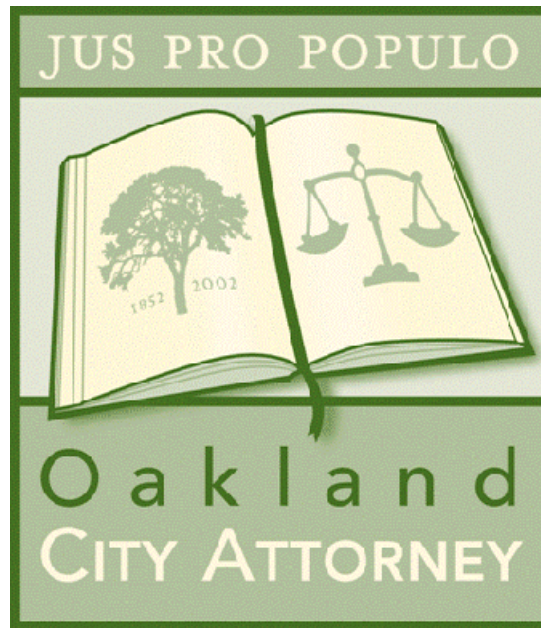


Oakland City Attorney



OCA: Tenant Protection/ Habitability

- Neighborhood Law Corps (NLC)
 - Litigation
 - Nuisance Eviction Ordinance
 - Tenant Protection Ordinance
 - Just Cause for Eviction Ordinance
- Rent Adjustment Program (RAP)
- General Advice & Litigation

Neighborhood Law Corps

- 5-attorney unit focused on improving the quality of life in Oakland. One attorney is assigned to each OPD Command Area.
- Started about 15 years ago as cross between Legal Aid and the Peace Corps.
- NLC attorneys are typically new in the profession. They sign up to work for Oakland for two years at the same pay rate as a first year public school teacher.
- NLC attorneys work with police, community organizations, other city departments and individual citizens to address illegal dumping, drug houses, hotels and motels that cater to prostitution and human traffickers and other problems that can negatively impact the quality of life for a block or entire neighborhood.
- Program is headed by Supervising DCA Richard Illgen.

Litigation

- NLC has successfully used affirmative litigation to address a number of problems, including some lawsuits that closed hotels engaging in prostitution and exploitation of minors.
- Litigation brought by the program includes lawsuits against numerous rental property owners to force them to address serious unresolved problems – building code violations, inhumane living conditions and criminal activity.
- NLC seeks remedies including: monetary penalties, operating conditions, or receivership of property.

Recent Litigation Examples

- **Empyrean Hotel** – located on 13th and Webster streets with 100-150 residents. NLC sued the owners for maintaining the property in an uninhabitable condition (contaminated water supply, major electrical, heating and plumbing problems) and for violating the TPO. Court recently granted our motion to appoint a receiver to oversee repairs.
- **Hillside Apartments** – sued the owners for failing to maintain habitability and security. Settlement requires owners to hire professional management and security, install more than 50 high definition security cameras and maintain property free of blight and code violations.
- **West Grand Hotel** – significant building and fire code violations, mold, nonworking showers and toilets. Lawsuit resulted in settlement that includes a receiver to oversee fixes.

Nuisance Eviction

- When tenant is engaging in criminal activity in unit, OCA can require the owner to evict the tenant.
- In last 12 months, NLC has used this authority to notify more than a dozen owners about their tenant's illegal activity.
- Underlying conduct included: sale of cocaine, heroin, meth, prescription drugs and various weapon-related violations.

Tenant Protection Ordinance (TPO)

- OCA has authority to enforce the TPO when the owner has engaged in a pattern and practice of violations.
- NLC attorneys assess whether it is applicable in their cases.
- Only included as cause of action in one case so far (Empyrean).
- NLC bridge fellow currently reaching out to legal service providers to see what they're getting.

Just Cause

- OCA has authority to bring an action against an owner for wrongful evictions under just cause. We use when appropriate.
- During the foreclosure crisis, there was epidemic of illegal evictions from foreclosed homes. OCA used Just Cause to sue major banks and local agents for illegally evicting tenants.
- NLC attorneys currently use in suits against property owners when it's applicable.

Rent Adjustment Program

- OCA works closely with RAP and the Board.
- RAP and Board workload has dramatically increased in recent years.
- Provides legal analysis and advice to program staff and the Board.
 - The number of petitions filed in FY 14-15 close to doubled from FY 11-12
 - Number of appeals filed has increased almost five-fold in that same period
 - Number of calls processed by RAP staff has more than doubled. (They're now handling approximately 75 calls a day)
- Handles writs (appeals to Superior Court from Rent Board decisions).
- Drafts the regulation changes the Board adopts.
 - E.g., Board recently voted to amend the regulations regarding the pass-through of seismic capital improvement costs, subject to City Council approval.

Advice & Litigation

- OCA works with City staff and City Council researching and analyzing issues and policy changes as requested. E.g.,:
 - Relocation Payments
 - Seismic
 - Proactive Rental Inspection program
- Won challenge to Just Cause Ordinance in trial and appellate court.