

MISSING ORIGINAL LEGISLATION

RESOLUTION / ORDINANCE NO.: 86620

CITY COUNCIL MEETING DATE: MAR 07 2017

AGENDA ITEM NO.: 7.4

RECORDED VOTE: 8 Ayes

REASON FOR MISSING LEGISLATION:

- Draft Submitted In Agenda Packet, Original Never Received
- Council amended legislation at meeting

RESPONSIBLE CONTACT INFORMATION:

Department: City Council / Lynette Gibson McElhenny  
Contact Person: Lynette Alex Marguisee

NOTES: \_\_\_\_\_  
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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2017 FEB 24 PM 1:04

**DRAFT**  
City Attorney's Office

# OAKLAND CITY COUNCIL

## RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER LYNETTE GIBSON MCELHANEY AND  
PRESIDENT PRO TEMPORE ABEL GUILLÉN

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### **RESOLUTION IN SUPPORT OF ASSEMBLY BILL 423 (BONTA) THAT WOULD AMEND THE ELLIS ACT (GOVERNMENT CODE SEC. 7060 ET SEQ.) TO PERMIT OAKLAND TO EFFECTIVELY REGULATE RESIDENTIAL HOTELS**

**WHEREAS**, residential hotels are often housing of last resort for the poor, especially in areas with extremely high costs of housing such as Oakland; and

**WHEREAS**, a number of economic forces, including the dearth of hotels and the high cost of new construction in Oakland, create incentives for developers to purchase residential hotels and repurpose them for non-residential rental uses, such as boutique hotels or dormitory style housing for affluent residents; and

**WHEREAS**, the loss of residential hotels in Oakland would exacerbate the already overwhelming burden on public and non-profit agencies that provide protective, social, health, psychological, nutrition, and other important and necessary services to the tenant population of such hotels; and

**WHEREAS**, the State Legislature passed the Ellis Act in 1985 to allow property owners to evict tenants in order to "go out of business" and to prohibit cities from compelling owners to continue to offer a property for rent; and

**WHEREAS**, in 2003, the Legislature amended the Ellis Act to exempt residential hotels from such a prohibition in San Francisco and in cities with populations over 1,000,000 (currently Los Angeles, San Diego and San Jose), thereby providing those cities with greater powers to protect tenants from evictions from residential hotels and to require continued residential use of residential hotels; and

**WHEREAS**, Assembly Bill 423 (Bonta) titled the Residential Hotel Protection for the City of Oakland would include Oakland as one of the Cities where residential hotels are exempted from the Ellis Act on and after January 1, 2018; now, therefore, be it

**RESOLVED:** That the Oakland City Council hereby endorses AB 423 and urges the California State Legislature and Governor Jerry Brown to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND  
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California