

Approved as to Form and Legality



City Attorney's Office

## OAKLAND CITY COUNCIL

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

INTRODUCED BY PRESIDENT PRO TEMPORE KALB AND COUNCILMEMBER  
FORTUNATO BAS

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**RESOLUTION URGING CALIFORNIA GOVERNOR GAVIN NEWSOM  
TO ISSUE A MORATORIUM ON ELLIS ACT EVICTIONS DURING THE  
COVID-19 STATE OF EMERGENCY AND URGING THE CALIFORNIA  
LEGISLATURE TO REPEAL THE ELLIS ACT**

**WHEREAS**, in 1986, the California state legislature enacted the Ellis Act, now codified at Government Code Section 7060 et seq, which allows property owners the ability to withdraw their units from the rental market; and

**WHEREAS**, pursuant to Sections 8.22.400 through 8.22.480 of the Oakland Municipal Code, the City of Oakland has detailed requirements and procedures for landlords to permanently withdraw units from the rental market under the Ellis Act; and

**WHEREAS**, on March 4, 2020, California Governor Gavin Newsom issued a proclamation of a State of Emergency in response to the COVID-19 pandemic; and

**WHEREAS**, on March 12, 2020, the Governor issued Executive Order N-25-20 ordering that residents heed the orders of state and local public health officials, including but not limited to the imposition of social distancing measures; and

**WHEREAS**, on March 16, 2020, the Governor issued Executive Order N-28-20 suspending state laws that would pre-empt or otherwise restrict a local government's power to impose substantive limitations on residential or commercial evictions where the basis for the eviction is nonpayment of rent arising from substantial decrease in household or business income or substantial out of pocket medical expenses, caused by the COVID-19 pandemic of any local, state, or federal response; and

**WHEREAS**, on March 27, 2020, the Oakland City Council adopted an ordinance that imposed a moratorium on residential evictions, and evictions based on nonpayment of rent when the tenant suffered a substantial reduction of income or substantial increase of expenses due to Covid-19; and

**WHEREAS**, on August 31, 2020, the Governor signed Assembly Bill 3088, which paused evictions for non-payment of rent until February 1, 2021 for rent owed due a COVID-19 related hardship; and

**WHEREAS**, Assembly Bill 3088 leaves many tenants unprotected from eviction, including tenants whose landlords are attempting eviction authorized under the Ellis Act; and

**WHEREAS**, evictions authorized under the Ellis Act have been used throughout the state of California to transfer Black and Latino tenants out of their neighborhoods and increase housing costs; and

**WHEREAS**, evictions under the Ellis Act are sometimes used to remove Oakland tenants who are otherwise protected from eviction under Oakland law because they are elderly, disabled, or catastrophically ill; and

**WHEREAS**, tenants who are forced to move out of their housing without adequate replacement housing may move into overcrowded living situations or become homeless; and

**WHEREAS**, during this state of emergency, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid homelessness and involuntary displacement; and

**WHEREAS**, the 2020 academic study “Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality” found that evictions during the COVID-19 pandemic were responsible nationally for 433,700 excess cases of COVID-19 and 10,700 deaths; and

**WHEREAS**, the 2020 academic study “Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy” found that evictions during the COVID-19 pandemic were likely responsible for the spread of COVID-19 and deepened the existing racial health inequity divide; and

**WHEREAS**, unlawful detainer actions are summary legal proceedings that can require response in as little as five days, and trial within one month; and

**WHEREAS**, unlawful detainer court proceedings require the physical presence of tenants at Alameda County Superior Court at mandatory settlement conferences and trial, as well as the potential presence of tenants at depositions, mediations or other out of court proceedings; and

**WHEREAS**, while California’s Ellis Act authorizes eviction in certain situations, but such state laws are waivable by Governor Newsom during a state of emergency; now, therefore, be it

**RESOLVED:** That the Oakland City Council hereby urges Governor Newsom to specifically waive and suspend the provisions of the California Ellis Act, California Government Code 7060-7060.7, for the period of the state of emergency based on COVID-19; and be it

**FURTHER RESOLVED:** That the Oakland City Council hereby urges the California legislature to support the repeal of the Ellis Act in its entirety; and be it

**FURTHER RESOLVED:** That the Oakland City Council directs the City Administrator to forward a copy of this Resolution to Governor Newsom, the local delegation to the State Senate, and the local delegation to the Senate Assembly.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
Acting City Clerk and Clerk of the  
Council of the City of Oakland, California