



Office of the City Manager

PUBLIC HEARING
May 19, 2026

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Peter Radu, Assistant to the City Manager, Neighborhood Services
 Subject: Neighborhood Services Code Enforcement Fee Schedule

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution adopting the proposed Neighborhood Services Code Enforcement fee schedule.

FISCAL IMPACTS OF RECOMMENDATION

If adopted, the proposed Neighborhood Services Code Enforcement Fee Schedule would implement fees for re-inspections of properties after administrative citations; off-hour inspections; and certain administrative cost recovery fees. The anticipated fiscal impacts of each are as follows:

- In Fiscal Year 2025, the last full year for which data are available, Neighborhood Services Code Enforcement issued 5 citations. Each citation typically results in 1 re-inspection to evaluate compliance and typically requires 1.5 hours (estimated time-can vary depending on each case) of staff time per each re-inspection. Assuming FY2025 trends continue, this would result in anticipated revenues of roughly \$1,950 annually.
- Neighborhood Services rarely conducts weekend or evening inspections but could recover the costs associated with doing so for emergency situations posing health or safety implications for the property owner or public moving forward. As these instances remain very rare, revenues brought in are difficult to quantify but would be marginal (no more than several hundred to a few thousand dollars annually).
- The administrative components associated with certain code enforcement actions, such as the staff time associated with pursuing administrative warrants or preparing for hearings, are significant and also subject to cost recovery fees. In FY 2025, Neighborhood Services attended 2 hearings, each requiring an estimated 2 hours of staff time, thus bringing in \$520 in revenues if present trends continued. Abatement and inspection warrants are rare (Neighborhood Services has not pursued one in several years) so anticipated revenues from

these fees is marginal; however, they are important to adopt, since when they are needed, they incur significant burdens on staff.

Overall, these fees would result in an anticipated \$2,470 in revenues annually, which will be deposited as general revenues into the General Fund (Fund 011).

CURRENT SITUATION AND ITS EFFECTS

Neighborhood Services Code Enforcement is charged with enforcing general provisions of the Berkeley Municipal Code (BMC), and with coordinating the City's code enforcement strategies and response in complex cases where violations span the enforcement authority of multiple divisions and departments. Over the course of the 2025 Calendar Year, the NS Code Enforcement Unit, which consists of one Code Enforcement Supervisor and two Code Enforcement Officers, created nearly 400 new cases based on complaints received and closed over 400 cases that year as well. Because the City's preference is to avoid citation and instead work with property owners to achieve voluntary compliance with the code, the number of cases that proceed to the issuance of an administrative citation is a relatively smaller proportion of the total cases over the course of any given year (1.25% in FY2025). However, when a case does proceed to the point of citation, it creates significant administrative demands in the form of multiple re-inspections as well as the potential for hearings and, in extreme cases, the pursuit of court warrants for City-initiated remediation. However, NS Code Enforcement currently recovers none of the costs associated with post-citation administrative efforts. Additionally, in the relatively rare event that a certain case poses potential or active health/safety implications for the property owner or surrounding community, having the flexibility to charge premium rates for inspections after business hours (nights/weekends) allows NS Code Enforcement to more flexibly accommodate a property owner's schedule in performing an expedited inspection (absent a court warrant, all inspections that require entrance onto a property require the consent of the property owner).

If after prolonged attempts to achieve compliance, a property owner still fails to do so, staff believe that it is reasonable that the City recover the costs associated with the significant administrative demands placed on staff for post-citation administrative work. Therefore, staff recommend Council adopt a fee schedule for Neighborhood Services Code Enforcement. Adopting the proposed code enforcement fee schedule is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially-healthy City government.

BACKGROUND

Neighborhood Services Code Enforcement is responsible for enforcing general provisions of the BMC, and working with/coordinating the efforts of multiple city departments in complex cases with violations that span many provisions of the BMC. Currently, NS Code Enforcement does not recover any of the costs associated with

general code enforcement, despite this cost-recovery authority across the multiple departments it coordinates and actively partners with.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The creation of a new Neighborhood Services Code Enforcement fee schedule is not anticipated to have any effects on the City’s environmental or climate sustainability goals and priorities.

RATIONALE FOR RECOMMENDATION

Because the City’s default orientation is code *compliance* rather than code *enforcement*, Neighborhood Services works flexibly with property owners to modify timelines and account for extenuating circumstances (e.g., pre-planned vacations during a code enforcement compliance timeline). This flexible, customer service-oriented approach is reflected in both the relatively small percentage of cases that actually proceed to citation (1.25% in 2025) and the relatively long average time to case completion (as of March, 2026, an average of 90 days for active cases). If after prolonged attempts to achieve compliance, a property owner still fails to do so, staff believe that it is reasonable that the City recover the costs associated with the significant administrative demands placed on staff for post-citation re-inspections, hearing preparations, and (in extreme and rare cases) the pursuit of administrative warrants for mandatory inspections and abatements.

Fee amounts were calculated by determining the average hourly expense per FTE in the Code Enforcement unit, accounting both for personnel expenses (wages and benefits) and the unit’s share of the Neighborhood Services’ non-personnel budget (due to anticipated changes to the Neighborhood Services baseline budget as part of the City’s budget balancing strategy, anticipated FY27 appropriations were used for both calculations). Calculated hourly rates were \$175. The final fee schedule was derived by multiplying by the average hourly time to completion per inspection for fixed fees and charging an hourly rate of \$175 for normal business hours or \$260 (1.5x the hourly rate) for weekend or non-business hours. These resultant fees are broadly consistent with those currently charged by the Planning and Development Department for similar inspection and administrative activity.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jeff Conner, Neighborhood Services Code Enforcement Supervisor, (510) 981-2492.

Attachments:

- 1: Resolution
 Exhibit A: Fee Schedule
- 2: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

UPDATING THE NEIGHBORHOOD SERVICES CODE ENFORCEMENT FEE
SCHEDULE

WHEREAS, Neighborhood Services Code Enforcement is charged with enforcing general provisions of the Berkeley Municipal Code and coordinating the code enforcement efforts across multiple city departments in complex code enforcement cases; and

WHEREAS, because the City's default orientation is code compliance rather than code enforcement, Neighborhood Services works flexibly with property owners to modify timelines and account for extenuating circumstances; and

WHEREAS, despite these efforts to achieve voluntary code compliance, some code enforcement cases do proceed to citation; and

WHEREAS, after the issuance of a citation, city staff can incur significant costs for post-citation re-inspections, hearing preparations, and (in extreme and rare cases) the pursuit of administrative warrants for mandatory inspections and abatements; and

WHEREAS, the City currently does not have a fee schedule to recover these costs; and

WHEREAS, broad authority to recover post-citation code enforcement costs is authorized by California Government Code Section 54988 and Berkeley Municipal Code Chapter 1.24.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the rates and charges set forth in Exhibit A are hereby fixed and established for Neighborhood Services Code Enforcement.

BE IT FURTHER RESOLVED that the fees set forth in Exhibit A shall become effective on July 1, 2026.

Exhibits

A: Fee Schedule

May 19, 2026

EXHIBIT A

**NEIGHBORHOOD SERVICES CODE
ENFORCEMENT FEE SCHEDULE****Code Compliance Inspections (Post Issuance
of Administrative citation)**

| | |
|------------------------------------|-------|
| First Re-inspection of Violations | \$260 |
| Second Re-inspection of Violations | \$390 |
| Third Re-inspection of Violations | \$525 |
| Additional Re-inspections | \$650 |

Other inspections

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|--|-------|
| Weekend Inspection** | \$260 |
| Non Standard City Business Hours Inspection (occurring after 4 p.m. to 8 a.m.)*** | \$260 |

Administrative Service Fees*

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|------------------------------|-------|
| Abatement/Inspection warrant | \$175 |
| Hearings | \$175 |

* per hour of staff time, with minimum of one hour

** per hour, with a minimum of 4 hours

*** per hour, with a minimum of 2 hours

May 19, 2026

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
NEIGHBORHOOD SERVICES CODE ENFORCEMENT FEE SCHEDULE**

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

Neighborhood Services is proposing to create a new schedule to recover administrative costs associated with code compliance inspections, hearing preparations, and abatement/inspection warrant preparations.

The hearing will be held on May 19 at 6:00 PM in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Jeff Conner, Neighborhood Services Code Enforcement, at (510) 981-2492.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of May 7, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@cityofberkeley.info for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 7, 2026.

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Mark Numainville, City Clerk

