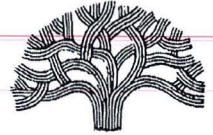


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CITY OF OAKLAND



CITY HALL - 1 FRANK H. OGAWA PLAZA - OAKLAND - CALIFORNIA 94612

To: City Administrator, Community & Economic Development Committee, and the Public

From: Councilmember Dan Kalb

Date: April 14, 2016

Subject: **RECEIVE AN ORAL REPORT FROM THE CITY ADMINISTRATOR ON THE STATUS AND TIMELINE FOR ISSUING FORMS FOR USE BY LANDLORDS TO PROVIDE NOTICE TO TENANTS ABOUT THE TENANT PROTECTION ORDINANCE, AS REQUIRED BY OMC 8.22.680(A)**

Madam City Administrator, Colleagues, and Members of the Public,

Providing adequate public notice about tenant rights under the Tenant Protection Ordinance (TPO) and Just Cause for Eviction Law is vitally important to helping ensure both renters and landlords are aware of their rights and responsibilities. In fact, the City Council approved spending \$100,000 on contracting for education and outreach about these laws. However, the City has yet to implement the TPO's built-in notice requirements, which, by law, should have been put to use by all owners of applicable units in our City months before the \$100,000 education and outreach proposal was on the Council's agenda.

After I introduced the TPO, it was adopted by the City Council on November 5, 2014 and took effect on November 12, 2014. Under the TPO, Oakland Municipal Code (OMC) Section 8.22.640(E) states:

“Notice to Tenants.

1. Commencement.
 - a. For Rental Units covered by the Rent Adjustment Ordinance the Notice at Commencement of Tenancy required by O.M.C. 8.22.06 shall include a reference to the TPO.
 - b. For all Rental Units that are not covered by the Rent Adjustment Ordinance, Owners are required to provide a notice regarding the TPO to all Tenants using the required form prescribed by the City staff.
2. Common area. If Rental Units subject to this ordinance are located in a building with an interior common area that all of the building's Tenants have access to, the Owner must post a notice in at least one (1) such common area in the building via a form prescribed by the City staff.”

As provided by the TPO, OMC Section 8.22.680(A) states, in relevant part:

“Regulations and Forms. ... Within ninety (90) days of the effective date of the TPO, the City Administrator shall develop forms to implement 8.22.640.E. Any changes to the initial forms shall be effective thirty (30) days after they are made available to the public at the Rent Adjustment Program offices, unless the City Administrator makes a finding that an earlier or later date is necessary. All Forms required by the TPO are vital communication documents and shall be translated and distributed in accordance with the Equal Access to Services Ordinance, O.M.C Chapter 2.30.”

Pursuant to the above, two forms should have been developed by the City Administrator by February 10, 2015:

- (1) a modified version of the “Notice to Tenants of the Rent Adjustment Program,” to include notice of the TPO as well;**
- (2) a TPO Notice to Tenants for use by owners of non-Rent Adjustment Program (RAP) units.**

Around November of 2015, it was brought to my attention that the “Notice to Tenants of the Rent Adjustment Program” was finally updated to include information about the TPO, however, the posted form has remained dated “11/18/14.” Moreover, the Spanish and Chinese as well as Vietnamese versions of the “Notice to Tenants of the Rent Adjustment Program” do not appear to contain any references to the TPO and are dated “12/5/07,” even though TPO-required forms are, by law, vital communication documents requiring translation under the Equal Access Ordinance. As of the date of this memo, my office cannot locate any non-RAP Notice to Tenant forms about the TPO on the City’s website.

Since last year, my office has previously contacted the Administration about the status of providing/posting updated notices in compliance with the TPO. To date, we have been unable to determine if all of the required forms have been drafted and translated, and what the timeline is for issuing all of the forms.

Respectfully submitted,



Dan Kalb, Councilmember

Prepared by:
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