

As revised by the Community & Economic Development Committee,
April 27, 2021
(revisions are highlighted)

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION ADOPTING AMENDMENTS TO THE RENT ADJUSTMENT PROGRAM REGULATIONS TO (1) COMPLY WITH ORDINANCE NO. 13608 C.M.S.; (2) MAKE CLEAN UP CHANGES AND ELIMINATE DUPLICATIVE DEFINITIONS; AND (3) MAKE FAILURE TO OCCUPY AS A PRINCIPAL RESIDENCE GROUNDS FOR A RENT INCREASE ABOVE THE CONSUMER PRICE INDEX ADJUSTMENT

WHEREAS, the City Council adopted Ordinance No. 13608 C.M.S. on July 21, 2020, which amended various laws, including the Residential Rent Adjustment Program Ordinance (Oakland Municipal Code (“OMC”) Section 8.22.010, et seq.) (“Rent Adjustment Ordinance”); and

WHEREAS, Section 8 of Ordinance No. 13608 C.M.S. requires the development of amendments to the Rent Adjustment Program Regulations for the purpose of conforming the regulations to changes made to the Rent Adjustment Ordinance and clarifying the operation of “Additional occupant” rent increases, including defining “principal residence” as used in the definition of “Base occupancy level” and providing a rent ceiling or maximum rent that a tenant may charge additional occupants not on the lease; and

WHEREAS, on February 11, 2021, the Housing, Residential Rent and Relocation Board (“HRRRB”) approved proposed amendments to the Rent Adjustment Program Regulations, including (1) changes consistent with Ordinance No. 13608 C.M.S., such as prohibiting overcharging of rent by primary tenants to subtenants and permitting subtenants to petition the Rent Adjustment Program to contest overcharges, (2) updates to Regulation 8.22.090 and Section 10.2.2 of Appendix A to reflect amendments to the Rent Adjustment Ordinance made by Ordinance No. 13618 C.M.S. and Ordinance No. 13516 C.M.S., respectively, and (3) permitting owners to petition for an unlimited rent increase when a tenant does not reside in a unit as their principal residence; and

WHEREAS, OMC Section 8.22.040.D.2 provides that the development or amendment of Rent Adjustment Program Regulations by the HRRRB are subject to the approval of the City Council; now, therefore, be it

RESOLVED: That Sections 8.22.020, 8.22.070, 8.22.090, and 8.22.110 and Appendix A of the Rent Adjustment Program Regulations are hereby amended and Section 8.22.025 is hereby added as set out in Exhibit A-; and be it

FURTHER RESOLVED: That Section 10.7 of Appendix A of the Rent Adjustment Program Regulations shall not take effect until three months after the Local Emergency regarding the COVID-19 pandemic declared on March 9, 2020, is terminated by the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California