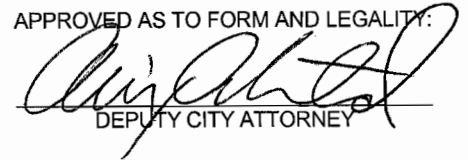


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 MAY 14 PM 4:36

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION No. 81993 C. M. S.

RESOLUTION TO SUPPORT SB 120 (LOWENTHAL) TO ADD TENANT PROTECTIONS IN FORECLOSURE SITUATIONS

WHEREAS, the City of Oakland has experienced a very high rate of mortgage foreclosures; and

WHEREAS, many of the foreclosures have involved properties rented for residential purposes for which the defaulting owner is responsible for providing the utilities services to the tenant; and

WHEREAS, in many instances the defaulting owner has failed to pay the utility bills resulting in interruptions of the utility services to the tenants in said properties; and

WHEREAS in some reported instances owners who acquire title in foreclosure deliberately and intentionally fail to assume payment of the utilities to pressure tenants to move out and abandon their rights secured by Oakland's Just Cause for Eviction Ordinance; and

WHEREAS, in some instances utility services to units in foreclosed residential rental buildings are interrupted or terminated causing unsanitary and unhealthy conditions in the affected rental units; and

WHEREAS, such unsanitary conditions have a negative impact on the affected tenants, as well as the general conditions of health and safety of the City of Oakland; and

WHEREAS, landlords with property in foreclosure frequently fail to transfer their tenants' security deposits to the successor-in-interest through foreclosure or otherwise comply with the provisions of Civil Code §1950.5; and

WHEREAS, the provisions of the bill are complementary to the Municipal Ordinances enacted for the protection of tenants; and

WHEREAS, Senator Alan Lowenthal has introduced Senate Bill 120 which would: (1) clarify that successors-in-interest taking title via foreclosure may not use self-help measures to evict tenants, (2) increase the likelihood that actual prior notice of utility service shut-off will be received by such tenants, and (3) extend the responsibility for security deposits through the foreclosure process to the successors-in-interest; now, therefore, be it

RESOLVED: That the City Council of the City of Oakland hereby supports SB 120 (Lowenthal) which will provide greater protections for tenants whose building are being foreclosed upon; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Administrator, and/or his designee, to work actively for the passage of SB 120.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 19 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, ~~QUAN, REID~~, and PRESIDENT BRUNNER - 5

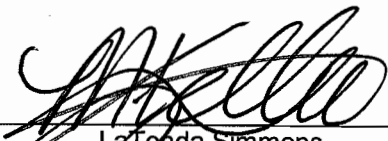
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Quan, Reid, Brooks - 3

ATTEST:



LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California