



Oakland Housing
Authority

NEWS RELEASE/MEDIA ADVISORY

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Oakland Housing Authority Responses to the Filing of a Lawsuit Related to application or enforcement of the City of Oakland Municipal Code Loitering Ordinance OMC § 9.08.250

OAKLAND, CA - The Oakland Housing Authority is aware of the filing of a lawsuit against the City of Oakland and the Oakland Housing Authority Police Department (OHAPD), to challenge the City of Oakland Municipal Code Loitering Ordinance OMC § 9.08.250 as unconstitutional and against OHA as the enforcement agency.

The Oakland Housing Authority (OHA) has provided significant documentation to the Plaintiffs, and has been in communication with them. The OHA categorically and emphatically denies any allegations made in the complaint related to any inappropriate application or enforcement under OMC § 9.08.250.

Property owned by the Oakland Housing Authority is private property not open to the general public. Enforcement of this code is utilized as a means to minimize the risk of impairing the peaceful enjoyment as well as the health and safety of OHA residents and their guests from others whom have no lawful business to be present on the property. Put simply, OHA residents and their guests deserve the same protection from trespassers as any other families in Oakland living in privately owned property.

OHA has conducted extensive analysis of prior years' data and OHAPD's enforcement practices. We have concluded that OMC § 9.08.250 is a valued legal section required to ensure OHA residents have safe and peaceful enjoyment at the property in which they reside.

Since January 1, 2010, eight and a half years ago, the OHAPD has taken enforcement action by issuing citations to the public fourteen (14) times. Of the fourteen citations issued, none were issued to OHA residents. Other incidents involved calls for service in which residents requested an officer's response for those who had no known connection to an OHA property. Suspected violations include, but are not limited to narcotic dealing, burglary, theft, auto theft, and other property crime types, violation of restraining orders, domestic violence, and unfortunately, homelessness issues.

It is the OHAPD policy to impose the least intrusive method possible to ensure safe property conditions. Arrests are completed only when mandatory, or absolutely necessary.

Citations follow, and are only issued when no other means is available. Of course the violation type must also be considered. OMC § 9.08.250 is an infraction. The alternative is a misdemeanor; California Penal Code Section 602, which clearly places citizens into the criminal justice system.

OHAPD officers have developed positive and productive relationships with our residents and the communities they police. There exists trust, as well as friendships and partnerships. Because of this, residents work with OHAPD to ensure properties are safe and secure. Their expectation of OHAPD is that they respond and perform professionally and proficiently. Part of their expectation is also that OHA only allow those who are authorized to be on property, a resident or resident's guest, to be on the property.

As to the question on constitutionality, OHA cannot comment as we do not have authority or control to revise, amend, or rescind the City of Oakland Municipal Code.

About the Oakland Housing Authority (OHA)

The Oakland Housing Authority is the largest provider of affordable housing in the City of Oakland and proudly delivers diverse housing choices to over 16,400 households in a service-oriented environment, while improving and expanding housing options for future generations. For more information about the OHA, please contact us at info@oakha.org, visit our website at www.oakha.org, or call 510-874-1653.

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