Executive Director, Central Baltimore Partnership
San Francisco	James Sanbonmatsu, Senior Housing Inspector, Code Enforcement Outreach / SRO Collaboratives Program Manager	N/A	N/A

In order to produce comparable case studies, we then synthesized the findings from these interviews into a template that describes i) the live-work landscape in the city, ii) the post-Ghost Ship response, iii) the code enforcement processes in that city, iv) what is unique about that city’s approach to live-work spaces, and v) the artist perspective on the situation. As will be described later, findings from the case studies guide our recommendations for how Oakland can more effectively implement code compliance processes.

ACCELA DATABASE

Our interviews indicated that many problems with maintaining live-work spaces stem from building code enforcement. As noted by local activists, a number of artists were displaced immediately following the Ghost Ship fire due to evictions brought on by both landlords’ and Oakland’s code enforcement. To examine possible differences in complaints, we reviewed the Accela database for any code enforcement complaint from January 1, 2016 up until December 2, 2016 (when the Ghost Ship Fire occurred) and then from December 3, 2017 up until December 31, 2017.

CODE COMPLIANCE

CODE ENFORCEMENT EXPERIENCE IN OAKLAND

BUILDING INSPECTION PROCESS

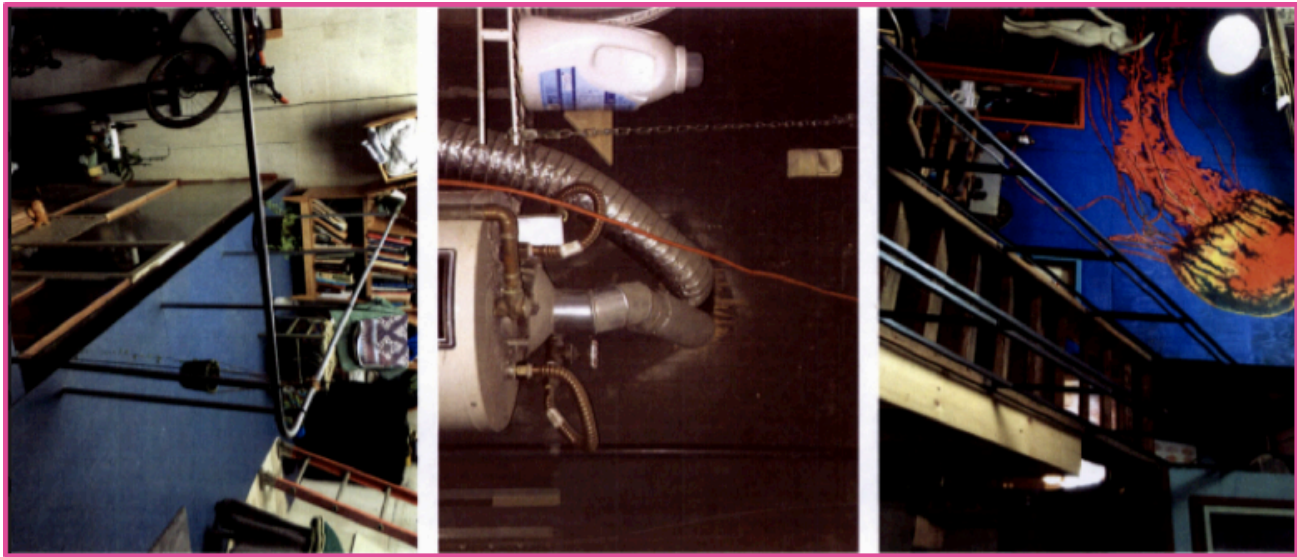
Similar to many other cities, Oakland’s code enforcement process is complaint-driven. Code enforcement and building officials do not investigate any residences that are potentially unsanctioned unless they are notified by police or fire inspections or someone files a complaint or applies for a building permit. Once code enforcement receives a complaint, they log it in the Accela database and determine whether the complaint warrants an inspection (Labayog, City of Oakland, 2018). If the complaint represents a minor issue, then the property owner will be issued a Courtesy Notice. The inspections look for any conditions that can cause a hazard to the health, safety, and welfare of the residents. The complaints are sorted into six categories: blighted property, housing/habitability, work without permits/stop work order, substandard public nuisance, zoning, and engineering services (see Appendix B for a chart detailing the steps in this process).

The Fire Department also plays a role in building inspections, regularly checking that buildings are outfitted with proper sprinkler systems, smoke detectors, and other fire-safety measures. The Commercial Inspection Program regularly inspects commercial properties that are currently active. Though unsanctioned live-work spaces are generally zoned as commercial properties, they are often classified as vacant. The Fire Department also has the Fire Code Inspections Program that oversees new construction, large multi-unit residential buildings, schools, hospitals, jails, and places of assembly. However, these inspections are only done when there is a new permit filed, a change is made for use or occupancy, or a complaint is filed (City of Oakland, 2018).

In the past, there has been a lack of interdepartmental communication between the Building Inspectors and the Fire Department, which prevents a more streamlined process for identifying life safety hazards in buildings. As part of the city’s efforts to rectify this issue, in 2012 they created the Accela database, an interagency geographic database system of current complaints, permits, and inspections (Ball, 2012). This system is an open access portal where anyone (city employees or the public) can search for building records, planning records, fire records, and code enforcement complaint records. To determine whether there was an increase in complaints after the Ghost Ship fire, we compared the number of complaints from January 1, 2016 to December 2, 2016 (date of the fire) to complaints filed between December 3, 2016 and December 31, 2017. The categories we looked at were: blight – facility complaints, blight – activity complaints, nuisance, zoning complaint, fire department inspection, and housing habitability. For definition purposes: blight is related to deteriorated property conditions such as trash, overgrown vegetation, and vacant lots; housing habitability refers to how a residence conforms to living conditions such as having adequate water, heat, ventilation, and other living measures; and zoning refers to unapproved activity taking place in a residential area or incompatible with the zoning category.

- Blight facility complaints went up 23% (from 2248 to 2761), although complaint keywords do not indicate whether they are related to unsanctioned live-work spaces.

Photo	Description of Violation	Location	OMC Section
	Property Maintenance		
	Building Maintenance (Code)		
yes	1. Warehouse converted into live/work occupancy without zoning approval and permits. Discontinue residential occupancy.	interior	15.08.230L
yes	2. Cooking and bathing facilities installed/constructed without permits. Remove with permits.	interior	15.08.140
yes	3. Stairs and lofts constructed without permits. Remove with permit.	interior	15.08.140
yes	4. Water heaters installed without permits. Remove with permit.	interior	15.08.140
yes	5. Electrical, plumbing and mechanical alterations done without permits. Correct or remove with permits.	interior	15.08.140
yes	6. No fire separation between residential and commercial facilities. Discontinue residential occupancy and obtain commercial tenant improvement zoning approval and permits.	interior	15.08.310



- Nuisance complaints went up 46% (77 to 113). Notably, there were no complaints mentioning “unpermitted special events” in the period before the fire, but after the fire, there were five complaints specifically mentioning events.
- Zoning complaints went up 43% (193 to 276), but only three of the complaints were related to people living in a commercial space.
- Blight activity complaints went down 70% (27 to 8). The descriptions of these complaints seem unrelated to unsanctioned live-work use.
- Fire department inspections went down significantly, decreasing by 93% (58 to 4). However, this decrease could be explained by a switch to a different database or other record-keeping anomaly, as the San Francisco Chronicle notes that the Oakland Fire Department uses the OneStep database system (Veklerov, 2017).
- Housing habitability complaints went up 26% (4663 to 5875). This category of code enforcement seemed to have the most complaints related to potential unsanctioned live-work spaces. During this period, there was also an 80% (56 to 101) increase in complaints noting “illegal conversion on commercial space” and “illegal units”, which are likely related to live-work.

Despite this apparent increase in code enforcement complaints, many complaints seem unrelated to unsanctioned live-work spaces, which could indicate compliance with the Mayor’s Executive Order to avoid displacing residents living in nonconforming spaces. However, the 80% increase in complaints mentioning “illegal units” suggests increased reporting of potential unsanctioned live-work housing.

NOTICE OF VIOLATION PROCESS

Once code enforcement determines that a complaint is a code violation, a Notice of Violation (NOV) is prepared and sent to the building owner’s mailing address. Accompanying the NOV is a violation appeal form and information related to the violation. Listed below is a sample NOV with the cited issues and attached photographs ([see Appendix C](#) for the entire NOV). As noted by live-work residents and their advocates, it can be difficult to understand how to take action on the different violations listed. Oftentimes, directives simply order the property owner or resident to “discontinue use” and remove any unpermitted construction.

Unfortunately, these directives can be problematic for residents’ safety and quality of life in asking them to remove the improvements and steps that they have been taking to improve safety and habitability. According to advocates, there are certain simple modifications that should be worked towards first: having operable windows in bedrooms, getting stairways of durable builds, installing smoke arms, having two paths of egress (means of exit), and establishing straightforward paths of travel to that exit. Per the Mayor’s executive order, there should be efforts to identify those life safety elements that either deem the building an imminent hazard and prioritize working with residents and property owners to get those to a level that is safe first before working to correct the other list of violations.

Several respondents interviewed for this report noted that photos attached to NOVs are minimally useful because they do not clearly indicate what issue is being documented and that oftentimes an NOV will come with a group of photos without any instructions on what actions to take. One advocate for live-work residents posited that the photographs’ ambiguity suggests that code enforcement inspectors do not expect building owners to follow through with correcting a violation and that there should be a clearer list of steps to take towards correcting the violation. In getting examples of NOV forms from other cities, one form we found helpful was the San Francisco NOV format. It starts off with a list of the violations and provides a more detailed description about the specific issue with that violation and how to fix it. For example, it provides item #2 “repair sink (1001f HC)” with the description “the faucet at the sink in the bathroom cannot be easily turned off. Repair or replace as needed” (Full Notice of Violation provided in [Appendix D](#)).

One artist noted that the “code enforcement person has no use for being lenient. They are always going to default to the strictest interpretation.” This perspective aligned with statements from code enforcement officials we interviewed. The role of code enforcement is to follow the rules and guidelines that they are provided. Though these regulations intend to maintain general health, safety, and welfare, they often do not apply to the unique nature of live-work spaces.

Furthermore, NOVs often prevent any work on properties until the owner submits a compliance plan for addressing violations. Though well-intentioned, this work freeze makes it nearly impossible to get a property up to code in the provided compliance timeline. With the freeze, it prevents residents and property owners from initiating steps towards improving their building’s safety. Giving explicit but realistic time frames to establish a corrective or compliance process is necessary to realistically work towards bringing their spaces up to code.

ARTISTS’ EXPERIENCES OF CODE ENFORCEMENT

One of the most important dimensions related to live-work spaces is that they are formed by and create communities. After the Ghost Ship fire, this became more evident. Many newspaper articles, official documents from the City of Oakland, artists’ associations, and individuals highlighted this fact. As a manifestation of this idea of community, many initiatives to support the families of those who lost their relatives and friends, as well as people who lost or could lose their homes, spread around the Bay Area.

Even though the idea of the artist community became more evident after the fire, this community has been part of the City of Oakland and the Bay Area for much longer, as we have already discussed. In addition, it is helpful to think of the artist community on at least two levels. First, live-work spaces host people living and thriving as communities, not just individual artists seeking affordable spaces to live and work. In addition, residents of nonconforming spaces are embedded within larger communities of artists beyond the spaces themselves, sometimes related to specific art scenes or types of art. At both levels, the relationships forged with other artists, individuals, and organizations related to the community, create opportunities for coordination and cooperation for mutual benefits, usually known as social capital (Putman, 1995).

Most live-work spaces have common areas like kitchens, living rooms, and rehearsal spaces, among others, where residents interact and strengthen their relationships with each other. In addition, as many of our interviewees explained, artists living together or in proximity usually support each other by lending materials and equipment or helping others when required. A third characteristic we found about the dynamics of living together in nonconforming spaces is that residents organize themselves for activities that range from cleaning spaces to making safety improvements. Important to all these dynamics is the fact that artists express their creativity in the spaces they inhabit. Therefore, as one interviewee from a nonprofit described it, “each space represents a specific community, a specific cultural manifestation.” Furthermore, their strength as communities is also an opportunity for making the necessary improvements to their residences. These residents care about preserving affordable and safe housing for themselves and their communities.

The second level of the artist community refers to the networks formed by artists. These networks manifest in friendship and acquaintance-level relationships. In addition to the already mentioned mutual help and solidarity, among other characteristics, these networks provide access to affordable live-work spaces. In particular, the main way in which people find a place in live-work spaces is through word of mouth. When we asked artists and representatives of nonprofits about this matter, they explained to us that most of the unsanctioned housing is found through networks of friends and acquaintances. Website listings about room availability are not too common or only cover part of the offer. In short, the broad commitment of the artist community in Oakland creates and strengthens relationship networks and in turn provides access to affordable housing in live-work spaces.

The ties formed by the networks of friends and acquaintances within the artist community help in understanding why the overall community felt affected by the Ghost Ship fire. Many members of the community personally knew victims of the fire. In addition, there was an increased awareness of the risks faced by each particular live-work space. From evictions to safety issues, concerns increased within the community while many residents dealt with the stress of having lost members of their community. In response to these issues, other fellow artists and people sympathetic to the community formed coalitions and nonprofits, as well as raised money to help the people directly or potentially affected by the crackdown on unsanctioned spaces.

CODE ENFORCEMENT AFTER THE GHOST SHIP FIRE

As explained earlier, despite Mayor Schaaf’s Executive Order stating that officials should avoid displacement, many places received notices of violations after the Ghost Ship fire. In the context of stress from losing members of their community, and concerns with safety improvements in their own spaces, many residents also experienced tense relationships with code enforcement officials. Even though residents of live-work spaces are concerned about making safety improvements, our interviews with residents and artist nonprofit representatives, and our site visits, suggest that there are many difficulties in the process. Some difficulties are related to building code compliance and the interactions with officials and property owners.

The experience with code enforcement officials in one of the live-work spaces that we visited is a good example of the tenseness of these interactions. Before visiting this space, representatives of a local nonprofit described it as one of the buildings that was closer to code compliance than other buildings. In addition, both the residents and landlord were interested in making safety improvements to the space. However, the official in charge of the inspection of this space did not seem to

“People don’t recognize we were grieving while fighting to hold onto our housing.”

Artist in a live-work space who lost friends in Ghost Ship

agree. The official pointed out different issues with the space, but what the residents found more upsetting was the way in which the official phrased his observations. Our interviewees mentioned that, before leaving their building, the official said that he “won’t sleep well knowing that people are living in a place one step above Ghost Ship.” Our interviewees found this comment to be extremely insensitive to the

residents who had lost loved ones in the fire. Moreover, despite their awareness and interest in making improvements to solve safety issues and prevent any tragedy, the artists did not feel supported by city officials. On the contrary, the officials’ attitudes have created more stress. As one interviewee explained to us, “People don’t recognize we were grieving while fighting to hold onto our housing.”

What is problematic about this approach is that it neglects the interest and efforts of the residents to make improvements that reduce imminent life-safety risk. The strict use of the code focuses more on finding problems than on recognizing the opportunities that these communities create. It also neglects the fact that most residents do not know the building code in-depth, and that this does not mean that they do not care about making improvements.

LEARNING CURVES FOR LIVE-WORK RESIDENTS

The challenges of living and working in nonconforming spaces include but go beyond safety issues. Residents learn to live in a community, to manage and even to start these spaces, and to create sources of funding to keep these cultural centers alive. The process of learning about how to best perform these tasks is not the same for everybody. There are people with more experience than others. Some people have lived in several nonconforming spaces, while others have a more limited experience. In this learning process, the networks of friends and acquaintances play an important role, since this a way to access to information and learn from other people’s experiences. We found that there are different sets of skills and degrees of knowledge in three dimensions that residents value: how to get live-work certification, how to run spaces, and how to implement safety improvements.

In the specific case of safety improvements, our interviews and site visits suggested that residents of nonconforming spaces are willing and interested in doing the work. Residents’ networks and their experience in live-work spaces has given them some knowledge about safety risk mitigation. However, these changes are not necessarily up to code. Some of the artists in Oakland have become more familiar with some code requirements based on the inspections and the information they received from nonprofits like Safer DIY Spaces. The massive attendance in the first meetings held by Safer DIY Spaces after the Ghost Ship fire is an example of artists’ interest in preventing similar tragedies in their residencies. Therefore, technical assistance is imperative in reducing life safety risks.

It is important to keep in mind that these spaces are the product of a do-it-yourself (DIY) ethos. They have existed for a long time and are the result of the creativity and resources of their residents. Thus, even though the current condition might have discrepancies with the building code, this does not mean that safety issues have not been considered or that residents are not willing to make improvements. For instance, in the case of Oakland, many residents of nonconforming spaces became more familiar with some aspects of the building codes and safety improvements after the Ghost Ship fire. However, not all of them have had the resources to make major improvements when needed. In addition, access to building code information is not necessarily easy, especially when the City is seen as a threat. In that context, the role of intermediaries who can help translate the requirements for being sanctioned as live-work spaces has been fundamental.

A parallel issue is the management of nonconforming spaces. Some of them host cultural events like art exhibitions, music or dance performances, poetry readings, and others. Through these activities, artists show their work to the community, and often times it has been a source of additional income for the mostly low-income residents. Since the Ghost Ship fire, many of these spaces have reduced their performances and open exhibitions to avoid being on the City’s radar. Some residents mentioned that it took them some time to learn how to run events (i.e. safety, promotion, etc.). This raises issues about code enforcement for gatherings of certain numbers of people, and about how to avoid the stoppage of cultural activities that have been part of the city for a long time. In other words, not only code knowledge is necessary; if the way in which the code is applied is too inflexible, the city may lose part of its cultural dynamism.

For these three dimensions — live-work certification, management, and safety improvement implementation, the learning curve varies among people and spaces. From a DIY or an official code standpoint, experience and access to information and technical support make a big difference. As one interviewee from an African American-run space explained to us, “white artists have been the first pilgrims”; their networks are more established and their experience with live-work spaces is longer. It has only been more recently that African American artists have increased the formation of live-work spaces. Therefore, their learning process about how to form and run nonconforming residences has been more challenging. In addition to the learning curve in the three dimensions discussed here, our interviewee mentioned that their space has experienced undue attention from police.

In summary, the learning curve about how to run spaces and reduce risks of harm varies among people from the artist community. Experience and access to information through DIY networks and technical support from nonprofits are important assets to address these disparities. However, it is not all about information; code enforcement and racial profiling are other challenges that specific spaces and people within the community have to face.

ROLE OF SAFER DIY SPACES

Safer DIY Spaces emerged after the Ghost Ship fire to help live-work spaces address safety concerns and code violations and to avoid displacement. Safer DIY Spaces is currently working with 85 spaces in making them fully code compliant and has served as a critical intermediary between the artist community and city officials by providing confidential technical guidance and financial assistance for DIY sites facing building, fire, or zoning code-compliance issues. They have helped organize much needed life-safety renovations to several unsanctioned spaces.

Safer DIY Spaces operates through anonymous inspections of live-work spaces. These can take place at any point in the process: before a formal code inspection, in response to a code inspection, or even during inspections, accompanying inspectors to the site. Live-work architect Tom Dolan is a member of Safer DIY Spaces and provides design guidance during this process. After assessing a site, Safer DIY Spaces can support prioritizing repairs to come to compliance and/or can provide small amounts of financial assistance for immediate life safety measures. Additionally, Safer DIY Spaces has built relationships with Oakland Department of Planning and Building’s code enforcement staff in order to help facilitate a deeper understanding of live-work spaces and how they can most effectively come into compliance.

The success of Safer DIY Spaces can be attributed to its ability to build trust with the artist communities and its understanding of context. Several of our interviewees underscored how essential Safer DIY spaces has been in preventing evictions of artists from their homes in unsanctioned live-work spaces. One artist described, “In the DIY community, we are by definition not visible and not institutional, so it can be hard for us to work directly with the City. Safer DIY Spaces is so important because they bridge that gap.”

“In the DIY community, we are by definition not visible and not institutional, so it can be hard for us to work directly with the City. Safer DIY Spaces is so important because they bridge that gap.”

Artist

CODE ENFORCEMENT CASE STUDIES FROM OTHER CITIES

Our research into other cities’ approaches toward code enforcement and compliance in artist live-work spaces led us to four case studies: Seattle, Baltimore, Denver, and San Francisco. We identified these cities through secondary research into the impacts of the Ghost Ship fire elsewhere in the country and selected these four because they all have robust artist communities that at some time and in different ways have been centered around unsanctioned live-work spaces. Each city has taken different approaches to code enforcement and compliance that we explored and highlighted, and that informed our recommendations for Oakland.

In addition to city officials and non-profit employees, we attempted to interview at least one artist who is connected to communities of people living in unsanctioned spaces, with varying degrees of success. This was a difficult task, given the underground nature of these communities and our limited knowledge of and connection to these cities. More research is needed into how the artist communities interact with the programs that we have highlighted below and their perspectives on how successful they have been, in order to better inform how similar approaches might be crafted in Oakland to best support the people who are directly impacted by them.

SEATTLE

Live-Work Landscape in Seattle

Seattle has a long history of underground artist live-work spaces, particularly in the Pioneer Square, Capitol Hill, and Georgetown neighborhoods. During the 1990s, several old buildings that had been turned into live-work spaces for artists were torn down, prompting a series of forums and reports on artist housing put together by the Seattle Arts Commission and City Council between 1998 and 2001 [Caldbeck, 2013]. The Pioneer Square Community Development Commission also published a report in 1997 calling for more affordable housing for artists and identified several potential locations for new artist live-work developments. One of the sites identified, on Prefontaine Place S, was eventually purchased by ArtSpace, a national developer of affordable artist live-work lofts, and developed into the Tashiro Kaplan Artists’ Lofts, which opened seven years later in 2004. However, other material resources for developing or preserving affordable spaces for artists to live and work resulted from the heightened public attention around live-work artist housing. In fact, several more buildings that had been known to house artist communities were redeveloped or sold to new owners seeking higher rents — one of the most visible being the Oddfellows Building, a building on Capitol Hill that for decades contained performance spaces and artist housing before it was sold in 2007 and converted mostly into office and retail space.

Seattle has dedicated more public resources in recent years toward protecting arts and cultural space from increasing displacement pressures driven by the current tech-economy real estate boom. In 2013, the city created the Cultural Spaces Program, the only municipal program of its kind in the U.S. One of its early initiatives, a “Cultural Development Certification” program, offered incentives such as streamlining permitting and tax incentives to developers that incorporated interior cultural space in their projects, which included artist studios [Caldbeck, 2013]. Matthew Richter, who runs the Cultural Space Program, told us that developers would often throw in a live-work unit into their project (artist live-work units are allowed either by-right or as a conditional use in every use district in Seattle, including industrial, under Seattle’s zoning code), and it was difficult to ensure that such units were actually inhabited by artists in the long-term.

The Cultural Spaces Program currently focuses primarily on commercial arts spaces, which includes venues of all types, work studios, arts suppliers, and more. The program administers a fund for capital improvements and acts as a bridge between artists and arts groups and the real estate market, developing an extensive inventory of current and available cultural spaces in the city and working to match artists with commercial spaces to produce, exhibit, and sell their art. Residential spaces for artists, including live-work, do not generally fall under the purview of the Cultural Spaces Program and are not eligible for its capital improvements fund because, as Richter put it, “affordable housing is a priority for the city that they try not to disaggregate into artist housing, Lyft driver housing, etc.”

We were unable to gauge from our research to what extent unsanctioned artists currently live and work in unpermitted spaces in Seattle. The city officials whom we interviewed described spaces that have previously existed but did not know of any that are currently active. There are a variety of hypotheses about why this could be the case. It is quite possible that these spaces do still exist, but may either be small and scattered and/or are very much underground and unknown to city officials. It may also be that a combination of widespread rezoning, redevelopment, and rising rents citywide have displaced much of the underground arts scene out of the city, or into Seattle’s relatively high density of institutionalized live-work residences (with 168 units between three separate developments — the aforementioned Tashiro Kaplan Lofts and two others opened in 2008 and 2014 — the city hosts the largest concentration of ArtSpace affordable live-work units of any city that the national developer has built in).

Responding to Ghost Ship

Following the Ghost Ship fire in Oakland, various city officials, artists, and representatives of arts organizations in Seattle came up with a set of recommendations for how city government might ensure the long-term viability of underground venues and cultural spaces in Seattle while protecting the health and safety of human occupants of those spaces. These recommendations, which were outlined in a letter to the Mayor that is included in [Appendix E](#) of this report, include:

- changing the Seattle Fire Marshal’s Office (SFMO) protocol to allow SFMO to engage with non-code-compliant spaces to advise them on needed safety upgrades;
- instituting a life-safety grading system modeled off restaurant Health Code rating systems;
- creating a new funding source and changing the eligibility requirements for an existing funding source to provide financial assistance to “underground” arts spaces for life-safety upgrades;
- educational programming for artists involved in “underground” spaces; and
- making changes to how the city deals with special events permits, including creating an “Arts Events License” and creating a program where people running “underground” events could anonymously check out a “safety box” with safety provisions.

The city significantly altered its special events permitting process following the Ghost Ship fire. They created an inter-departmental task force to inspect venues for arts-related events, which includes representatives of departments that deal with health, life-safety, and building codes (the fire marshal’s office, the police department, the Department of Construction and Inspections, and the State Liquor Control Board) and representatives from the City’s Cultural Spaces Program and the Office of Film and Music. This task force works with spaces to make safety upgrades prior to events and refers larger code-compliance issues to the Department of Construction and Inspections (SDCI) to develop longer-term compliance plans.

Thus far, the city government has not encountered any unpermitted live-work artists spaces in the enhanced outreach that they have conducted following the Ghost Ship fire, and the city employees that we interviewed from the Department of Construction and Inspections and the Cultural Spaces Program were not aware of any evictions from such spaces. Should the City encounter such spaces, the aforementioned inter-departmental task force would work with the property owner on a code compliance plan. Some unpermitted artists workshops that did not appear to be used as housing were uncovered by the City in their post-Ghost Ship outreach, and the City has worked with these spaces to develop a path to code compliance (see the next section for more on this).

The Cultural Spaces Program has also worked with the Vera Project, a local arts nonprofit, to create the “safety box” program from the aforementioned recommendations, which was in development as of this March and is projected to be up and running this summer. The Cultural Spaces Program worked with the Seattle Fire Marshal’s Office to determine and fund the materials of the boxes, which will include smoke detectors, fire extinguishers, cable run covers, panic hardware to turn doors into crash doors in the case of a fire, and lighted exit signs. Event producers will be able to check out these boxes from the Vera Project for events, remaining invisible to the City—and the City will replace any damaged or lost materials. The Vera Project also acts as an intermediary between the underground arts community and the City more generally, which, as Richter described, works because the nonprofit is “young and indie enough to be trusted in the DIY community, and established and institutional enough to interface with [the City].”

How Code Enforcement Works in Seattle

Seattle has both proactive and complaint-based mechanisms for code enforcement. Complaint-based inspections are conducted by the Department of Construction and Inspections (SDCI), which issues Notices of Violation for any zoning or building code violations. Compliance is driven through fines accruing at \$300/day and the possibility of eventual litigation from the City Attorney’s Office. The SDCI official that we interviewed said that code compliance is the priority and that fines are rarely actually collected unless the City pursues legal action against the landlord for failure to act on the violations.

Seattle’s proactive code enforcement program was established in 2014 with the passage of the Rental Residential Inspection Ordinance (RRIO). The RRIO required that all owners of residential rental buildings, including apartments and single-family homes, register their buildings over a phased 3-year registration period. Inspection is required as part of the registration process for every new building owner, and then at least once every 10 years thereafter. Buildings are selected for inspection every year from the registry using a formula that accounts for their last inspection date and owners of those buildings are notified that they have 60 days to have their building inspected, and can choose to pay the City a fee to have a City-employed inspector come out or hire a private inspector. The RRIO program established a pared-down inspection checklist for these proactive inspections that focuses on major life-safety hazards (included as [Appendix F](#)).

The RRIO program seems to have been created largely in response to tenant demands for more constructive inspections of residential spaces, in order to be better positioned to work with landlords to improve substandard housing conditions. The Seattle Tenants’ Union and other tenants’ rights groups have been advocates for the program and were very centrally involved with its design. There have been some recent demands from tenants in Seattle to fix some components of the program that have been ineffective in their view. For example, shortening the amount of advanced notice the city gives landlords prior to inspections and requiring private inspectors to provide their inspection reports to the city. By and large, the demands seem to be focused on making the program more robust and increasing the enforcement mechanisms against landlords who fail to act. There does not seem to have been major issues with displacement as a result of this program, possibly due to a combination of strong tenant protections and the focus on imminent life-safety hazards. Thus far, the RRIO program has not been structured to include industrial or commercial spaces that may have unsanctioned residential uses.

The Seattle Fire Marshal’s Office (SFMO) also conducts regular fire-safety inspections of buildings of all zoning designations. Following the Ghost Ship fire, the City began to allow SFMO to work with

buildings that are not code compliant in order to enable a more collaborative relationship between fire-safety officials and landlords. When SFMO discovers a building with an unpermitted use, they refer the building to the Department of Construction and Inspections who sends an inspector. Again following the Ghost Ship fire, representatives from the Cultural Spaces Program and the Department of Film and Music were added to the City’s code compliance team, and are primarily involved with event permitting and venue inspections but would also be brought in to work with the owner of a building with an unpermitted residential use on a code compliance plan if SFMO or the Department of Construction and Inspections were to come across such a space.

Work that has been conducted on buildings without a building permit is not treated differently from other code violations. Seattle only requires building permits for renovation projects that are expected to cost over \$6,000, with the exception that any work done to the building’s load-bearing structure or work that will reduce fire resistance or egress in the building requires a permit regardless of projected cost. When city inspectors discover work that has been done in an unpermitted DIY fashion that should have had a building permit, they seek proof that the work has been done in conformity with the building code. Additional fines for unpermitted work are not issued. The SDCI official we interviewed said about their stance on unpermitted DIY work, “if we can see it and it meets or exceeds what the code would require, okay.”

BALTIMORE

Live-Work Landscape in Baltimore

In terms of live-work spaces, the landscape in Baltimore is diverse: it encompasses unpermitted live-work spaces, including the Bell Foundry, evicted post-Ghost Ship and discussed below; the prominent case of a legalized live-work converted warehouse, the Copycat Building; and a federally-funded low-income development for artists, City Arts Apartments. The Bell Foundry, the Copycat, and City Arts Apartments are all located in Baltimore’s Station North neighborhood in Central Baltimore, which is currently being redeveloped with the leadership of the Central Baltimore Partnership, and rebranded as the Station North Arts and Entertainment District.

The Copycat is a success story not only in terms of its ability to reach building code compliance, but because its legalization helped pave the way for a citywide zoning code change. Artists started living in the Copycat in the 1980s when new owners converted a floor into artist studios. The owners eventually applied for a Planned Unit Development (PUD) ordinance in 2003 (Byrnes, 2012).

In 2017, the city went through comprehensive rezoning for the first time since the 1970s, and established an Industrial Mixed-Use (IMU) designation, allowing for artist live-work spaces in formerly industrial buildings across the city, as part of the new zoning code (Citizens Planning & Housing Association, 2017). (Though interviewee Amy Bonitz from Baltimore Arts Realty Corporation, or BARCO, points out that there is still some advocacy in progress on waiving communal living provisions in IMU districts, as zoning currently does not allow for shared kitchen and bathroom facilities).

While Baltimore, like other places, sees building code violations as a bigger challenge than zoning code, it has both more amenable zoning, and seemingly less punitive code enforcement. Tenant protections are indeed an issue in these spaces; some residents have leases that do not protect the artists living there, and furthermore can make leaseholders liable for injuries experienced by visitors.

Responding to Ghost Ship

After the Ghost Ship fire, there was a prominent eviction of the Bell Foundry in Baltimore. The Bell Foundry was a two-story theater, art venue and live-work space, home to the Baltimore Rock Opera Society. About twenty artists were evicted from the space, and more than one Bell Foundry tenant subsequently became homeless (Wingren, 2017).

Following the Bell Foundry eviction, protecting artist spaces, particularly for those living in other old industrial buildings with code issues, became a public cause in Baltimore.



Baltimore’s Bell Foundry (Photo by Baltimore Heritage, Inc.)

Out of this outcry, new mayor Catherine Pugh (sworn in the day after the Bell Foundry Eviction) created the Safe Art Space Task Force.

The Task Force represented a collaborative effort between the city, Central Baltimore Partnership, pro-bono architects and electrical engineers, and four buildings functioning as DIY live-work spaces.

Immediate outcomes of the Task Force were to work with Mayor Pugh to issue an Executive Order similar to Oakland’s, instructing city agencies and the fire department to keep spaces open where there was not an imminent threat to life safety. Another response on the part of the artist community and allies was to work with property owners to put a moratorium on events in order to avoid large crowds in buildings that do not meet code.

The Task Force met for about six months, and issued a report in December 2017; its areas of focus have been on artist space needs, code and regulatory issues, and project development and finance (Safe Arts Space Task Force, 2017). It should be noted that there have been challenges with artist participation in the task force (interview with Janes and Bonitz, 2018).

How Code Enforcement Works in Baltimore

Code inspection in Baltimore is “strategic”; while this has not always been the case, code enforcement has “taken their foot off the pedal and [is] focusing on life safety” in the past year, in what Janes and Bonitz called a culture shift (interview with Janes and Bonitz, 2018). Notices of Violation (NOVs) are prioritized by immediate items for correction.

Furthermore, the Task Force created a Safe Space Checklist (Appendix G). According to Janes and Bonitz, since the Task Force started, the City has touched half a million square feet of unpermitted space and not closed it down — where about 300 people are living and/or working. The Checklist provides “general recommendations for common life-safety issues that arise in existing buildings that

should be addressed and maintained by property owners in order to ensure a safe environment.” It cautions that “ensuring your building complies with this list does not guarantee that your building or space is fully code-compliant.”

There is also an interagency working group in Baltimore, with the city’s lead attorney, lead code enforcement inspector, lead from plan review, and lead from fire marshal’s office present to review spaces.

The Task Force also compelled the City to publish all of their previously granted code modification requests. In cases where owners/residents can prove that they are meeting the intent of the code, but because of the historical constraints of the building cannot meet the code perfectly, it is possible to obtain sign-off from the city. The goal of publishing previous granted requests was to guide spaces currently in code compliance processes to apply for code modification requests, if feasible. Interviewees also flagged that the onerous nature of green building and ADA requirements have been a major challenge due to the high costs of retrofitting existing buildings.

What is Unique about Baltimore’s Approach to Live-Work Spaces?

The group behind the Safe Space Checklist is Baltimore Arts and Realty Corporation (BARCO), a nonprofit development company with a mission to create safe, affordable, and accessible space for Baltimore’s growing community of artists, performers, makers, and artisans. BARCO has taken on an intermediary role in Baltimore. One of the unique things about BARCO is that they are not only providing technical support in the compliance process, but also have managed to raise funds so that they can centralize technical assistance and funding support.



BARCO, headed by Amy Bonitz, a leader with extensive commercial real estate experience, has worked with two spaces, about 85,000 square feet of space, toward a path to code compliance and permitted status. (One of these spaces has five artists living there, and thirty artists who work there, and the other has fourteen residents and twenty-eight people who use the studio space).

BARCO acts as intermediary either when a complaint is filed, or to do an analysis and develop a game plan before the City visits a live-work space. In addition to developing the Safe Space Checklist, they have recruited pro-bono architects and do “light touch” work, including code advice and matchmaking for design/legal support. Bonitz highlighted the importance of having architects on board early, as you “can’t get anywhere with the city without having architects do code analysis of the building to determine what a path to legalization might be.”

Central Baltimore Partnership, BARCO, and others worked to raise significant grant money to make more expensive improvements (such as sprinklers and egress), as well as raising public funds. They have captured \$600,000 through various sources of state money and have bond bills on the table for another \$500,000. Notably, the public funds they have used are not contingent on certain zoning or occupancy; much of what BARCO has relied on has been a flexible source of money (in its fourth or fifth year) that is focused on Baltimore regeneration projects. The Baltimore Regional Neighborhood Initiative (BRNI) is a \$10 to 15 million fund that provides capital grants that can be used for residential, commercial, or public space improvements.

While BARCO does not have a formalized role with the city, Baltimore’s housing commissioner is

“150% on board” with rehabilitation for live-work spaces, which has made BARCO’s ‘translation’ role easier (interview with Janes and Bonitz, 2018). BARCO is working on its own advisory group as well — with the American Institute of Architects, which could function as a design center and legal nonprofit, with a lender at the table. Even with city support, and funding access, BARCO has faced challenges in trying to actually acquire buildings; one attempt ultimately did not go through and owners have been challenging to work with.

The Artist Perspective in Baltimore

While BARCO is playing an important intermediary role, Bonitz also mentioned that artists are participating in the task force trepidatiously and that there has been a sense amongst artists that the City’s actions are “killing the scene.” As noted, the Task Force placed a moratorium on events; one of the artist residents we spoke with confirmed that residents were not allowed to have public gatherings with groups larger than five people because the building manager was afraid of attracting the attention of the police and building officials. Overall, this interviewee described Baltimore as not having much oversight. He also described Baltimore as having many abandoned spaces that property owners want occupied. Finally, he flagged tenant protections as a concern in both sanctioned and unsanctioned spaces; he is not on a lease and has concerns about being suddenly evicted.

DENVER

Live-Work Landscape in Denver

In Denver, some of the prominent live-work spaces have been concentrated in the River North neighborhood, known as RiNo, which overlaps with the decade-old RiNo Arts District. The legalization of marijuana in Colorado put pressure on these spaces, as cannabis production seeks pockets of industrial areas in residential zones. According to artist interviews, live-work spaces have diminished in recent years, and many performances take place in house venues instead of

ARTS DISTRICT-LED GENTRIFICATION

It is important to note that in both Baltimore and Denver, the live-work spaces that were evicted post-Ghost Ship are located in neighborhoods that are state-sanctioned arts districts — the Station North neighborhood in Baltimore (Station North Arts District), and the River North neighborhood in Denver (RiNo Art District).

This means that these neighborhoods are receiving investment and rebranding to celebrate their artistic backgrounds. Rich and Tsitsos, 2016, however, find in their research that “the people who are most likely to be displaced from the arts and entertainment district in the future are, paradoxically, artists.” Rich, 2016 touches directly on live-work spaces:

“I find that the organizations that are ‘thoughtful’ in their development actively seek to maintain the production of arts and the residency of artists in the neighborhood into perpetuity. At the same time, the influx of arts-themed development helps raise property values and spurs re-colonization of the neighborhood’s large industrial buildings, making it difficult for artists to find legal, affordable live-work spaces in the district. As illegal DIY artists’ spaces are increasingly scrutinized by city inspectors, artists and other marginalized populations lose territory in the district and feel that they are being used for capital interests.”

Taking this research into account, it is important that conversations about arts districts are viewed not only as ways to support artists, but also as investments that make neighborhoods more attractive and increase property value, and thus require complementary anti-displacement and long-term live-work affordability strategies.

warehouses. In terms of zoning, while zoning in each neighborhood in Denver is re-examined every ten years, through an initiative called Blueprint Denver, that effort has not meaningfully addressed live-work spaces.

Responding to Ghost Ship

Immediately following the Ghost Ship fire, Denver’s two most prominent live-work warehouse spaces were shut down, Rhinocerosopolis and Glob, both located in RiNo. According to DIY advocate Bree Davies, the Fire Department in Denver had investigated Glob and Rhinocerosopolis every six months for eleven years prior to these evictions, suggesting the Ghost Ship fire prompted the crackdown.

Following these evictions, there were emotionally charged meetings between the City and artists, discussing how the City could respond to such issues in the future with a goal of keeping people in place when possible. At that time, Denver Arts & Venues, an agency of the city and county of Denver, announced that it was allotting \$20,000 to a Safe Creative Spaces Fund “to be put toward safe creative spaces and supporting artists.” Given the small size of the fund, the intention was for the money to be used for “cheap, quick fixes, like installing fire extinguishers or buying a Dumpster, or, ‘soft costs’ like code reviews or architectural help” (Kaufman, 2017). Eventually, the Safe Creative Spaces Fund was increased to about \$300,000, with a combination of city and private funds.

Initially, the City wanted RiNo Art District to be in charge of those funds. But there was significant artist pushback on this idea, given the belief that, as Davies put it, “the art district itself became a mechanism for gentrification.” This pushback led funds to be administered by the Red Line Gallery, a gallery space with a residency program that works directly with artists. Ideally, Red Line could play the role of trusted intermediary, since artists come to Red Line, and they then go to the city and apply for funds anonymously. However, as described below, there are challenges with uptake in the fund.

What is Unique about Denver’s Approach to Live-Work Spaces?

In early 2018, Denver rolled out its Safe Occupancy program. Modeled after an Environmental Protection Agency program to help people resolve environmental concerns without penalties, the Safe Occupancy program is essentially an amnesty program for live-work spaces to come forward and enter into compliance processes without fines and fees. On its website, the Safe Occupancy program calls Denver the “...first city in the country with a law granting legal occupancy of unpermitted spaces while the building is being brought up to code voluntarily.”

The Safe Occupancy Program entails a multi-stakeholder inspection at the onset, with a conditional occupancy permit issued for residents to stay there during the compliance process, so long as life safety hazards can be addressed upfront. There is no formal task force, but as Laura Swartz from Community Planning and Development at the City and County of Denver puts it, “we make sure we have everybody at the table for that inspection who needs to be there” to avoid bureaucratic complexity down the line.

The idea of the program was to establish amnesty for all spaces for a limited time, whether those spaces were coming into contact with the city voluntarily or through grievances, with the availability of the Safe Creative Spaces fund to help spaces pay for compliance processes. In this initial period, for about six months, which ended March 2, 2018, any buildings vacated since December 2016 were also retroactively eligible.

After initial amnesty for all spaces, another period of amnesty would apply to only those spaces that come forward voluntarily. After March 2, 2018, the only way to enter the Safe Occupancy Program is to come forward voluntarily, and spaces inspected in response to complaints or tips will no longer be eligible after that date. The amnesty for voluntary program participants runs through January 17, 2020.

While the program seems positive in theory, it has faced uptake challenges which may be informative for efforts in Oakland. As of mid-April, 2018, there were only four spaces in the program, and those may not be live-work spaces. Talking to artists, their principal complaints about program design were lack of sufficient funds; an overly short grace period; a lack of trust in the city; and onerous design requirements.

With funding, artists flagged as mentioned above, that the \$300,000 in the Safe Creative Spaces could likely help about six spaces. This plays into issues of trust; once those funds are used up, what happens to artists that come forward, but don’t have access to funds to fix up their spaces? One artist said that the program felt like it amounted to “participate or be evicted.” Additionally, the program requires working with an architect, but most artists did not feel they had access to one; the matchmaking to pro-bono architects that is taking place in Baltimore would likely be of use here. Finally, artists viewed the grace period as too short; the six months grace period for all spaces was almost over when the City came up with the Safe Spaces Fund (while they extended it, artists still felt that this mismatch between amnesty and fund availability was problematic). (While amnesty for spaces that come forward voluntarily is ongoing for two years, there seems to be insufficient trust that participation is safe and will not just lead to displacement.)

“...first city in the country with law granting legal occupancy of unpermitted spaces while building is being brought up to code voluntarily.”

Denver Safe Occupancy program

The Artist Perspective

In addition to Bree Davies, we spoke with two other artists in Denver who spoke on condition of anonymity. All three of these interviewees echoed similar themes, described above, about trust issues, and a disconnect around artist needs reflected in program design, as well as the cruelty of displacement in Denver. On trust and this disconnect, Davies said that DIY spaces “were underground for a long time; people [in the government] have no concept what we are, what we were doing.” She also emphasized that artists in Denver “don’t want to be a special case. We are a part of communities we’ve been able to find a space in.”

The trust issue was contributed to by what many in the artist community felt was a callous approach to the Glob and Rhinocerosopolis spaces. When Rhinocerosopolis was evicted, anecdotally, artists were given Starbucks gift cards in lieu of substantive relocation benefits. One of Rhinocerosopolis’s residents, Colin Ward, committed suicide months after the eviction and, in Davies’s words, “the community is convinced that one of the reasons he took his life was because he couldn’t find affordable housing again. We need to understand that these spaces serve people that couldn’t be served in other ways” (Davies, 2018).

SAN FRANCISCO

Live-Work Landscape in San Francisco

San Francisco is a famous example of how, without sufficient measures to ensure ongoing affordability, efforts to encourage production of new artist live-work housing can become a driving force of gentrification and the elimination of affordable spaces to live for low-income people, artists and otherwise. As in many other cities in the U.S., deindustrialization in the post-war years left the downtown of San Francisco with many unused industrial spaces, particularly in the SoMa and northeast Mission neighborhoods. Many of these spaces were converted into joint housing and studio spaces by groups of artists for whom the openness, flexibility, and affordability of these spaces gave them the ability to live in community with each other and create their art.

In the 1980s, redevelopment and urban renewal efforts funded largely by the San Francisco Redevelopment Agency targeted these former industrial areas, displacing many former squats and leading to a citywide “artist drain.” The SFRA-led demolishing of the Goodman Building after a 10-year displacement fight by the artists living in the building led the city to pass a new live-work zoning ordinance in 1988.

Unfortunately, the effort to produce new artist housing through the private market resulted in spaces that were unaffordable to most artists—the average price of an artist loft in 2000 was 32% higher than that of other residential units.

The ordinance attempted to encourage redevelopment of industrial spaces into live-work housing by artists by classifying live-work housing as commercial construction, allowing developers of this kind of housing to avoid paying impact fees and residential taxes connected to residential construction.

By the mid-1990s, 90% of live-work spaces in the city were new construction, and by 2000 there were 2,768 new live-work units—71% of which were in SoMa, and 16% of which were in the Mission (Barshak, 2013). Unfortunately, the effort to produce new artist housing through the private market resulted in spaces that were unaffordable to most artists—the average price of an artist loft in 2000 was 32% higher than that of other residential units. Additionally, it is estimated that the incentives for these developments cost the city around \$10 million in waived taxes and fees.

In 1999, the city placed a 12-year moratorium on new live-work construction in San Francisco, which was extended indefinitely in 2000. The rampant conversion of industrial space into expensive artist lofts also led the city to establish an Industrial Protection Zone in SoMa to salvage remaining industrial space. The ban on new development of live-work housing ironically enabled the preservation of spaces that would become affordable havens for artists during the most recent spike in housing prices, in industrial areas outside of downtown that were relatively less impacted by redevelopment and the live-work construction boom. These new clusters of unsanctioned artist housing were the most vulnerable during the wave of inspections following the Ghost Ship fire.

Responding to Ghost Ship

After the Ghost Ship fire, the City Attorney’s Office created a special inspector task force to respond to the spike in grievances filed against suspected unpermitted residential spaces. This approach unintentionally served the interests of landlords seeking any excuse to evict tenants from these spaces in order to take advantage of rising property values all across the city. Inspectors were even finding that landlords were filing anonymous complaints against their own spaces in order to use the result-

ing Notices of Violation as reasons to evict tenants, enabled by a lack of awareness about housing rights on the side of the tenants.

After an initial wave of evictions and efforts by the Housing Rights Committee to push the City Attorney’s Office to change their approach, the Department of Building Inspections (DBI) began deploying the community-based organizations with whom they had partnered through their Code Enforcement Outreach Program as first responders to any grievances filed against properties that were suspected to contain unsanctioned residences (more on the Code Enforcement Outreach Program in the next section). These organizations, well-versed in tenants’ rights and more sensitive to the contexts in which communities were living in these spaces, were able to work toward improved habitability conditions in these spaces while helping protect tenants against displacement. Additionally, employees of these organizations were not beholden to the same obligations as City inspectors to report code violations, allowing them to overlook minor compliance issues that did not put jeopardize tenants’ immediate health and safety. The wave of evictions following Ghost Ship has mostly been stemmed, although it is difficult to know whether this is the result of this change of approach or of the closure of most of these spaces.

How Code Enforcement Works in San Francisco

As in most cities in the U.S., code enforcement in San Francisco occurs primarily in response to grievances filed with the city by tenants and community members. Inspectors are sent out to the property on which a grievance has been filed, and issue Notices of Violation to the owners for any violations of the zoning, building, health, fire, housing, safety, and disability access codes. The City Attorney’s Code Enforcement and Resident Protection Team coordinates this effort, working with representatives from relevant departments, and pursues legal action against landlords who have failed to take adequate steps toward abatement of violations. The Code Enforcement Team responsible is organized by geographic area, with each member of the team assigned to a different district where they track violations and enforcement measures.

About 20 years ago, the Department of Building Inspections (DBI) created the Code Enforcement Outreach Program (CEOP) to work collaboratively with tenants and landlords in order to get habitability issues in residential spaces fixed before the case is referred to the City Attorney’s Office. Through CEOP, DBI helps fund five community-based organizations (CBOs) to do culturally-sensitive outreach to tenants and landlords about code compliance. Each CBO works with a different geographic area and community in the city—the Chinatown Community Development Center works in Chinatown and with the Chinese American community in general, Causa Justa / Just Cause works in the Mission and Excelsior neighborhoods and with the Latinx community in general, the Tenderloin Housing Clinic works in the Tenderloin neighborhood, Dolores Street Community Services work with immigrant communities, and the Housing Rights Committee works with everyone else. The San Francisco Apartment Association also participates in the program, working primarily with landlords of rental apartment complexes.

Beyond outreach and mediation, CEOP primarily uses two enforcement mechanisms to compel landlords to fix habitability issues: 1) orders of abatement issued on the property, which freezes a property owner’s assets and preempts their ability to get loans; and 2) fines, with corresponding liens placed on the property that are sent to the tax collector’s office annually. According to an official from DBI, about 12,000 violations per year go through the CEOP program and around 80% of them get fixed. The program has been very popular with the City Council and landlord advocacy groups like the San Francisco Apartments’ Association because, as the DBI official who we interviewed remarked, “it is the one thing that landlords and tenants are on the same side on.”

As discussed above, the City reorganized its procedure for responding to grievances filed against potentially unsanctioned residential and live-work spaces to bring the CBOs involved in CEOP in earlier and attempt to stem the wave of evictions from unsanctioned live-work spaces that followed the Ghost Ship fire. The Board of Supervisors, led by Supervisor Avalos, also acted to make evicting tenants from unsanctioned residential and live-work spaces more difficult by passing a piece of legislation that requires landlords to get conditional use permits in order to remove any “illegal” units—an expensive and onerous process that encourages landlords to pursue the cheaper option of legalizing these units instead.

CASE STUDIES SYNTHESIS

Each of the case studies we describe ended up having at least one distinctive component of what could be a more comprehensive policy approach toward live-work spaces. We briefly summarize the distinctive programs and their positive and negative aspects below.

- **Seattle - proactive rental inspection:**
 - Pros: Pared-down inspections checklist targeting imminent life-safety hazards and the ability to use private or city inspectors
 - Cons: More research required on tenants, particularly artists’, perceptions of the program — unclear whether the emphasis on safety rather than compliance has played out in implementation
- **Baltimore - centralized funds and intermediary:**
 - Pros: Centralizing funds and intermediary for no-tell pre-inspections facilitates streamlined compliance processes.
 - Cons: Unclear - would be good to get broader artist perspective on accessibility of intermediary and funds.
- **Denver - amnesty program:**
 - Pros: Opportunity for penalty forgiveness for those spaces that are willing to come forward.
 - Cons: Lack of funds to support rehabilitation, lack of trust, perceived lack of access to pro-bono architects make uptake challenging. No exchange for affordability requirements could represent long-term displacement risk.
- **San Francisco - code enforcement outreach:**
 - Pros: Partnership with multiple culturally-sensitive CBOs and ability to intermediate between tenants, landlords, and the city; independence of CBOs from the city enables confidentiality and better tenant advocacy
 - Cons: Unclear whether more CBO partnerships would improve outreach to communities that may fall between the cracks of the current program

In the following section, we channel the lessons from these case studies, and findings from our Oakland interviews and guidance from Safer DIY Spaces, into recommendations for improvements to Oakland’s code compliance processes.

CODE COMPLIANCE RECOMMENDATIONS

Based on our extensive review of the code enforcement process and landscape of unsanctioned spaces in Oakland, and our exploration of how code enforcement is conducted in each of our case study cities, we developed the following recommendations for how code enforcement and compliance could be improved in Oakland. We believe these recommendations would contribute greatly to the kinds of perspective shifts that we are advocating with this report, and are aligned with the City of Oakland’s stated desire to minimize displacement while also working to improve unsafe housing conditions. These recommendations were echoed by many of the community advocates for DIY artist spaces who we interviewed for this project.

HARM REDUCTION: INSPECTIONS REFORM

We recommend the following internal procedural reforms to clear up confusion around the building inspection process and reduce the risk of inspections leading to displacement. It is our belief that these recommendations should be implemented as soon as possible, while the longer-term reforms in the following sections are developed.

REFORM NOTICES OF VIOLATION TO BE ITEMIZED AND EXPLICIT

Change the Notice of Violation form to include a matrix of suggested abatement measures for every violation noted, and hold trainings with city inspectors around filling out new forms in an itemized and explicit manner in order to encourage clearer and more constructive communication between inspectors and property owners around code compliance. Also allow more flexibility in meeting code violations by prioritizing those that pose the most immediately threats to life safety first rather than having a freeze until all violations are met.

Precedent: Safer DIY Spaces mentioned that in their experiences working with buildings to get them up to code, that they had an easier time in working with the code enforcement officials and NOV process in cities like Richmond and San Francisco. A helpful measure in the San Francisco NOV form is that it clearly lists a violation (with code) and then provides a description of what exact step and action needs to be taken to correct that violation that is not simply to abate or remove.

Measure of success: Every violation cited on NOV is connected to an abatement action.

DEVELOP AN INSPECTION CHECKLIST OF IMMINENT LIFE-SAFETY HAZARDS

Several other cities have developed pared-down inspection checklists for use by building code inspectors that focus only on violations that must be abated immediately for the health and safety of tenants. We recommend the Oakland Department of Planning and Building develop a similar checklist, in collaboration with the City Fire and Alameda County and health departments. This checklist

would be joined with the improved NOV process discussed above and used for inspections of unsanctioned residential spaces, enabling inspectors to ignore building and zoning code violations that are not imminently life threatening to tenants and encouraging a shift in perspective toward protecting both safety and housing stability of residents of these spaces. The checklist should also be made publicly available to tenants and landlords in preparation for inspections and as a general educational tool to promote safer housing conditions. This would also streamline inspections and improve communication with landlords, potentially reducing the time and resources expended by the Department of Planning and Building both during building inspections and on follow-up measures.

Precedent: Seattle created just such a checklist for use by inspectors as part of its Residential Rental Inspection Ordinance (RRIO); and Baltimore’s Safe Art Space Task Force created a Safe Space Checklist after the Ghost Ship fire. This checklist enabled BARCO, the group working as an intermediary between the artist community and the city, to work with tenants and landlords to improve life-safety of live-work spaces. (See Appendices E & G for copies of both checklists.)

Measure of success: Inspectors use checklist during inspections instead and only issue NOVs for items that are on the checklist. Intermediaries like Safer DIY Spaces use the same checklist for pre-inspection evaluations, and can reasonably expect that spaces that meet the requirements on the checklist will not be issued additional violations during inspections.

COMPLIANCE, NOT ENFORCEMENT: AMNESTY PROGRAM AND RELAXED REQUIREMENTS

We recommend that Oakland reform the fees and fines levied on live-work spaces that have done unpermitted work, in order to make code compliance processes less financially prohibitive, and help preserve existing spaces. This includes:

- Establishing an amnesty program for spaces with unpermitted work
- Relaxing other constructions standards for existing live-work spaces

Oakland has been exploring instituting an amnesty program for live-work spaces with unpermitted work, in which owners could come forward, for a limited time, and have retroactive fees for unpermitted work forgiven, in exchange for establishing some long-term affordability.

The need for such a program is clear: according to interviews with members of Safer DIY Spaces, landlords can be charged up to \$80/square foot of an entire space for back-permitting fees, even if work is done on a small portion of the space. Even for sympathetic landlords who would like to keep existing communities of residents in place, these retroactive fines can be so costly as to dissuade them from rehabilitating space to maintain residential use. While it is possible to get these fines reduced if owners or residents can prove what they spent on work (which is unlikely to be anywhere near that expensive), given the informal nature of unpermitted work, this is often impossible to do.

Much of the program design is still being worked out, including: which fees are forgiven and which requirements relaxed? How long is this window? What are the long-term affordability requirements? Our recommendations are discussed below:

FEES FORGIVEN AND RELAXED REQUIREMENTS

The principle of such a program would be to take buildings at face value and move forward from that point in compliance processes, which are often costly on their own just to pay for prospective repairs. This means forgiving fees for already completed unpermitted work that meets code. (It would still be necessary, of course, to pay for repairs needed to bring buildings up to code.)

Other proposed relaxed requirements seek to reduce what Dolan calls the “big four” costs: beyond retroactive fees for unpermitted work, these include seismic requirements, Title 24 energy requirements, and sprinklers. Sprinklers are a necessary life-saving mechanism, and eligibility for safety loan funds that will be discussed below for this purpose is critical. Otherwise, reduced seismic requirements and waived Title 24 energy requirements via historic designation of existing live-work buildings that are at least 50 years old, per the National Register of Historic Places guidelines, have been discussed as potential viable relaxations.

LENGTH OF AMNESTY

Length of amnesty is also up for debate, but advocates have suggested that the window for amnesty should be a minimum of three years in order to have sufficient time to do outreach and education around the program.

In Denver, amnesty for all spaces—entering the program voluntarily or through code-based grievances—lasted around six months, and artists felt that this was too short, especially given that funds did not become available until that period was already underway. While amnesty for spaces that come forward voluntarily is ongoing for two years, there seems to be insufficient trust that participation is safe and will not just lead to displacement, given the limited funds available and some of the requirements for design teams.

AFFORDABILITY REQUIREMENTS

While the Denver program does not mention exchanging relaxed requirements for affordability, that has been a focus of the Oakland program design. Giving owners leniency in fixing up their live-work properties will lead to increased property values and potentially displacement pressure, especially in a housing market like Oakland’s, so exchanged affordability is geared at mitigating that pressure. The current discussion has been around fixing rents in the \$400-\$750 range, for a period between 15 and 55 years, still to be determined.

Precedent: Denver established an amnesty program, the Safe Occupancy Program, detailed in the case study above. Interviews with Seattle’s Department of Construction and Inspections (SDCI) indicate that Seattle does not issue fines for unpermitted work in addition to permitting fees for retroactive permits and, in cases where the work is found not to meet code requirements, the fines typically issued for any code violations (\$300/day until violations are sufficiently abated, a fine that is rarely collected unless the landlord fails to act and the city pursues legal action). In Baltimore, it is possible to get the city to sign off on ‘code modification’ requests, in which owners/residents prove that they are meeting the intent of the code, but because of historical constraints of the building cannot meet the code perfectly.

Measure of success: Owners enrolled in amnesty program with agreed-upon relaxed requirements in exchange for long-term affordability.

TRUST & COMMUNICATION: STRENGTHEN INTERMEDIARY ROLE

We recommend that Oakland solidify the role of Safer DIY Spaces, providing them with more tools to do the important work of translating between the city and live-work residents towards preservation and safer spaces. Strengthening the intermediary role involves:

- Centralizing funding with Safer DIY Spaces
- Creating a project-specific interagency task force
- Conducting broader culturally-specific outreach for code compliance
- Providing educational resources to live-work residents
- Ensuring that live-work spaces are included in any proactive rental inspection program

SAFETY LOAN FUND ADMINISTERED BY SAFER DIY SPACES

A Safety Loan Fund has been discussed in Oakland and at the state level in order to provide live-work spaces with funds to be better equipped to address immediate life-safety issues. As noted above, sprinklers are a critical life-saving mechanism, and would likely be a main focus of this fund. In general, advocates and other cities have pointed out the importance of funds sitting with a trusted intermediary. While Safer DIY Spaces has been able to be effective with a small grant from the Grey Area Foundation, and provided support on immediate safety issues like exit signs and fire extinguishers, they will need access to more sustainable funding to continue doing work on confidential reduction of life-safety hazards.

Precedent: In Baltimore, intermediary between live-work spaces and the city, BARCO, has direct access to some rehabilitation funds. In Denver, there was a push to have the Safe Creative Spaces Fund sit with Red Line Gallery, a trusted intermediary operating with confidentiality, instead of the City’s Arts and Venues.

Measure of success: Safer DIY Spaces granted direct access to some public rehabilitation funds that they can confidentially administer to spaces in need.

INVOLVEMENT WITH INTERAGENCY TASK FORCE

While Oakland already has a Fire Safety Task Force that meets semi-regularly, an inter-agency task force that meets regularly to discuss specific code violation cases, and pathways toward life safety that avoid displacement, could play a different role. It would be key for not only all the relevant city departments—Building Inspections, Fire Department, Plan Review, Police Department, and the Cultural Affairs Commission—but also for the trusted intermediary, to have a seat at the table. The intermediary could thus more directly play an ‘ambassador’ role, working with different departments to help navigate compliance processes.

Precedent: Baltimore has an interagency working group, with the city’s lead attorney, lead code enforcement inspector, lead from plan review, and lead from fire marshal’s office present to review spaces. Seattle created an inter-departmental code compliance team to inspect venues prior to issuing event permits that would also respond to complaints against unsanctioned artist residences, though none have been found yet—it includes the fire, building, police, health, and liquor licensing

departments as well as representatives from the Office of Film and Music and the city’s Cultural Spaces Program.

Measure of success: Interagency task force meeting monthly to discuss specific live-work sites and their compliance processes, with all stakeholders present who would have a say in the building’s compliance.

EDUCATIONAL RESOURCES AROUND SAFETY FOR PEOPLE LIVING IN UNSANCTIONED SPACES

There have been a few safety workshops for artists in unsanctioned spaces following the Ghost Ship fire, but if the city were to work with Safer DIY Spaces and artists to create resources focused on educating artists on how to organize and manage DIY spaces and events in a safe and secure manner, that would greatly enhance the ability of intermediary groups like Safer DIY Spaces to do outreach around safe practices in these spaces.

These resources might include a curriculum for safety workshops that the city could provide to partner non-profits and make publicly available on their website and materials such as documents and videos that visually depict safe vs unsafe egress, electrical, and other fire-safety conditions; evacuation protocols and security for events held at unsanctioned spaces; etc.

Additionally, the city should compile resources for responding to different life-threatening scenarios during events that don’t involve calling 911, as many artists are rightfully suspicious of police but may not be educated about life-saving alternatives. Educational materials should also be produced that advise artists how to achieve the minimum safety requirements established in the aforementioned inspections checklist, and should be produced in conjunction with the culturally sensitive code outreach program detailed below to address communities of different socioeconomic backgrounds. At a minimum, materials should be available in English, Spanish, Mandarin/Cantonese, Vietnamese, and Tagalog.

Precedent: The Seattle Fire Marshal’s Office has created several different fire-safety handouts directed at a variety of different spaces and circumstances, and has also created a Community Fire Safety Advocates program to do fire-safety outreach and education in immigrant and refugee communities. Seattle’s Office of Film and Music has a Special Events Team that has created a very comprehensive handbook for event planners, which includes a section on fire safety. Seattle’s Cultural Spaces Program went even a step beyond education with its “safety box” program, which provides physical materials like smoke detectors and exit signs in a kit available for check-out anonymously through a partner non-profit.

Measure of success: Fire-safety workshops conducted by and within the DIY artist community, using materials produced by the city and reporting back on their effectiveness. Other educational materials produced in consultation with Safer DIY Spaces and artists, made available on the Oakland Fire Department and other relevant city department websites.

CULTURALLY-SPECIFIC CODE ENFORCEMENT OUTREACH

We recommend that the work of Safer DIY Spaces be supplemented through partnerships with other community-based organizations in Oakland that can play a similar intermediating role in communities to which Safer DIY Spaces is not as connected and well-positioned to support, such as Latinx, Black, Chinese American, and other communities of color; immigrants and refugees; indigenous communities; and queer and trans* communities. While these groups are overlapping and interconnected and far from homogenous within themselves, it is important that any effort to bolster the City of Oakland’s code enforcement outreach and processes is responsive of varying risks, needs, and barriers that may be particular to different cultural contexts. All of the aforementioned communities experience different forms of marginalization and discrimination that place them at greater risk of displacement and provide them fewer resources for improving substandard housing conditions.

In certain areas of the city where the majority of residents are members of a certain non-white community, such as Chinatown, Fruitvale, and West Oakland, a community-based organization from that community should be designated as a first responder to grievances filed against properties there, prior to the involvement of a city inspector. In more diverse areas, a general-population tenants’ rights organization could be assigned as first responder, and could refer cases to other CBOs in the program for ongoing support and intermediation with the city and landlords.

Some organizations that the City might consider partnering with through such a program include: ACCE, Asian Pacific Environmental Network (APEN), Causa Justa / Just Cause, Centro Legal de la Raza, the People of Color Sustainable Housing Network, the Sogorea Te Land Trust, EBALDC, Oakland Tenants Union, Oakland Community Land Trust, Transgender Law Center, and the East Oakland Community Development Corporation.

Precedent: This suggestion was modeled off of San Francisco’s Code Enforcement Outreach Program, which was formed over 20 years ago and, according to James Sanbonatsu at DBI, has been viewed favorably by tenants, landlords, and city councilmembers. After the Ghost Ship fire, San Francisco reoriented its protocol for responding to grievances to make the CBOs that they work with the first responders to any properties suspected of housing unsanctioned residential spaces, and Sanbonmatsu felt that this had a lot to do with ending the wave of evictions from such spaces that occurred shortly after the fire. One reason why a program like this is appealing is that, since they operate independently from the city (other than being funded directly by the city for this work), they are not beholden to the same obligations to report potential code violations that public employees are bound by. See the “How Code Enforcement Works in San Francisco” section above for more on their program.

Measure of success: Partnerships are formed with several different CBOs who are embedded in Oakland’s largest and most vulnerable populations; funding is allocated to fund their work with this program long-term; and protocols are developed (including the other recommendations in this section) to support the CBOs’ ability to respond to grievances, help tenants and landlords make needed life-safety upgrades prior to inspection by a city official (including accessing funds), and educate both tenants and landlords on safety and tenants’ rights issues.

PROACTIVE RENTAL INSPECTION PROGRAM

A proactive rental inspection (PRI) program has been discussed extensively in Oakland at least since 2012. A Civic Design Lab was initiated in August 2017 to initiate the pilot program. As of this writing, a stakeholder group has been convened with the goal of presenting options for City Council review in upcoming months (Guy, 2018). Such a program could have a significant impact toward preserving existing affordable housing in Oakland, improving substandard housing conditions, and removing the burden from tenants to advocate for their own health and safety while navigating possibly tenuous relationships with landlords. However, careful consideration would have to be given as to how unsanctioned spaces might be incorporated into the program. Delving into the particularities of this was beyond the scope of this report, but we can provide a few recommendations for how this program might interact with our other recommendations.

First, we recommend that a PRI program be conducted through intermediaries in a culturally sensitive fashion, utilizing a coalition of different CBOs that are able to respond to different tenant needs, as detailed above. Representatives from different CBOs should be the first, and preferably only, people to inspect any space that may have unsanctioned residences, and should have a life-safety checklist such as the one recommended above along with the ability to connect tenants to a variety of public resources based on their needs. This is important because, as mentioned previously, CBOs would not have the same reporting obligations as city employees, and could keep the identities and locations of vulnerable tenants confidential until a finding of health/safety compliance has been determined².

Second, tenant protections for residents of unsanctioned spaces would need to be enhanced, and anyone inspecting these spaces for habitability issues would need to be knowledgeable about these protections and able to advocate on behalf of tenants to landlords and the city. Oakland’s Rental Adjustment Program should be extended to cover unsanctioned residential spaces and the need to provide documentation that landlords knew that people were living there in order for them to be included under Just Cause evictions protections should be eased.

Finally, funding for the PRI program should not be fee-based. We believe that this could lead to a culture of citations that would only increase displacement pressures, especially on residents of unsanctioned spaces. That said, the City Council will be considering a variety of funding options for the pilot PRI, including an annual fee for all rental buildings or an annual inspection fee.

Precedent: Seattle’s RRIO program, begun in 2013, could be a useful model in considering how to structure a program in Oakland—particularly the use of an imminent life-safety hazards checklist and the ability for landlords to use private rather than city inspectors. Seattle’s RRIO program thus far has not been extended to include unsanctioned spaces, or any industrial or commercial spaces.

Measures of success: A proactive rental inspection program is implemented that focuses on safe and healthy housing rather than compliance, incorporating a group of culturally-sensitive CBOs to conduct outreach and inspections and paired with extended tenant protections for residents of unsanctioned spaces.

² We are aware that the issue of reporting obligations has been complicated by a recent Alameda County Superior Court ruling that pulled back well recognized immunity provisions for city officials. Thus, it remains unclear whether CBO’s, if employed by the City, would have a mandatory duty to report dangerous conditions and therefore be unable to assure confidentiality.

ASSEMBLY USE

The live-assembly and event permitting process is another area in need of reform, with major implications for artist live-work spaces. Unfortunately, while we wanted to include this in our research, we ultimately did not have the capacity and had to remove it from our scope. However, given that the Ghost Ship fire happened during an event, we felt we could not conclude this section without mentioning live-assembly permitting. We strongly recommend that all live-work spaces automatically be permitted to allow for assembly use, as that would enable residents of the spaces to engage with the city in a constructive manner in order to ensure the safety of attendees. Events are a major component of how residents of DIY spaces pay rent, showcase their art, and exist in community with each other, and we feel that this should be supported and encouraged. This also has important equity implications, particularly for communities of color who face disproportionate scrutiny in the event permitting process from the police department. Events will happen in these spaces regardless, and we believe a harm reduction stance would better protect the safety of residents and attendees than an overly regulatory approach.

LONG-TERM AFFORDABILITY

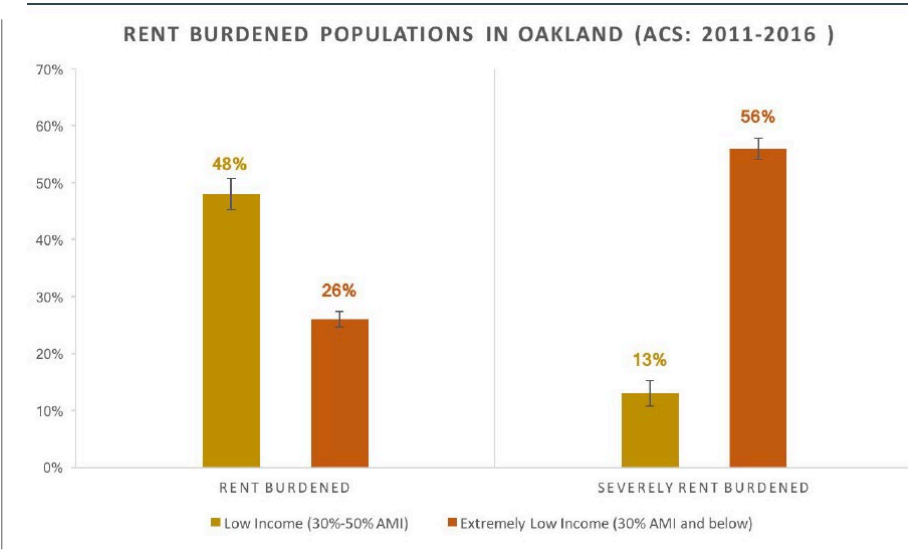
THE NEED FOR PRESERVATION OF AFFORDABLE LIVE-WORK HOUSING

As discussed earlier in this report, reforming Oakland’s code enforcement process and decreasing the costs required to comply with the building code represent essential steps for sustaining the city’s existing live-work artist housing. These reforms will enable live-work communities to make crucial life safety improvements and prevent evictions that occur due to code violations. However, Oakland’s live-work spaces and their residents face substantial threats that do not originate with the city’s Building Department: Oakland’s skyrocketing housing costs and booming real estate market.

Many of the structures housing unpermitted live-work spaces now have a higher market value than ever before. Consequently, property owners may feel pressured to sell to cannabis companies, real estate developers, and other institutions offering large sums for properties that currently house live-work communities. Moreover, Oakland’s housing market also poses a significant challenge for artists themselves. Since 2014, the median rent in Oakland has increased by 50% and is now over \$3,000 (Zillow, 2018). Artists increasingly cannot afford to live or work in Oakland.

Though we were unable to obtain data on artists’ incomes, rising rents in Oakland are certainly linked to the housing pressures experienced by artists in unsanctioned live-work residences. In the current real estate market, it is likely that many artists residing in unsanctioned live-work housing would be unable to remain in Oakland if they needed to leave their current residence. Accordingly, these unpermitted spaces represent a vital supply of affordable housing for the Oakland residents who live in them.

Representatives from both Safer DIY Spaces and the Oakland Warehouse Coalition, two organizations that work closely with Oakland’s live-work artist community, stated that artists living in unpermitted live-work spaces typically pay \$400 to \$600 per month in rent. They noted that the highest monthly rents in these spaces are around \$800, which is still far below typical rents in Oakland. Many Oakland residents pay more than \$800 for simply a bedroom, while artists in unpermitted live-work communities can obtain both housing and a work space for less. While artists reside in live-work housing for many reasons, the affordability of these spaces is a key factor and is vital to maintaining housing in Oakland for the local artist community.



As noted earlier in this report, statements from the Mayor’s Office indicate a desire to sustain local culture and prevent the involuntary displacement of Oakland residents. Accomplishing these goals requires protections that maintain the long-term affordability of live-work artist housing. This section of the report explores two solutions for ensuring continued affordability in live-work spaces:

- 1. Enabling affordable housing developers to create new live-work communities with below market rate rents.
- 2. Preserving affordability in existing live-work communities that are vulnerable to market pressures.

The term “preservation” can have several meanings in the affordable housing field. In the context of this report, preservation refers to efforts that will keep housing costs affordable in existing live-work communities and enable current residents to continue living there. With an estimated 1,600 to 2,000 residents and rents that are significantly below market rate, unpermitted live-work spaces in Oakland represent a substantial amount of affordable housing stock housing a sizeable low-income population. However, these rents exist without any subsidies or protections guaranteeing their continued affordability, and consequently these live-work units are subject to price increases brought on by market forces. If the City of Oakland wishes to maintain the long-term affordability of existing housing stock and prevent involuntary displacement, it is imperative to preserve the affordability of live-work spaces.

In addition to preservation, developing new live-work housing with subsidized rents could also be a worthwhile endeavor for both Oakland’s affordable housing developers and live-work artist communities. These spaces could help replace the live-work communities that have been lost due to eviction or sale, and affordable live-work development could provide housing that would allow displaced artists to return to Oakland. However, multiple obstacles currently impede Oakland’s affordable developers from taking on such projects, and preservation of current communities is ultimately a faster, simpler, and more economical solution.

In the section that follows, we examine the barriers to building new affordable live-work housing, propose models for preserving affordability in existing artist communities, and advocate for changes to public funding packages that could facilitate both preservation and construction of affordable live-work housing.

DEVELOPING NEW AFFORDABLE LIVE-WORK SPACES

ADELINE LOFTS

Ms. Stewart mentioned that the original mix of tenants at Adeline Lofts mostly consisted of artists and others who used the live-work nature of the space. It is noteworthy that housing artists was a voluntary goal set by SAHA that was achieved with intensive local outreach. There are no regulatory or funding conditions at Adeline Lofts that require artists to be housed at the building. Moreover, restricting the units for artists only would be in violation of fair housing law. Accordingly, achieving an artist tenant base in an affordable housing development requires an applicant pool and waiting list populated largely by artists.

To locate the initial tenants, SAHA hired a consultant who was active in the local artist community to conduct outreach with artists and entrepreneurs. These efforts resulted in a strong presence of artists among the initial tenants at Adeline Lofts. Though Adeline Lofts continues to be an important source of affordable housing units for Oakland residents, artists now make up less than half of the residents. As noted by Ms. Stewart, “this decline is likely attributable to several factors including lack of resources for ongoing outreach to artists, less interest from income-qualified artists, and waiting list practice designed to ensure fair housing law compliance” (Interview with Eve Stewart, 2018). This outcome is indicative of the challenges that new affordable live-work developments will inherently face in creating thriving artist communities, and it also highlights the importance of having a referral partner who can conduct ongoing outreach to low-income artists.

SAHA completed the project in 2003 at an estimated cost of \$9.5 million (SAHA, 2018), which illustrates the substantial costs required to construct new affordable live-work housing. In the 15 years since this project’s completion, SAHA has not constructed any additional live-work developments and does not currently have plans to construct this type of development (Interview with Eve Stewart, 2018). Additionally, our research suggests that Adeline Lofts is the only subsidized live-work development in Oakland. The lack of development of new affordable live-work communities speaks to the difficulties that these spaces can create for traditional affordable housing developers.



The Adeline Lofts affordable live-work development in West Oakland. (Photo by SAHA)

CHALLENGES

Complications Created by Affordable Housing Financing Requirements

The Low-Income Housing Tax Credit financing used by SAHA required 30% of the development to be 3-bedroom units, and affordable developments generally target these units toward larger families.

However, a 3-bedroom floor plan did not fit well with the open layout of live-work spaces. At times, SAHA has had difficulty filling these larger units and found that families might hesitate to lease a unit with a totally open floor plan. Eve Stewart, SAHA's Director of Real Estate Development, commented that the organization has considered pursuing other live-work housing opportunities and still has an interest in this type of development, but the difficulty financing these projects creates a major obstacle (Interview with Eve Stewart, 2018).

Locating and Maintaining an Artist Community

Ms. Stewart mentioned that the original mix of tenants at Adeline Lofts mostly consisted of artists and others who used the live-work nature of the space. It is noteworthy that housing artists was a voluntary goal set by SAHA that was achieved with intensive local outreach. There are no regulatory or funding conditions at Adeline Lofts that require artists to be housed at the building. Moreover, restricting the units for artists only would be in violation of fair housing law. Accordingly, achieving an artist tenant base in an affordable housing development requires an applicant pool and waiting list populated largely by artists.

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PRESERVING AFFORDABILITY IN EXISTING LIVE-WORK SPACES

POTENTIAL ROLE OF COMMUNITY LAND TRUSTS

Though unpermitted live-work housing is currently affordable for low-income artists, the long-term affordability of these spaces is not guaranteed. However, a community land trust (CLT) model could be used to preserve this affordable housing and guarantee housing stability for residents. In this model, a CLT organization would partner with tenants to purchase the live-work property. The CLT owns the land in perpetuity and maintains permanent affordability for residents in the building.

Generally speaking, there could be two possible ownership structures for the building itself:

1. The CLT continues to own and manage the building. They act as a property manager, and tenants pay rent to the CLT. The CLT's capital contributions and lack of profit motive enable tenants to pay below-market rents.
2. For many CLTs, the long-term goal is co-operative tenant ownership. While the CLT maintains ownership of the land, tenants have co-operative ownership of the building, function as property managers, and have limited equity stakes in the building.

Oakland Community Land Trust's recent involvement with helping tenants purchase a mixed-used building on 23rd Avenue in East Oakland serves as an example for how CLT-guided preservation could apply to live-work artist spaces. The East Oakland building has four commercial storefronts on the ground floor and eight apartments on the second floor. For years, this building has operated as a neighborhood-oriented space, and its tenants include a bike cooperative, a community garden, and Peacock Rebellion, an organization of artists focused on social justice and activism related to queer and trans people of color. Several members of these community-based organizations also live in the building's upstairs apartments.

Though the building's owners wanted to sell the building, they were open to selling to the tenants and interested in maintaining the current uses by community-based organizations. However, even with a willing seller, CLTs play a vital role in facilitating tenant purchases, as tenants generally lack the capacity to complete a large real estate transaction. Accordingly, Oakland CLT worked with the 23rd Avenue tenants to put together the necessary financing and develop an offer for the building owner.

In order to purchase this building, Oakland CLT received a loan from Northern California Community Loan Fund and site acquisition funds from the City of Oakland. Additionally, the tenants contributed \$100,000 from personal savings and fundraising. Also, Peacock Rebellion, one of the building's tenants, received a \$56,250 grant from the Community Arts Stabilization Trust (CAST), a nonprofit working to assist local artists with rising real estate costs. This grant was part of CAST's Keeping Space – Oakland initiative, which provided funds for building acquisition, planning, facility improvements, and other facility-related expenses to prevent the displacement of Oakland-based artists and arts spaces (Interview with Tyese Wortham, 2018).

These combined funds enabled the successful purchase of the 23rd Avenue property. As a result, Oakland CLT currently owns the entire property, including the building and the land. The land trust and the tenants raised enough capital to enable the tenants' current affordable rents to be frozen. The tenants pay rent to Oakland CLT, who will maintain the permanent affordability of both the apartments and the commercial spaces. Furthermore, Oakland CLT is committed to eventual tenant ownership, and is currently working with the 23rd Avenue tenants to develop a cooperative ownership structure for the building (Interview with Steve King, 2018).

While the 23rd Avenue property is not technically a live-work space, this building's collective purchase by tenants and a CLT could be replicated in Oakland's unsanctioned live-work communities. If local CLTs partner with live-work tenants to purchase their spaces, the affordable rents in these spaces will be maintained in perpetuity. Additionally, the CLT can provide capital from internal sources and public funds that will enable necessary repairs to bring these residences up to code. Thus, the community land trust model represents a viable option for preserving existing live-work communities and ensuring long-term affordability for live-work residents.

FUNDING THE PRESERVATION AND DEVELOPMENT OF AFFORDABLE LIVE-WORK HOUSING

Affordable housing cannot exist without subsidy that enables below market rate rents. Consequently, live-work spaces will require substantial funding to sustain their affordable rents in the long term. Both strategies for providing long-term affordability in live-work housing (developing new spaces

and preserving existing communities) will require access to public funding packages for affordable housing.

CURRENT BARRIERS FOR USING PUBLIC FUNDS FOR AFFORDABLE LIVE-WORK DEVELOPMENT

Recently, voters in the East Bay passed two bond measures—Measure A1 in Alameda county and Measure KK in the City of Oakland that generated over \$1 billion for preserving and creating affordable housing. However, there are several challenges that make it difficult to use this funding and similar public financing for live-work spaces.

Funding is Limited to Residential Buildings or Vacant Property

Public sources of affordable housing funds are often restricted to purchases of residential real estate or vacant land and property. As a result, these funds cannot be used for the acquisition or preservation of existing live-work spaces, which are generally located in buildings classified as industrial or commercial. For example, funding from Oakland’s Measure KK is limited to purchases of vacant land, vacant buildings, and existing multi-family rental buildings. However, it is worth noting that funds from Measure A1 in Alameda County can be used to acquire industrial buildings as long as the acquisition is for a development project that produces housing.

Funds Prioritize the Number of Units

Both the city and the county prioritize maximizing units when determining which affordable projects are awarded funding. Both Measure KK and Measure A1 have made preserving and producing the greatest number of units a guiding principle for distributing funds. The number of units preserved or produced is also being used as an indicator to assess the impact of these funds. Live-work buildings inherently have difficulty meeting these criteria because their open-plan nature reduces the number of individual units, which tend to be larger than traditional dwellings, and funding is often restricted to residential-only buildings.

Funding is Aimed at Organizations that Have Difficulty with Live-Work Development

Public funds are generally geared towards traditional affordable housing developers, and many may be hesitant to take on live-work development. Live-work buildings have fewer tenants than typical affordable housing projects, which often does not coincide with the scale at which affordable developers operate. As noted by Rosenthal and Listokin, these smaller-scale buildings create a challenge with regards to property management for many mid-sized and large-scale affordable developers. These developers generally use Low-Income Housing Tax Credits, a financing system that favors buildings of 50 units or more (Rosenthal & Listokin, n.d.). Furthermore, these traditional funding sources often come with stringent requirements that complex live-work arrangements do not fit with. As noted earlier, SAHA had a difficult time working with the requirements set by the tax credit agency when developing Adeline Lofts. While they were successfully able to work around this barrier to get the project completed, it still proved to be a long-standing issue, as the units they had to create to receive funds proved difficult to fill (Interview with Eve Stewart, 2018). While these large funding packages are geared towards developers, developers in turn face multiple barriers in developing live-work spaces, essentially rendering these types of spaces inaccessible to these public funds.

LONG-TERM AFFORDABILITY RECOMMENDATIONS

RECOMMENDATIONS TO MAKE PUBLIC FUNDS MORE ACCESSIBLE TO LIVE/WORK

Of the \$100 million in funds created by Measure KK since its adoption in early 2017, \$50 million have already been allocated for the acquisition, rehabilitation, and preservation of “naturally occurring” affordable housing. The city is now in a position to review its guidelines for Measure KK’s second round of funding allocation, which will be distributed in 2018. This provides a timely moment to discuss considerations that could be examined to better include live-work spaces in public funds and address the types of housing developers that are able or willing to take on the added complexities of these types of spaces.

FUNDING SMALLER BUILDINGS

The small scale of live-work creates added complexities with regards to funding and capacity, including difficulty in obtaining funds to purchase and rehabilitate buildings at this scale. Live-work buildings are smaller than what traditional affordable developers generally work with, and these spaces often coincide better with the community land trust model, as previously discussed. Since these smaller spaces do not fit with the traditional affordable housing development model, it is unlikely that any of the larger affordable housing organizations will use public funds to preserve existing affordable live-work spaces. Accordingly, we recommend setting aside money for smaller buildings in funding packages like Measure KK. This set aside would ensure that the CLT organizations interested in preserving these smaller buildings could obtain funds and purchase live-work communities that are vulnerable to market pressures.

REDEFINING IMPACT

As noted, public funds are currently awarded to projects based on the number of units that are able to be produced or protected. The current use of units as a measurement tool to determine impact is narrowly-focused and does not include the number of ways impact can be assessed by preserving or creating live-work spaces. We recommend that city and county governments expand the way they measure impact to include the following components:

- **Safety:** Investing in live-work spaces ensures these spaces are able to be maintained as safe living and gathering spaces and prevent incidents like the Ghost Ship fire in 2016.
- **Number of Occupants:** Live-work spaces often have fewer prescribed number of units, but provide housing for a large community of people. There may be as many as 2000 artists housed in live-work spaces throughout Oakland. The value of these spaces can be highlighted by assessing and measuring impact by the number of people that are able to be housed.

- **Preserving Culture:** As noted earlier, Oakland’s rising real estate values have displaced numerous artists. Live-work spaces provide affordable housing options for artists, many of whom are able to secure a living and working space for less than \$800 per month. Without access to affordable live-work housing, Oakland will lose many of the artists that define the city’s culture.
- **Efficiency and Sustainability:** The cohabitative living arrangements in live-work spaces reduce environmental impact with residents sharing spaces and amenities, allowing for more efficient use of resources and energy. Additionally, these spaces provide both an efficient living and working arrangement that require no commuting.

CONCLUSION

Our research on code compliance processes and strategies for financing long-term affordability for live-work spaces left us convinced of a few things:

First, these spaces are vital to the cultural lifeblood of our city, and need protection. But, importantly, that protection should be part of broader efforts to better protect tenants in Oakland at large. Many of our recommendations, for example around more culturally-sensitive outreach on code compliance, would benefit many of Oakland’s most marginalized residents.

Second, there are many innovative possibilities to move towards a more rehabilitative and less punitive approach to these spaces. Our conversations with advocates, artists, and policymakers, both here in Oakland and in cities around the country, demonstrated the breadth of policy strategies available. Importantly, other cities showed that there is precedent for things such as outreach on code compliance, amnesty programs, more flexible public finance for rehabilitation, and more.

Third, Oakland is poised to be a model in this important work. One of the things our research revealed is that Oakland’s DIY community is large relative to other places. There are several of these spaces still active, though not as many as there once were. Oakland has an opportunity to intervene to help live-work spaces flourish, and there is political will to do so: such efforts would be in line with the goals of the City’s Cultural Plan, its housing goals, and the Mayor’s Executive Order following Ghost Ship to make these spaces safer, while keeping them in place. Furthermore, Safer DIY Spaces is playing a critically important role as intermediary between artists and the City, and represents an exciting partner for the City. Oakland can lead by example for cities around the country, by helping to prevent artists from being displaced in a rapidly changing city.

NEXT STEPS

Our semester of research also showed some clear next steps for deepening this work. These include:

CODE COMPLIANCE PROCESSES

To strengthen recommendations on code compliance processes, it will be important to review recommendations with artist focus groups. This step will be important for many of our recommendations, in fact. Additionally, clarifying the implementing agency and budget for each of these recommendations will be key to move them forward. Finally, outreach could be done to potential partner organizations for a code enforcement outreach program to better understand what this could look like in Oakland, while more research into the structure and effectiveness of San Francisco’s Code Enforcement Outreach Program (CEOP) structure and effectiveness will also be important.

FINANCING

In terms of our recommendations for financing, beyond public funds, it would be advisable to look into alternative financing options. As previously mentioned, it can be difficult to use public funding sources for the acquisition and rehabilitation of live-work spaces. Therefore, grant programs from nonprofit organizations or philanthropies, such as CAST’s Keeping Space – Oakland, could be crucial for the preservation of live-work communities. As noted earlier, a grant from CAST’s initiative was essential for the purchase and preservation of the building on 23rd Avenue in East Oakland. However, Keeping Space – Oakland was a two-year initiative that has since ended and disbursed all funds. We know of no current local grant programs similar to Keeping Space – Oakland that can provide substantial funds for the acquisition and rehabilitation of arts spaces. Therefore, foundations should examine whether they can establish large pools of funds that can enable the purchase and preservation of live-work communities. Social impact investing for real estate is also a growing field, and may be an innovative source of funding for preserving live-work spaces.

EVENT PERMITTING

Finally, we also discussed looking into processes around event permitting and event safety, but ultimately decided that it would be difficult to do justice to another research focus given our scope. However, it will be important to include a deeper focus on events in future research on live-work spaces, which as David Keenan points out, could be called community live-work spaces for the key roles they play in the arts community. The large majority of those who died in Ghost Ship were there visiting for the show that night; event safety is a key part of preserving these cultural spaces moving forward.

While there is more research to be done, there is also a lot of existing information to move many of these policy recommendations forward. Oakland is changing quickly — the City and policymakers need to take action today to ensure that current Oaklanders get to help shape these changes, and are around to benefit from them. Protecting the artists who create the culture that makes Oakland what it is today should be a key part of an anti-displacement agenda for the city.

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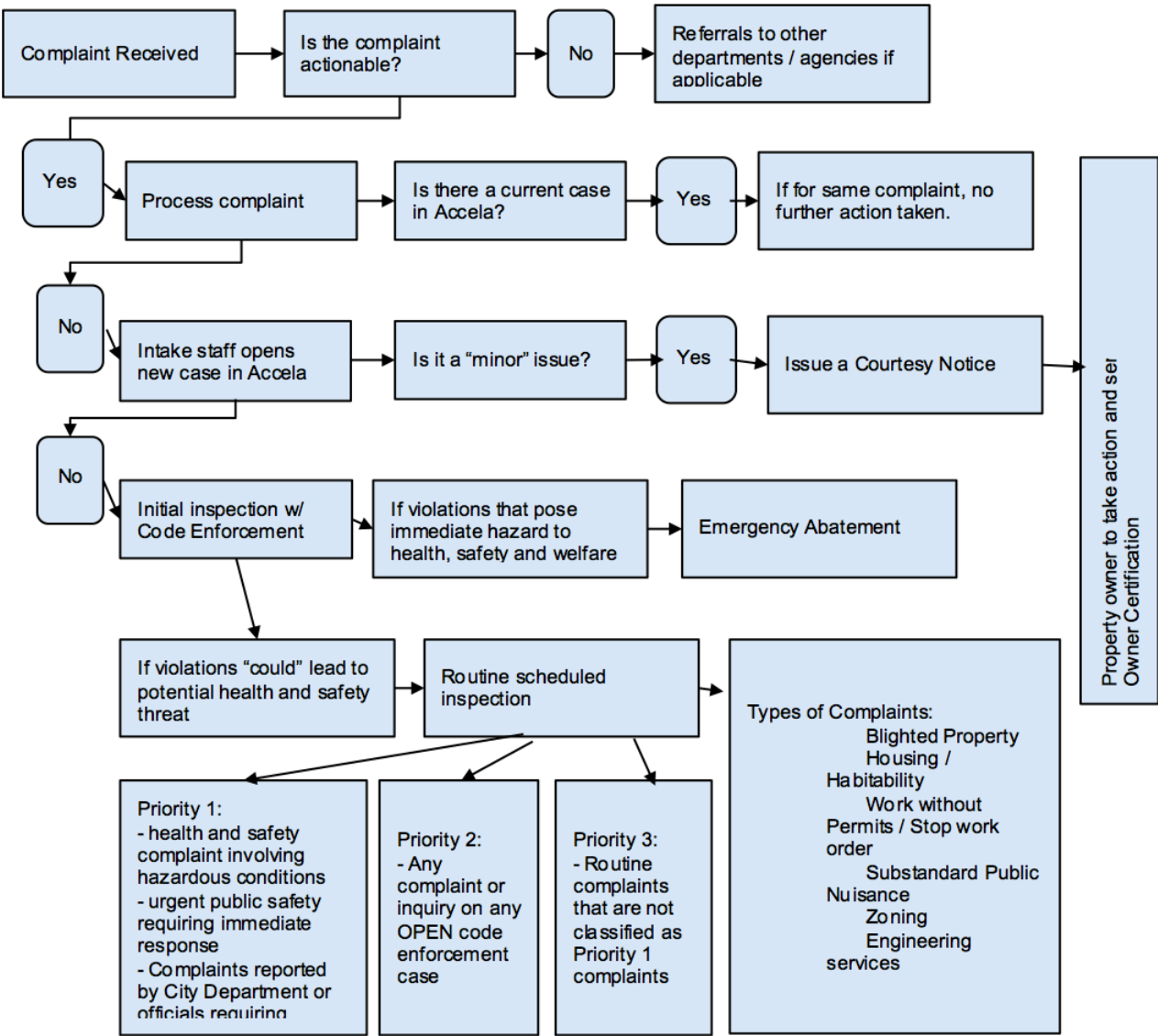
APPENDICES

APPENDIX A — INTERVIEW SUBJECTS


City Officials	<div>Seattle</div> <ul style="list-style-type: none">Matthew Richter, Cultural Space Liaison Office of Arts and Culture <div>Oakland</div> <ul style="list-style-type: none">Ethan Guy, former Chief Resilience Officer (now Senior Manager, Street Level Advisors)Greg Minor, Assistant to the City Administrator Nuisance Abatement/Special Activity Permits DivisionKelley Kahn, Policy Director, Arts and Development <div>Denver</div> <ul style="list-style-type: none">Laura Swartz, Development Services Communications, Community Planning and Development” <div>Stockton</div> <ul style="list-style-type: none">Anonymous Official <div>Fremont</div> <ul style="list-style-type: none">Anonymous Official <div>San Jose</div> <ul style="list-style-type: none">Anonymous Official <div>Alameda County</div> <ul style="list-style-type: none">Michelle Starratt, Assistant Housing Director
Intermediaries	<div>Baltimore</div> <ul style="list-style-type: none">Amy Bonitz, President and CEO Baltimore Arts Realty CorporationEllen Janes, Executive Director Central Baltimore Partnership <div>Minneapolis</div> <ul style="list-style-type: none">Aneesha Marwah, Manager, Consulting and Strategic Partnerships <div>Oakland</div> <ul style="list-style-type: none">Tyese Wortham, Director of Community Engagement, CAST <div>Seattle</div> <ul style="list-style-type: none">Jason Clackley, Director of Programming and Talent Buying, The Vera Project

Affordable Housing Professionals	<div>San Francisco<ul style="list-style-type: none">James Yelen, Program OfficerTyler Macmillan, Organizational Director SF Community Land Trust</div> <div>Oakland<ul style="list-style-type: none">Steve King, Executive Director Oakland Community Land Trust</div> <div>Berkeley<ul style="list-style-type: none">Eve Stewart, Director of Real Estate Development, SAHA</div> <div>New York<ul style="list-style-type: none">Anonymous Affordable Housing ProfessionalMichele Gambetta, Broker/Co-founder of ArtCondo</div>
Artists/Artist Advocates	<div>Denver<ul style="list-style-type: none">Bree Davies, DIY Community AdvocateAnonymous Artists (2)</div> <div>Baltimore<ul style="list-style-type: none">Anonymous Artist (2)</div> <div>Oakland<ul style="list-style-type: none">Anonymous ArtistAnonymous Artist AdvocateSeven Asefaha, Executive Director of Alena Museum</div> <div>Chicago<ul style="list-style-type: none">Maya Wallace, Resident and Exhibitions Assistant -Rebuild Foundation</div> <div>Stockton<ul style="list-style-type: none">Anonymous Artists (2)</div>

APPENDIX B — OAKLAND CODE ENFORCEMENT PROCESS



APPENDIX C — OAKLAND SAMPLE LIVE WORK NOTICE OF VIOLATION



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA • SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031
Planning and Building Department
Bureau of Building
Building Permits, Inspections and Code Enforcement Services
www.oaklandnet.com

(510) 238-6402
FAX: (510) 238-2959
TDD: (510) 238-3254

NOTICE OF VIOLATION

April 20, 2017

Certified and Regular mail

To: REDACTED

Code Enforcement Case No.: REDACTED
Property: REDACTED
Parcel Number: REDACTED
Re-inspection Date: REDACTED

Code Enforcement Services inspected your property on 1/18/2017 and confirmed:

☒ that the violations of the Oakland Municipal Code (OMC) marked below are present.

☐ that work was performed without permit or beyond the scope of the issued permit and you are receiving this Notice of Violation because you did not get the required permit within three (3) days of receiving the Stop Work Order. You must contact the inspector indicated below before the Re-inspection Date to stop further code enforcement action.

Photo	Description of Violation	Location	OMC Section
	Property Maintenance		
	Building Maintenance (Code)		
yes	1. Warehouse converted into live/work occupancy without zoning approval and permits. Discontinue residential occupancy.	interior	15.08.230L
yes	2. Cooking and bathing facilities installed/constructed without permits. Remove with permits.	interior	15.08.140
yes	3. Stairs and lofts constructed without permits. Remove with permit.	interior	15.08.140
yes	4. Water heaters installed without permits. Remove with permit.	interior	15.08.140
yes	5. Electrical, plumbing and mechanical alterations done without permits. Correct or remove with permits.	interior	15.08.140
yes	6. No fire separation between residential and commercial facilities. Discontinue residential occupancy and obtain commercial tenant improvement zoning approval and permits.	interior	15.08.310

Notice of Violation
Page 1 of 2

Notice of Violation
Page 2 of 2

At this point no fees or other charges have been assessed for these violations. To stop further code enforcement action, you are advised to correct the above violations and contact Inspector Wing Loo, who is assigned to your case, before the re-inspection date shown above to schedule an inspection. Your inspector is available by phone at 510-238-6219 and by email at wloo@oaklandnet.com.

If the Property Owner Certification is included in this notice you may also complete the form and include photographs of the corrected violations.

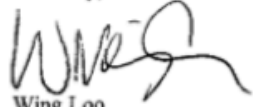
If you do not contact your inspector to discuss why you cannot comply or if applicable, complete the Property Owner Certification form and the re-inspection verifies that all violations have not been corrected, you may be charged for inspection and administrative costs, which can total \$2,665.00. The City may also abate the violations and charge you for the contracting and administrative costs, which can also total over \$1,000.00. In addition, Priority Lien fees in the amount of \$1,926.00 may be assessed if fees are not paid within 30 days from the date of the invoice. Charges may be collected by recording liens on your property and adding the charges to your property taxes or by filing in Small Claims or Superior Court. Furthermore, this Notice of Violation may be recorded on your property.

You have a right to appeal this Notice of Violation. You must complete the enclosed Appeal form and return it with supporting documentation in the enclosed envelope. If Code Enforcement Services does not receive your written Appeal within 30 days of the date of this notice, you will waive your right for administrative review. Note: Incomplete appeals including, but not limited to an oral notification of your intention to appeal, a written appeal postmarked but not received by us within the time prescribed or a written appeal received by us without a filing fee are not acceptable and will be rejected.

If you choose to file an appeal no further action can be taken by Code Enforcement Inspectors until you have had the opportunity to be heard by an independent Administrative Hearing Examiner pursuant to the Oakland Municipal Code Section 15.08.380 (B)(3) and a Final Decision is determined. An appeal will be scheduled within 60 days from the date the appeal was filed. A filing fee in the amount of \$110.00 is due at the time of submittal. Payments may be made in person at the Bureau of Building, 250 Frank Ogawa Plaza, 2nd Floor, Cashiering Section or by phone by calling 510-238-4774 (Please include the receipt number and date on your appeal). MasterCard and Visa are accepted.

Administrative Hearing Fees	
Filing Fee	\$ 110.00
Conduct Appeals Hearing	Actual Cost Appeal (Fee charged only if Appellant loses appeal)
Processing Fee	\$ 931.00
Reschedule Hearing	\$ 329.00
Fees Include 9.5% Records Management Fee and 5.25% Technology Enhancement Fee	

Sincerely,


Wing Loo
Combination Building Inspector
Planning and Building Department

Enclosures as applicable:

☐ Blight brochure
☒ Property Owner Certification
☐ Lead Paint brochure
☒ Photographs

☐ Residential Code Enforcement brochure
☐ Mold and Moisture brochure
☐ Undocumented Dwelling Units brochure
☐ Stop Work brochure

☐ Vehicular Food Vending brochure
☐ Pushcart Food Vending brochure
☐ Smoke Alarms brochure
☐ Condominium Conversion brochure

July, 2015
Scan to: Code Enforcement-Chronology-Abatement Activities

cc:



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA • SUITE 2340 •
OAKLAND, CALIFORNIA 94612-2031
Planning and Building Department

Bureau of Building
www.oaklandnet.com

PROPERTY OWNER CERTIFICATION

CORRECTED OR REMOVED VIOLATIONS

Property: REDACTED

Parcel no: REDACTED

Case no.: REDACTED

Owner: REDACTED

Courtesy Notice date: na

Re-inspection date: 6/08/17

I certify that I have corrected the following violations identified in the Notice of Violation I received from the City of Oakland:

Property Owner Certification

Print Name (print)

Date

Property Owner Signature

Day time telephone ()

E-mail:

Return to: Wing Loo

July, 2015
Scan to: Code Enforcement-Chronology-Abatement Activities

Instructions

1. Review the property address and owner information shown at the left and make any necessary corrections.
2. If applicable, before the Re-inspection date shown at the left, complete and return this signed form with dated photographs of your property to verify the violations were removed or not present:

E-mail: inspectioncounter@oaklandnet.com

Facsimile: 510/ 238-2959

Mail: City of Oakland
Bureau of Building
250 Frank H. Ogawa Plaza Suite 2340
Oakland, CA 94612-2031
(Envelope enclosed - no postage required)

County Assessor Display

Page 1 of 1

County Assessor Display

Assessor Parcel Record for REDACTED


Parcel Number:	REDACTED
Property Address:	
Owner Name:	
Care of:	
Attention:	
Mailing Address:	
Use Code:	LIGHT INDUSTRIAL
Recorder Number:	
Recorder Date:	
Mailing Address Effective Date:	
Last Document Input Date:	
Deactivation Date:	
Exemption Code:	

Home Enter Assessor Property Assessment
Parcel List
Number

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For Delivery information, visit our website at www.usps.com .	
OFFICIAL USE	
Certified Mail Fee	\$
Extra Service Fees (check one) - add fee as appropriate	\$
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total	REDACTED
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

http://revfilesvr/countydisplay/display_assessor_record.asp?apn3... 4/20/2017

APPENDIX D — SAN FRANCISCO SAMPLE NOTICE OF VIOLATION



DEPARTMENT OF BUILDING INSPECTION
Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

OWNER/AGENT: REDACTED

MAILING ADDRESS: REDACTED

COMPLAINT: REDACTED

DATE: REDACTED

LOCATION: REDACTED

BLOCK: LOT :

NOTICE TYPE: COMPLAINT


94134

BUILDING TYPE: APT USE TYPE: R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM	DESCRIPTION
1 THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	This Notice of Violation describes violations found at the subject property at 6 Pueblo Street, Unit #1.
2 REPAIR SINK (1001f HC)	The faucet at the sink in the bathroom cannot be easily turned off. Repair or replace as needed.
3 REPAIR DAMAGED COUNTERS (505c, 1001b HC)	The tile is cracked at kitchen sink, the grout is missing at some areas, and the seal between sink and tile is compromised. Repair or replace as needed.
4 REPAIR FLOOR (1001b,j,o HC)	The floor at the bathroom is beginning to collapse behind the toilet and movement is evident at tile around the tub. Obtain a building permit and corresponding inspections to repair the subfloor and framing. Repair the floor covering (tile) and patch and paint any affected surface.
5 PAINT CEILINGS/WALLS (1001b,1301 HC)	There is peeling paint: a)at the kitchen ceiling and wall near the sink; b) living room ceiling. Remove peeling paint and cover in an approved manner: repaint. See attached lead paint warning.
6 REPAIR DAMAGED WALLS (1001b,h,o HC)	There is a hole at the wall under the kitchen sink. Repair as needed.

Page 1



DEPARTMENT OF BUILDING INSPECTION
Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: REDACTED

7 Disturbing lead based paint can be EXTREMELY DANGEROUS to dwelling occupants and visitors, particularly to young children, pregnant women, pets, and to people performing work on the premises.
For interior or exterior paint removal : contain and properly dispose of leaded paint. If you are unsure whether the paint is leaded, you should test it prior to performing any work. If the paint is found to contain lead, you should consult with an expert about appropriate procedures. Proper containment and 3-day notification is required for exterior jobs of more than 10 sq.ft. (327 SFEBC) Informational packets are available at (415) 558-6088.

You can contact the San Francisco Childhood Lead Poisoning Prevention Program at: (415) 252-3800 for free advice. IF YOU CAUSE LEAD DUST TO BE CREATED, YOU COULD BE LIABLE FOR ANY ILLNESS CAUSED BY THE DUST. Ordinance #446-97.

8 INSPECTOR COMMENTS

It is the property owner's responsibility to be present or direct his/her representative to attend the reinspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice.
If the property owner cannot attend the scheduled reinspection (as specified on this Notice) it is his/her responsibility to secure a different inspection time/date with the Inspector, and provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b)), if any dwellings, apartment units or guest rooms are to be accessed during the reinspection.

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 14 November 2017 10:00 AM
IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.
CONTACT HOUSING INSPECTOR : REDACTED

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

Page 2

APPENDIX E — MAYOR SCHAAF’S EXECUTIVE ORDER



CITY OF OAKLAND

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.

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

APPENDIX F — SEATTLE LETTER TO MAYOR

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



16 December 2016

Mayor Ed Murray
P.O. Box 94749
Seattle, WA 98127-4749

Dear Mayor Murray,

The Seattle Arts Commission, The Seattle Music Commission, the Historic Central Area Arts & Cultural District, and the Capitol Hill Arts District mourn the lives that were lost in the tragic Oakland Ghost Ship fire. We are heartbroken and extend our condolences to the loved ones and families of all who were lost. This period of mourning is also a time to support, protect, and help independent cultural spaces in becoming safer. We recognize the critical, life-saving value of these spaces. They are integral to the health of our city, our culture, and our community.

We recognize the urgent need for safe and affordable housing, work space, and gathering space. As we bear witness to a rash of evictions of warehouses in other cities following the Oakland tragedy, we emphasize that reactionary shutdown of essential community spaces is not an appropriate, sustainable or equitable response. Even when the intention is to protect the public by preventing imminent catastrophe, eviction creates another emergency: the violence of displacement.

We hold ourselves and our fellow public servants accountable to the City's own Race and Social Justice Initiative. In a city that struggles to resolve a housing and homelessness crisis in the midst of a massive construction and population boom, and where many low-income people and spaces have already been displaced, responses to public and individual safety must be driven by a commitment to support and nurture all of our neighbors. Hasty evictions come at the expense of the most vulnerable, whether or not they are artists. Historic precedent shows that abrupt building vacancies have ripple effects throughout their neighborhoods, with some areas unable to recover decades later. Furthermore, displaced people and spaces will reappear elsewhere. Adversarial enforcement merely punishes our communities for their financial inability to improve code compliance. It neither reduces noncompliant space, nor increases safety. Instead, it drives people further underground and further away from our shared goal of improving safety.

The existence of non-permitted, non-code-compliant spaces is in part driven by the economics of space affordability in Seattle, and the fact that code compliance is complicated and expensive. The Mayor has called out a "crisis of affordability" across housing, commercial and cultural space. But for many who inhabit noncompliant spaces, it is not a choice to inhabit or program unsafe space, but a reality driven by economic circumstance. To think of this as a choice is a mistake allowed by economic privilege. While many would indeed choose to live, work and gather in *non-traditional* venues regardless of their financial situations, it is the *safety* component that is too often inhibited by limited access to money. Venues are not "safe" or "unsafe" - they are more and less safe along a spectrum. Thinking of safety as a spectrum, instead of a binary state, will bring our efforts to ensure safety in line with the world around us.

Seattle is in a position to lead a national conversation around constructive engagement with communities that rely on precarious spaces by modeling a protocol of inclusiveness and support instead of adversarial enforcement. We can reach out, assist, educate, and leverage investment in a cultural community in need of both immediate life safety improvement and long-term stability.

We take pride in our identity as a global center of culture. Our music, arts and athletics draw admirers from all over the world to live, work, and visit. We can leverage our commitment to the arts by working to help all spaces become safer, regardless of their financial resources or legal status. No one should have to choose between safety and affordability. *As we have said before, "The arts hold the power to capture, nourish and move us. They serve as a vehicle for radical social change, and are an effective strategy to address the pressing issues of our time."* DIY, independent spaces are woven into the fabric of the arts ecosystem. They are safe havens for many of our marginalized neighbors, as evidenced by the youth, transgender

Street Address: 700 Fifth Avenue, Suite 1766, Seattle, WA 98104 Mailing Address: PO Box 98124-4748
Tel: (206) 684-7171 Fax: (206) 684-7172v www.seattle.gov/arts



people, and people of color who perished in Oakland. These venues are a precious, non-renewable resource that, with collaboration and support, can be made safer.

We stand in solidarity to support and protect all Seattleites who depend on vulnerable housing, work, and gathering spaces - including but not limited to artists, performers, and cultural spaces. In honor of those who perished in Oakland, we commit to preserving and improving the spaces that allow our creative, passionate community members to thrive. Our recognition of the challenges related to safe, affordable cultural space in ours and other cities, is accompanied by our interest in solutions. To that end, a list of recommendations for your consideration, are included here.

If you have any questions or would like to know more about the Seattle Arts Commission, the Seattle Music Commission, the Historic Central Area Arts and Cultural District, and the Capitol Hill Arts District in relation to our commitment to equity and the preservation of arts and cultural space, we invite further conversation. Our direct conduit for such is the Office of Arts and Culture at 206.684.7171 and Arts.Culture@Seattle.gov.

Sincerely,

Seattle Arts Commission

Vivian Phillips, Chair
Seattle Theatre Group
Terri Hiroshima, Vice Chair
University of Washington
Juan Alonso-Rodriguez
Artist
Jeff Benesi Landscape &
Urban Designer
Cassie Chinn
Wing Luke Museum
Dawn Chirwa
Philanthropy Northwest
Jonathan Cunningham
Museum of Pop Culture -
MoPOP
Priya Frank
Seattle Art Museum
Steve Galatro
Pratt Fine Arts Center
Ana Lester Hugo House
Billy O'Neill Self-Employed
Tracy Rector
Longhouse Media
Kelly Rodriguez ARCADE
Gian-Carlo Scanduzzi ACT
- A Contemporary Theatre

S. Surface

Design In Public, The Alice
Sharon Nyree William
Central District Forum for
Arts & Ideas

Seattle Music Commission

Jody McKinley, Chair
Soundtrack Your Brand
Patty Isacson Sabee
Museum of Pop Culture -
MoPOP
Adrian Burton
eMedia Music Corp
Ricardo Frazer
ZakiRose Agency and
MeMusic.com
Tim Lennon
The Vera Project
John Roderick
Musician, Writer
Joan Sandler Musicians'
Association of Seattle,
Local 76-493 AFM
Nicole Jon Sievers
Stand for Courage

Reese Tanimura Rain City
Rock Camp for Girls
Karen P. Thomas
Seattle Pro Musica
Hollis Wong-Wear
The Flavr Blue
Nadine Zgonc
PlayNetwork

Historic Central Area Arts & Cultural District Leadership

Steve Sneed
Seattle Center
Vivian Phillips
Seattle Theatre Group
Tyrone Brown,
Seattle University

Capitol Hill Arts District Leadership

Michael Seiwerath
Capitol Hill Housing
Tonya Lockyer
Velocity Dance Center

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Tel: (206) 684-7171 Fax: (206) 684-7172v www.seattle.gov/arts



RECOMMENDATIONS:

1. All who are in a position to affect precarious spaces, including the City, public officials, code compliance enforcement, fire safety enforcement, law enforcement, real estate developers, and individual building owners and landlords, should **activate the RSJI Toolkit to analyze and guide all enforcement plans** and determine if the impacts of venue closure and code enforcement would disproportionately affect communities of color, low-income communities, LGBTQI+ communities, and youth. The results will determine solutions that support making our buildings and spaces safer while also remaining, or becoming, affordable and accessible.
2. **Allow the Seattle Fire Marshal's Office to engage with venues and producers who do not meet the minimum requirements of Seattle Fire Code.** Their advice could save lives. Currently the SFMO can only advise venues to meet full code compliance. Allowing them to help venues improve incrementally will make these spaces safer. Empowering venues to become safer incrementally without fear or recrimination, including by coming to the City for support, will increase the overall safety of the public. Protocol should be modeled on Safe Haven Laws that protect those hoping to keep people safe, even if it means breaking other rules.
3. Seattle Department of Construction & Inspections (SDCI) and Seattle Fire Department (SFD) could **create a shared grading system to rate life safety at venues**, analogous to the restaurant Health Code rating system in use in Los Angeles. Such a system provides an alternative for forced closure for any venue scoring above a certain level (a "D" for example). This offers members of the public the opportunity to make informed choices and to give consent, while also granting the autonomy to make decisions about personal safety.
4. Currently the Office of Arts & Culture (ARTS) administers the Cultural Facilities Fund, which grants awards of up to \$50,000 for culturally-based capital projects at nonprofit cultural spaces. Of the \$500,000 dedicated towards the Fund in 2017, **we recommend that ARTS earmark at least \$100,000 specifically aimed at life safety improvements; further, we recommend that the eligibility requirements for this funding be amended to include "underground" venues in addition to incorporated nonprofits**, again, with the protection of a Safe Haven-type rule.
5. Again through its Cultural Facilities Fund, in collaboration with the Fire Marshal's Office, we recommend that ARTS **fund the creation of "safe production boxes"** – literal boxes that contain battery backup exit signs, fire extinguishers, bullhorns, flashlights, fire retardant liquid, first aid kits, naloxone, and other safety and harm reduction items that venues and independent producers can pick up, free of charge and without recrimination.
6. We recommend that ARTS **dedicate further resources to ongoing, free-of-charge educational opportunities in safety and preparedness for artists, performers, event hosts, and venues.** In 2016, the Office of Arts & Culture led the way nationally by hosting a series of "Active Shooter Trainings" for arts presenters. The success and popularity of this series led to more workshops around preparedness and safety in the arts, co-hosted with a local arts venue. Further classes and workshops could address subjects like fire and earthquake preparedness, evacuation, medical emergency response, harm reduction, first aid, and CPR.
7. **The City could create an in-kind construction grant to help bring venues into life safety compliance**, in partnership with a supportive developer, to be juried by the City and administered by the developer. SDCI could contribute waived permit fees, ARTS' Cultural Facilities Fund could contribute material costs, and the developer/contractor could contribute the labor and management expertise.
8. We recommend the formation of an inter-departmental task force to **develop an "Arts Events License"** proposal based on the **successful model for pop-up events recently adopted in Vancouver, BC.** Relevant departments include: Department of Construction and Inspections; Seattle Fire Department; Office of Arts & Culture; Office of Film and Music; and the Special Events Office (ideally with close consultation of the WA Liquor and Cannabis Control Board). There are many events and venues currently operating without requisite documentation due to the complexity, confusion, and expense of the various permits, licenses, etc. that may be required for an event. An accessible, transparent "one application, one desk, one license, and one reduced fee" alternative to the current patchwork of permits, departments, regulations and processes would facilitate compliance and increase safety.

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Tel: (206) 684-7171 Fax: (206) 684-7172v www.seattle.gov/arts

APPENDIX G — SEATTLE RRIO CHECKLIST



RRIO Checklist

Use of checklist:

Property owners will use the RRIO Checklist to confirm that their rental housing properties and units meet the requirements of the Rental Registration and Inspection Ordinance (RRIO) or, if units are vacant, they will meet the requirements prior to being rented.

Inspectors will use the checklist to validate that rental housing properties have been maintained according to the RRIO requirements.

The checklist includes specific items from the City of Seattle Housing & Building Maintenance Code (HBMC). At the beginning of each numbered checklist section is a general description of the minimum requirements for the structure or for specific rooms. Below the general description is a set of checklist items to be reviewed.

To use the checklist, review each checklist item. If the described condition is present, check the box. Once completed, if any items are checked see 1 and 2 below.

1. When registering a rental property
 - Items with an asterisk (*) and in bold face type indicate a significant maintenance issue that if present, must be fixed in order to register an occupied unit or before renting an unoccupied unit.
 - Items without an asterisk are also maintenance issues and must be repaired to comply with the City’s HBMC, but the unit can be registered or rented if one or more of these items are present.
2. When using the checklist for a RRIO inspection
 - Items with an asterisk (*) and in bold face type must be repaired before the unit can pass inspection and receive a Certificate of Compliance.
 - Items without an asterisk are also maintenance issues and must be repaired to comply with the City’s HBMC, but a Certificate of Compliance can be issued if one or more of these items are present.

If any requirement in this checklist is different than was authorized and constructed under a valid building permit, then the building permit requirement is the standard that must be met. Except that smoke detectors and Carbon

Monoxide alarms, handrails and guardrails, and dead bolts or dead latches on entry doors are required regardless of previous standards.

Units with shared kitchens and baths such as those in a Single Room Occupancy (SRO), rooming house, or micro-housing property are considered individual rental housing units, and during RRIO inspections, both the individual rental housing unit and any associated common kitchen or bath areas will be inspected.

Definitions:

As used in this checklist:

- Habitable room: means a space in a building occupied, used, designed, or intended to be used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, laundry rooms, storage or utility space, and similar areas are not habitable rooms.
- Good working order/well maintained/in good repair/ safe and sound condition: means the referenced item is functioning and can be used for its intended purpose as it is.
- Structurally sound: means the referenced element is capable of withstanding normal loads and forces.
- Unsafe means: Structurally unsound, provided with inadequate egress, constituting a fire hazard, or otherwise dangerous to human life, or constituting a hazard to safety, health or public welfare because of inadequate maintenance, deterioration, instability, dilapidation, obsolescence, damage by fire, abandonment or other cause.

Limitations

This checklist is used solely to determine if a rental property meets the requirements of the Rental Registration and Inspection Ordinance, Seattle Municipal Code Chapter 22.214. It is not an evaluation of whether a property meets other City, State, or federal requirements. There may, however, be property conditions that should be addressed for other reasons.

1 Exterior: Structure, Shelter, and Maintenance

Roof, chimney, foundation, stairs, and decks are reasonably free of decay (e.g., severe cracks, soft spots, loose pieces, deterioration, or other indications that repair is needed); maintained in a safe, sound, and sanitary condition; and capable of withstanding normal loads and forces. The building and its components, including windows, should be reasonably weather-proof and damp-free.

1.1 Roof must be maintained in a safe and sound condition and in good repair based on visual inspection.

- * a. Roof has holes and/or structural member is broken or decayed
- * b. Roof is not weather-proof or has clear evidence of leaking

1.2 Chimney is maintained in a safe and sound condition and in good repair with no major damage based on visual inspection (does not pose imminent danger).

- a. Loose bricks at the top and/or masonry requires repointing at top
- b. Loose or missing bricks or masonry in middle or at chimney base

* c. Pulling away from structure, unstable, or otherwise at risk of falling

1.3 Foundation is weather-proof, maintained, and structurally sound.

- a. Standing water in the crawl space
- * b. Foundation is failing: leaning, crumbling, missing pieces, broken, or deflected

- 1.4 Exterior stairs and decks** are safe, structurally sound, and in good repair.
- * a. Structural members are leaning, decayed, or detached or are otherwise unsafe.
 - * b. Exterior decks or other platforms have broken, loose, decayed, or missing pieces, or are otherwise unsafe.
 - * c. Exterior stairs have broken, loose, decayed, or missing pieces, or are otherwise unsafe.
 - * d. Guardrails, including approved intermediate rails or other guards, on the open sides of any landing, deck, or platform that are 30 inches or more above grade or other surfaces are missing, loose, or broken or are otherwise unsafe.
 - * e. Handrails, including approved intermediate rails or other guards on any open side 30 inches or more above grade, on any flight with more than three risers are missing, loose, or broken, not graspable or otherwise unsafe.

Note: You can find [Graspable Configurations](http://www.seattle.gov/DPD/Publications/CAM/cam319.pdf) online at: www.seattle.gov/DPD/Publications/CAM/cam319.pdf

- 1.5 Door and window components and assemblies** are weatherproof, safe, secure, and maintained in good condition.
- a. Weather stripping is missing or allowing air to enter.
 - b. Sills or frames have decayed wood or separated joints.
 - * c. Windows or doors have missing pieces or are cracked and allowing water or weather penetration (e.g., seeping water, leaking air, coming in through a crack or hole)
 - * d. Any openable window within 10 feet of grade or above any deck, balcony or porch is missing latch or has defective latching device.

- 1.6 Exterior walls** are reasonably weathertight and watertight, structurally sound, rodent proof, and kept in a safe and sound condition.
- * a. Exterior walls allow water or weather penetration (e.g., seeping water, leaking air, coming in through a crack or hole)
 - * b. Exterior wall is failing: leaning, crumbling, missing pieces, broken, or deflected

2 Interior: Structure, Shelter, and Maintenance

Walls, floors, stairs, and other structural components are reasonably free of decay, maintained in a safe and sound condition, and capable of withstanding normal loads and forces. Natural and mechanical lighting and ventilation is adequate and maintained in good working order for each habitable room in the unit.

- 2.1 Ventilation:** all habitable rooms and bathrooms and laundry rooms must have openable windows, or passive or mechanical ventilation in good working order and vented to the exterior.
- * a. Any habitable room, bathroom, or laundry room does not have the required openable windows, or passive or mechanical ventilation.
 - * b. Kitchen fan, if used in place of openable windows, is not operable or pulling air.
 - * c. Bathroom and laundry room fan or passive vent, if used in place of openable windows, is not operable, pulling air, or vented to the exterior.
 - * d. Clothes Dryer ducts are detached, leaking, damaged, not vented to the exterior or otherwise restricting airflow.

2.2 Structural components such as walls, floors and ceilings are maintained in a safe and sound condition and in good repair. Wall, floor, and ceiling coverings must be dry and free of moisture.

- * a. Wall, floor, or ceiling coverings are damaged or broken such that the opening creates an unsafe condition. Examples include but not limited to exposed framing members, exposed electrical components, exposed plumbing, access for rodents and insects, or other unsafe conditions.
- * b. Walls, floors, or ceilings are soft, spongy, or wet to the touch.
- * c. Interior load-bearing walls are not maintained in a safe and sound condition.
- * d. Floors and any support system is not maintained in a safe and sound condition.

2.3 Interior stairs and landings must be maintained in a safe and sound condition and in good repair.

- * a. Joists or posts are leaning, decayed, detached or are otherwise unsafe.
- * b. Landings or other platforms have broken, loose, decayed, or missing pieces, or are otherwise unsafe.
- * c. Interior stairs have loose, broken, decayed, or missing pieces, or are otherwise unsafe.
- * d. Handrails, including approved intermediate rails or other guards on any surface 30 inches or more above adjacent walking surfaces, on any flight with more than three risers are missing, loose, broken, not graspable or otherwise unsafe.

Note: You can find [Graspable Configurations](http://www.seattle.gov/DPD/Publications/CAM/cam319.pdf) online at: www.seattle.gov/DPD/Publications/CAM/cam319.pdf

- * e. Guardrails, including approved intermediate rails or other guards, on any landings, or platforms that are 30 inches or more above adjacent walking surfaces are missing, loose, broken, or otherwise unsafe.

2.4 Potentially Hazardous Materials

- * a. Lead paint - any room constructed before 1978 with peeling, chipped, or otherwise deteriorated paint exceeding two square feet or 10% of any component such as a window assembly, including frame and sill, or door frame.

Note: To correct this condition property owner must demonstrate that the painted repair was made by a Washington State Lead Safe Certified contractor or provide documentation that there is no lead hazard present.
- b. Potential asbestos-containing materials - damaged components, such as wrapped or insulated piping or ducts, ceiling and floor finishes, or siding that may contain asbestos.

3 Security and Safety

3.1 Emergency Escape Windows and Doors. Every sleeping room below the fourth floor built or permitted after August 10, 1972 must have an emergency escape window or door opening to the exterior directly from the sleeping room. After November 10, 2004 in a fully sprinklered building with a valid Certificate of Occupancy, sleeping rooms are not required to have escapement windows. Emergency escape windows, when required, must open to the exterior, have a minimum opening of 5.0 square feet when at grade or 5.7 square feet otherwise, with a minimum dimension of at least 24 inches high and at least 20 inches wide, and must not exceed a maximum sill height of 44 inches from the floor. In order to meet the total square footage requirement, a window size of nearly 2 by 3 feet is typically required. Sleeping rooms that were built under permit prior to August 10, 1972 are exempted from this requirement but need to meet ventilation requirements in Section 2 of this checklist.

- * a. Emergency escape window or door is missing, blocked, or inaccessible.
- * b. Emergency escape windows do not meet size or sill height requirements.
- * c. Security bars, grills or similar devices on emergency escape windows are not openable or have inoperable release mechanisms.

3.2 Entrance Doors

- * a. Any entrance door, including sliding doors, to a housing unit or single-family dwelling is not capable of resisting forcible entry or damaged to the extent that the door or the door casing is otherwise unsafe.
- * b. Any entrance door, including sliding doors, to housing unit or single-family dwelling does not have at least one operable dead bolt or deadlatch openable from the inside without a key or other approved locking device.
- * c. The main entrance door to housing unit or single-family dwelling does not have an observation port, window in the door, or side light window. Observation ports shall be installed at a height of not less than 54 inches and not more than 66 inches from the floor.

3.3 Smoke and Carbon Monoxide Alarms

- * a. Smoke alarms are missing, not functional, or not installed inside of all sleeping rooms.
- * b. Smoke alarms are missing, not functional, or not installed in a central location outside all sleeping rooms.
- * c. Smoke alarms are missing, not functional, or not installed on each floor, including basements.

Note: Not required in crawl spaces and uninhabitable attics.

- * d. Carbon monoxide alarms are missing, not functional, or not installed in a central location outside each sleeping area and on every level of the home. Note: Carbon monoxide alarms should not be located within 15 feet of fuel burning appliances.

3.4 Multi-Unit Properties. This section applies to properties with three or more units. Stairway enclosure doors and exit lighting and placarding are only checked as they occur in the walking path of the inspector moving between units selected for inspection.

- * a. Exterior building entrance doors, except entrance doors which open directly into a single housing unit, shall be self-closing, self-locking, and equipped with a deadlatch or other approved locking device.
- * b. Stairway enclosure doors do not self-close and latch.
- * c. Exit doorway and change of direction of a corridor is missing a well-lighted exit sign or placard that is illuminated in the event of power supply failure.
- * d. Interior fire-resistant walls and ceilings or corridors in apartment buildings are compromised by cracks, holes, or loose or broken plaster, not maintained in a safe and sound condition, or their fire resistance has been otherwise compromised.
- * e. Any door to a storage, maintenance, laundry, or building service room accessible by tenants is not self-closing and self-locking and is not openable from the inside without a key.

4 Room Size and Condition

All rooms used as living or sleeping rooms must meet minimum requirements for square footage and must not have dirt floors.

4.1 Dwelling unit does not have at least one habitable room that is 120 square feet (square footage requirements do not apply to units comprised of a single habitable room such as a Single Room Occupancy, rooming house, or micro-housing unit).

- * **4.2** Any habitable room except the kitchen measures less than seven (7) feet in any floor dimension.
- * **4.3** Any sleeping room measures smaller than 70 square feet in size.
- * **4.4** Dirt floor is present in any room used as a living area.

5 Heating System

Every housing unit must have a permanently installed functioning heating system capable of maintaining the required temperature in all habitable rooms and bathrooms.

5.1 Heat source in the unit is permanent, working, and in good repair.

* **a. Required permanently-installed heating equipment/device is defective or missing.**

5.2 Temperature can be maintained at a minimum of 68 degrees Fahrenheit when exterior temperature is 24 degrees Fahrenheit or higher.

* **a. Permanently-installed heating system is not capable of maintaining required temperature in any habitable room or bathroom.**

5.3 Fuel-burning appliances, where allowed, must be of an approved type, properly installed, and maintained in good working order.

* **a. Unvented portable fuel-burning heater is present in a sleeping room or bathroom.**

* **b. Any gas, wood, or fuel-burning heat source lacks proper ventilation or is not properly isolated from a sleeping area.**

6 Electrical Standards

All electrical equipment and wiring must be approved and maintained in safe and sound condition and in good working order.

* **6.1 Exposed unprotected wiring is evident in any room.**

* **6.2 Any electrical equipment is improperly installed or connected, tampered with, or unsafe, including but not limited to meter bays, service panels, subpanels, or main disconnect.**

* **6.3 Any habitable room does not have an operable light fixture and an electrical outlet, or two electrical outlets. Any kitchen does not have an operable light fixture and three operable outlets, one of which may serve an installed cooking range.**

* **6.4 Any bathroom, laundry room, utility room, common hallway, stairway, or porch does not have an operable light fixture.**

* **6.5 Any electrical extension cord used for permanent extension of power in place of approved installed wiring. An improper extension cord use may include: (1) running the cord through doors, doorways, halls, windows, cabinets; (2) concealed extension cords within walls, floors, or ceilings; (3) cords installed on walls and ceilings; or (4) otherwise unsafe.**

7 Plumbing and Hot Water

Plumbing systems must be properly installed, functional, sanitary and maintained in good condition. The water temperature must reach at least 100 degrees Fahrenheit after running water for two minutes. The Plumbing System Includes all potable water building supply and distribution pipes, all reclaimed water systems, all plumbing fixtures and traps, all drainage and vent pipe(s), and all building drains including their respective joints and connections, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping and water heaters.

* **7.1 Running water temperature is below 100 degrees Fahrenheit**

7.2 Any individual unit water heater is set above 120 degrees Fahrenheit.

* **7.3 Evidence the plumbing system is not connected to an approved sewer or a potable water source, or is not in good working order. Evidence includes, for example: (1) strong sewer gas smell in the basement, crawlspace or outside of unit; (2) leaking of basement plumbing pipes; (3) clogged or very slow drains; (4) flexible traps or other improper piping; or (5) otherwise unsanitary.**

* **7.4 Visual evidence that a pressure temperature relief valve on a hot water heater is missing, not installed properly, has been tampered with, the relief valve is dripping, or is otherwise unsafe.**

* **7.5 Gas piping is leaking, kinked, crushed, inadequately supported, or pulling away from the wall or is otherwise unsafe.**

NOTE: If leak detected, evacuate, and call 911 immediately

* **7.6 Gas shutoff valve not located in the same room within 3 feet of appliance.**

8 Sanitation Standards: Bathrooms

Every unit has at least one directly accessible bathroom (primary bathroom) that includes an operable toilet, sink, and tub or shower, all in safe and sound condition and sanitary working order. Does not apply to a legally established SRO/rooming house/micro-housing unit that does not have a bathroom, although any associated common or shared bathroom must meet these standards.

✱ **8.1 Bathroom does not include a fully functional sink, toilet, and tub or shower.**

8.2 The only access from a bedroom to the only bathroom is through another bedroom.

✱ **8.3 Tight-fitting door missing if bathroom is in a food preparation area.**

✱ **8.4 Toilet does not flush, is broken, leaks at the base, or is not secure to the floor.**

8.5 Sink

a. Dripping faucets, cracked or chipped porcelain, slow drain, or broken but operable handles or knobs.

✱ **b. Is not operable such as cracked through, faucet cannot turn on, or no hot and cold water.**

✱ **c. Under sink plumbing pipes or connectors are leaking.**

8.6 Shower or Bathtub

a. Dripping faucets, cracked or chipped porcelain, slow drain, or broken but operable handles or knobs.

✱ **b. Is not operable such as cracked through, faucet cannot turn on, or no hot and cold water.**

✱ **c. Plumbing pipes or connectors are leaking.**

8.7 Bathroom Counter is missing tile, pieces are broken, is made of a porous material, or is pulling away from the wall.

9 Sanitation Standards: Kitchen

Every unit has a kitchen with a sink, counter, and cabinets, cooking appliance, and refrigerator maintained in safe, sound, and sanitary condition. Kitchens must also have cooking and refrigeration appliances or space and approved hookups for their installation. This does not apply to units comprised of a single habitable room such as a Single Room Occupancy, rooming house, or micro-housing unit when the unit does not have a kitchen. Common kitchen must meet these standards.

✱ **9.1 Dwelling unit does not have a kitchen which must include sink, counter, and cabinets, as well as a cooking appliance, and refrigerator or space and approved hookups for the appliances.**

9.2 Counter is missing tile, pieces are broken, is made of a porous material, or is pulling away from the wall.

9.3 Refrigerator/freezer if provided by landlord:

a. Missing a handle or seal is compromised.

✱ **b. Is inoperable or not in good working condition.**

9.4 Cooking appliance (if provided by landlord):

a. One or more parts are inoperable or missing but appliance still has food cooking capability.

✱ **b. Not rated for indoor use or entire appliance is inoperable**

9.5 Sink

- a. Kitchen sink: Dripping faucets, cracked or chipped porcelain, slow drain, or broken but operable handles or knobs.
- * b. Kitchen sink is not operable such as cracked through, faucet cannot turn on, or no hot and cold water.
- * c. Under sink plumbing assemblies including any piping, faucet risers, traps, or sink connectors are leaking.

10 Owners’ Obligations

Property owners are responsible for ensuring that the property is free of excess trash; insects and rodents have been exterminated.

10.1 Garbage/rubbish is accumulated outside of trash receptacles.

* 10.2 Visible evidence of rodents or insects such as bedbugs, ants, cockroaches, or silverfish.

Note: documentation issued by a certified exterminator or a certified fumigator is sufficient to pass this item in the following cases: (1) the documentation confirms the existing treatment program is appropriate and following the recommended treatment plan; (2) documentation of a new or expanded treatment program and at least one treatment performed following the new or expanded treatment program; or (3) documentation that there are no pests present.

APPENDIX H — BALTIMORE SAFE SPACE CHECKLIST

Appendix 2

Safe Space Checklist

Safe Spaces

Below are general recommendations for common life safety issues that arise in existing buildings that should be addressed and maintained by property owners in order to ensure a safe environment. Ensuring your building complies with this list does not guarantee that your building or space is fully code compliant. Owners should complete a detailed Code Analysis along with a prioritized repair and improvement plan for buildings to ensure code compliance.

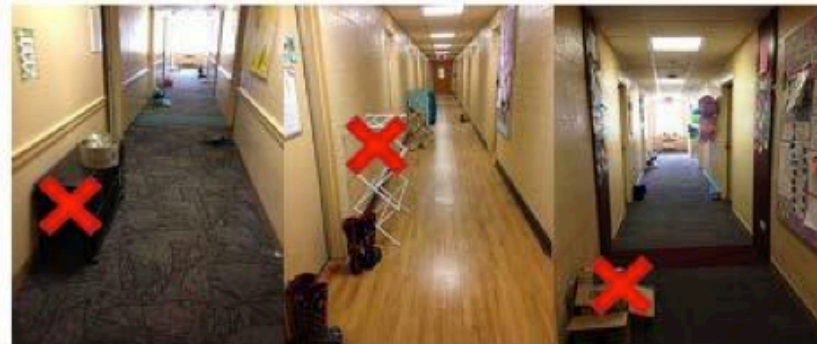
General

- 1. Provide fire evacuation diagrams for each floor to be posted in stairwells lobbies, and floor landings as a guide. Each building must also have a current and approved fire evacuation and preparedness plan that includes key elements such as paths to exits, sprinkler rooms, pulls stations, fire extinguishers and elevator control rooms, and electrical rooms.
- 2. Create a program for tenants to be trained as fire wardens for each floor and State certified as crowd safety managers for events involving 50 or more individuals. Any event of 49 or more people must be properly permitted by the City and may require additional fire-safety measures.
- 3. Create a tenant/user video describing principles and fire & life safety, case studies of recent disasters, and guidelines for electrical and assembly usage.
- 4. Document, post and archive all permits approvals and inspections from City and State for systems and occupancies.
- 5. Consider prohibiting any events of 49 or more people on upper floors.



Public Exit Corridors, Stairways and Lobbies

1. From the public lobbies and corridors, maintain clear egress access and egress pathways all the way to the Public Right of Way from exit access and exits in the public domain and common areas. Remove all obstacles and maintain continuity of width. Minimum dimension is 44". Provide markings on the floor where any confusion exists.



Remove all objects and clutter from egress corridors

2. Dead end corridors are not allowed greater than 20' in non-sprinklered buildings and 50' in sprinklered buildings.
3. Mark steps with self-luminous materials, if necessary.
4. Insure path of egress has emergency illumination.
5. Insure there is illumination at the point of exit discharge to the public way.
6. Insure pull stations are accessible to tenants and standpipe connections are accessible and maintained for fire department connection.



All exits need proper emergency exit lighting.



Pull station

7. Insure Fire Extinguishers are provided at every floor and public lobby (NFPA 10) not greater than 75' between extinguishers.
8. Insure fire escape is functioning and code compliant.
9. Remove any dead bolts to stairwells from corridors and on any exit doors.
10. All exit doors leading to fire escape must be equipped with code compliant doors and panic door hardware.
11. Insure existing stairwells have a 2 hour fire separation.



Proper egress door with emergency lighting, signage and panic hardware.

Live/Work Units

1. Maintain clear path to exits.
2. Large live/work units (1,000 sf or greater) that are used as gallery space (Assembly A-2) with an occupancy use of 50 or more require two means of egress. These areas will need appropriate panic door hardware.
3. Smoke Detection in the live work areas should be according to IBC 907 and NFPA 101 (Life Safety Code).
4. Insure all units have visible exit signs and provide additional exit signs as needed so that the path to exit is visible from each space.

Electrical

1. Monitor tenant conditions for unsafe or overloaded convenience outlets, dangerous wiring and extension cords, usage, unsafe lighting or equipment, and exposed wiring.
2. Check safety of secondary service panels and circuit components and connections. Separate them from tenant access.
3. Ensure the primary electrical service is code compliant, with appropriate working conditions and closets.
4. The electrical service should be reviewed and evaluated to ensure it meets the maximum number of disconnects rule in NEC 230.71.
5. Panels should be evaluated for fire safety.
6. Check meter boxes, electrical panels, and junction boxes.

Sample Evacuation Plan

