



# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Emily Weinstein  
Director of Housing and  
Community Development

**SUBJECT:** RAP Annual Report 2022-2024

**DATE:** September 23, 2024

City Administrator Approval

  
Jestin Johnson (Oct 11, 2024 05:41 PDT)

Date: Oct 11, 2024

## **RECOMMENDATION**

**Staff Recommends That The City Council Receive And File The Annual Report Of The Rent Adjustment Program For Fiscal Years 2022-24.**

## **EXECUTIVE SUMMARY**

The preparation of an Annual Report to the City Council regarding the status of the Rent Adjustment Program (RAP) is mandated in the Oakland Municipal Code (OMC) Section 8.22.250.A.<sup>1</sup> This OMC section requires that RAP provide information to the City Council on enumerated topics, which are detailed in the section at the end of this report entitled “Program Status.” This report also includes important RAP updates on topics such as improved operational structure, strategic priorities, highlights and achievements, and RAP financial reporting.

In the “Strategic Priorities” section, this report focuses on RAP’s work managing and preparing for significant transitions during the reporting period including: the launch of the Rent Registry in spring of 2023, the lifting of the eviction moratorium in summer of 2023, and the lifting of the rent increase moratorium in summer of 2024.

### **<sup>1</sup> O.M.C. SECTION 8.22.250.A**

8.22.250 - Administration, Reports, and Notices to Owners and Tenants.

- A. The City Administrator shall report annually on the status of the Rent Adjustment Program to the City Council or to such City Council Committee as the City Council may designate. Such reports shall include, but shall not be limited to the following:
1. Rent Board vacancies.
  2. Rent Board meeting cancellations.
  3. Statistics on the number and type of petitions filed and outcomes, including rent increases granted.
  4. The timeliness of petition hearings and appeals,
  5. Statistics on numbers and types of eviction notices filed pursuant to the Just Cause for Eviction Ordinance (C 8, Article II, O.M.C. 822.300, et seq.)
  6. Number and types of rental units covered by this Chapter.
  7. Any other information the City Council or Committee may request.

CED Committee  
October 22, 2024

The last RAP Annual Report presented to the City Council covered two years, from July 1, 2020 through June 30, 2022, and was presented to the City Council in January 2023. This current report also covers two years, from July 1, 2022 through June 30, 2024. Starting in 2025, the RAP will present its annual report in early fall for the most recently ended fiscal year.

## **BACKGROUND / LEGISLATIVE HISTORY**

In 1980, the Oakland City Council passed its first rent control ordinance which established the Housing, Residential Rent Arbitration and Relocation Board (the Board; Oakland No. 9980 CMS) and the Rent Adjustment Program (RAP; OMC Section 8.22.010 et seq.). Since then, the City of Oakland (City) has amended the RAP ordinance several times. The ordinance regulates most residential rent increases in Oakland. Additionally, in 2002, Oakland voters passed the Just Cause for Eviction ordinance, requiring a property owner to prove one of the eleven just causes before they may evict a tenant (OMC Section 8.22.300 et seq.).

The RAP and Just Cause for Eviction ordinances respond to a severe and longstanding housing market failure and its resulting affordability crisis. Systemic flaws in the region's housing market, as well as in its labor market (i.e., income inequality and low wages), and a lack of a robust social safety net drive housing insecurity, displacement, and homelessness (Carolina Reid, "On the Edge of Homelessness: The Vulnerability of Extremely Low-Income Households in the Bay Area" [Berkeley, CA: Turner Center for Housing Innovation, December 2021]). In addition to these factors, racial and ethnic discrimination creates barriers to housing for residents who are already negatively impacted by the affordability crisis and the regional housing market. Strong and effective regulation through the RAP and Just Cause for Eviction ordinances mitigates these complex market pressures, stabilizes rents, preserves community diversity, prevents illegal rent increases and evictions, and encourages investment in rental property in Oakland by assuring fair and adequate rents.

RAP's mission statement is as follows:

*RAP is committed to assisting both property owners and tenants to promote a stable housing market, prevent unjustified rent increases and evictions, encourage investment, and sustain a diverse community.*

## **ORGANIZATIONAL STRUCTURE**

RAP is presently a 24-staff team in the City's Department of Housing and Community Development. RAP is divided into four units as follows:

- The **Community Engagement and Enforcement Unit** provides comprehensive counseling services primarily via telephone and email. RAP counselors are available to answer tenant and property owner questions. The unit holds workshops for property owners, tenants, and the local real estate community. The unit also conducts extensive multimedia outreach to inform property owners and tenants of their rights and obligations through targeted mailings and digital ads and informational videos and print materials. In-person services, located at the Dalziel Building (250 Frank H. Ogawa Plaza, Suite 2340), will be available by appointment starting in late 2024.
- The **Hearings Unit** is RAP's quasi-judicial body. The unit holds administrative hearings and adjudicates and resolves disputes between tenants and property owners over rent increases,

conditions of the property and other issues relating to tenancies by enforcing various local rental ordinances and regulations.

- The **Administration and Policy Unit** is responsible for providing leadership and management of RAP. The unit maintains effective relations with elected officials, other City departments, and the public. The unit is also responsible for office administration, staffing meetings of the Board, and conducting research, analysis, and producing reports.
- The **Rent Registry Unit** is responsible for the implementation of RAP's rent registry program, which was launched in spring of 2023. The unit informs property owners of the annual registration requirements and supports compliance through regular outreach and technical assistance, including targeted mailings, regular online counseling sessions and workshops, and in-person services. The unit maintains the rent registry database and provides regular reports as needed.

### **ANALYSIS AND POLICY ALTERNATIVES**

The recommended Council action will advance the City's Housing, Economic, and Cultural Security Priority by informing the City Council and the public about the program's accomplishments, priorities and budget. Staff recommends that the City Council receive and file the annual report of the Rent Adjustment Program for fiscal years 2022-24.

### **STRATEGIC PRIORITIES: FY22-24**

RAP focused on managing major transitions that impacted property owners and tenants, specifically:

#### **1. Lifting of the Eviction Moratorium**

The City's pandemic-related eviction moratorium sun setted on July 14, 2023. In preparation, RAP conducted an educational campaign to provide tenants and property owners with the information necessary to understand how the policy change affects them, what their rights are, and how they can access support. RAP offered information and services including email newsletters, printed postcard mailers, responded to hundreds of phone and email inquiries, and added a series of ten workshops to its annual workshop calendar to provide information on the lifting of the eviction moratorium (five tenant-focused and five property owner-focused).

The eviction moratorium did not prohibit landlords from serving eviction notices. It required certain language to be included in the notices and provided tenants with a defense to an eviction, but it did not prohibit the issuance of notices, which is governed by state law. From January 2021 through July 2023, RAP mailed out eviction moratorium frequently asked questions (FAQs) to tenants whose property owners had filed eviction notices with RAP to ensure that they were aware of the protections of the eviction moratorium.

#### **2. Launch of the Rent Registry**

*FY22-23*

The City of Oakland's Rent Registry ordinance was approved by City Council in June 2022, and the online rent registry platform was launched in spring of 2023. The Rent Registry ordinance set an initial compliance deadline of March 1, 2023, but it was extended to July 3, 2023.

Because the registry imposed new obligations on property owners, RAP put significant work into helping property owners to understand and comply with those obligations. RAP's outreach and technical assistance approach consisted of the following measures:

- In May 2023, RAP distributed notifications of the requirement to register to the property owners of approximately **48,000 residential properties (approximately 114,000 dwelling units) via United States Postal Service (USPS)**.
- RAP hosted nine "**Rent Registration in Oakland**" workshops between September 2022 and April 2023. These workshops provided background on and requirements of the newly passed ordinance. One workshop was presented in Spanish, one was presented in Cantonese, and one was presented in Mandarin.
- RAP hosted four additional "**How to Register**" workshops during the months of May 2023 and June 2023. These workshops provided step-by-step instructions on how to register either online or by submitting paper forms. Attendance at these workshops ranged anywhere from 20 to 180 participants.
- It soon became clear that the initial plan to offer only four "How to Register" workshops would be insufficient, given the demand from property owners and managers for support. From early May through July 3, 2023, **RAP hosted daily "Rent Registry Counseling Session" webinars**, which provided step-by-step online registration instructions. During these daily sessions, which were accessible through RAP's home page, RAP also provided property owners and managers with the opportunity to ask questions about their individual registration. Attendance at the daily sessions ranged from 10 to 75 participants.
- In June 2023, RAP presented an **in-person "Rent Registration in Oakland" workshop** at the Chinese Chamber of Commerce to approximately 100 property owners. The session was presented largely in Cantonese and focused on paper form registration.

#### *FY23-24*

After the rent registry's initial deadline of July 3, 2023 passed, owners of thousands of rental units continued to register their properties. During FY23-24, RAP offered rent registry support/notifications to property owners and managers as described below.

- RAP continued to host its "**Rent Registry Counseling Session**" webinars for property owners and property managers; these were offered twice a month in July and August of 2023, and then once per month from September 2023 through April 2024.
- In January 2024, RAP included a **rent registration notification** with the City of Oakland Business Tax Office's USPS and email notifications that were sent to more than 22,000 property owners and managers for business tax renewal. These notifications offered an additional opportunity to inform

property owners of the rent registry requirement. The email notification contained a direct link to the online rent registry portal.

- In January and February 2024, RAP offered **in-person registration assistance** to property owners and managers twice weekly at 250 Frank Ogawa Plaza. Response was overwhelmingly favorable and provided a template for future in-person presence for the 2024 registration cycle.
- Due to administrative burdens posed by the 2023 launch, RAP received approval from the City Council to extend the 2024 registration renewal deadline from March 1, 2024, to July 1, 2024. In May 2024, RAP distributed notifications of the requirement to renew registration to the property owners of approximately **31,000 residential properties** via United States Postal Service (USPS).
- In May and June of 2024, RAP sent two separate mass email notifications to the owners of approximately 16,400 properties. The first mass email was a notification to renew registration for 2024, the second was a “Final Reminder” notification that registration renewal was due by July 1, 2024. The email notifications averaged an “Open” rate of 85%.
- RAP hosted **five “How to Register” workshops** during the months of May 2024 and June 2024. These workshops provided step-by-step instructions on how to register either online or by submitting paper forms. Attendance averaged about 20 participants per workshop.
- In May and June 2024, RAP offered **in-person registration assistance** to property owners and managers twice weekly at 250 Frank Ogawa Plaza. Response was again very favorable, as this service had not been available during the 2023 launch. Owners of more than 200 properties were assisted in this way, most of whom were older property owners or owners whose primary language is not English.

### **3. Lifting of the Rent Increase Moratorium**

Oakland’s pandemic-related rent increase moratorium sunsetted on June 30, 2024. In preparation, RAP prepared a city press release, updated the city website to provide information about the expiration of the moratorium, and incorporated relevant information in nine community workshops. Additionally, RAP Housing Counselors responded to numerous community member inquiries about the end of the moratorium.

## **HIGHLIGHTS AND ACHIEVEMENTS**

In addition to successfully implementing the strategic priorities above, the following RAP highlights and achievements are worthy of note:

### **1. Community Engagement**

RAP’s Community Engagement and Education Unit (CEE) provided extensive support and outreach to property owners and tenants during the reporting period. Some of CEE’s key accomplishments are:

- **Community Workshops:** Facilitated twenty-five workshops per year for tenants and property owners. Topics included: the emergency moratorium, rent increases, and recent updates to the

RAP and Just Cause for Eviction ordinances. Workshops in FY22-23 included two with Cantonese and Spanish interpretation and were attended by a total of 795 community members. Workshops in FY23-24 included two with Cantonese and Mandarin interpretation and were attended by a total of 509 community members.

- Counseling Sessions:** In FY22-23, provided counseling to **3,849 community members** (see table below). The top three zip codes served were: 94606, 94610, and 94601. The top five issues responded to were: rent increases, emergency moratorium, decreased housing services, just cause, and "Is my unit covered under the RAP ordinance?". Note that the decrease in total contacts for February through April 2023 was a result of the ransomware attack; counselors could not respond to live calls or voicemails during that time.

**Table 1: Counseling Sessions FY22-23**

	July 2022	Aug 2022	Sep 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	April 2023	May 2023	June 2023	TOTAL
<b>Tenants</b>	159	184	156	161	106	125	190	96	78	116	151	110	1632
<b>Property Owners</b>	156	145	119	180	69	93	154	72	58	73	192	131	1442
<b>Others<sup>2</sup></b>	84	64	129	91	47	57	80	39	33	29	71	51	775
<b>Total contacts</b>	399	393	404	432	222	275	424	207	169	218	414	292	3849

In FY23-24, provided counseling to **3,278 community members** (see table below). The top three zip codes served were: 94606, 94610, and 94609. The top five issues responded to were: rent increases, emergency moratorium, petitions, just cause, and eviction notices.

**Table 2: Counseling Sessions FY23-24**

	July 2023	Aug 2023	Sep 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024	April 2024	May 2024	June 2024	TOTAL
<b>Tenants</b>	132	127	94	131	116	116	119	96	78	116	151	110	1386
<b>Property Owners</b>	91	79	70	84	94	58	87	72	58	73	192	131	1089
<b>Others</b>	39	38	44	31	43	36	42	90	182	174	2	82	803
<b>Total contacts</b>	262	244	208	246	253	210	248	258	318	363	345	323	3278

**2. Contracts for Legal Services**

During the reporting period, RAP entered into the two following legal services agreements:

Centro Legal de la Raza (Centro) Contract. On September 19, 2023, Council authorized a contract with Centro for provision of **representation services to low- and moderate-income tenants** at RAP petition proceedings and Housing, Residential Rent and Relocation Board (HRRRB) appeal proceedings in the amount of \$250,000 from October 1, 2023 through September 30, 2024, renewable

<sup>2</sup> "Others" may include property managers, prospective buyers, attorneys, realtors, etc...

at the City Administrator's option for one additional 12-month term not to exceed \$250,000 from October 1, 2024 through September 30, 2025. RAP is currently amending the Centro contract to extend it for a second year through September 2025.

Centro started providing services under the contract in October 2023. Through July 2024, Centro performed the following activities:

- **RAP Direct Referrals:** RAP referred twenty-three tenant households to Centro for various RAP-related and non-RAP related matters, as Centro was able to leverage both this contract and other sources, such as Department of Housing and Community Development-funded Oakland Housing Secure (eviction prevention legal and financial assistance). These referrals are critical in connecting Oakland's most vulnerable tenants to legal and financial help. In some instances, Centro assisted those tenants with both a RAP case and an eviction matter.
- **Case Assessment:** Centro assessed 320 legal service requests. Centro assessed these cases for eligibility for RAP-related legal services. Centro assesses whether tenants' dwelling units are covered by the Rent Adjustment ordinance, whether any rent increases tenants have received are valid under the ordinance, and whether tenants can pursue a RAP petition for issues including reduction in services for habitability issues, invalid rent increases, and more. In some instances, tenants were not covered by the Rent Adjustment ordinance. In others, tenants were covered, but property owners had served valid rent increase notices. In others, tenants had claims under RAP that they chose not to pursue for many reasons specific to their situations, including a desire to move or simply wanting to explore other options first. In all instances, Centro provided comprehensive advice about the tenant's rights and options under the Rent Adjustment ordinance.
- **RAP Petitions:** Centro closed thirteen RAP petition representation cases and is currently representing tenants in six petition cases. In January and June, RAP received 22 and 40 petitions respectively. With the lifting of the rent increase moratorium on June 30, 2024, RAP expects the need for representation services to increase.

Demographic and outcome data will be included in the next annual report at the conclusion of the contract reporting cycle.

East Bay Rental Housing Association (EBRHA) Contract. On June 20, 2023, Council authorized a contract with EBRHA for provision of **representation services to small property owners** at RAP petition proceedings and HRRRB appeal proceedings in the amount of \$150,000 from July 1, 2023 through August 31, 2024. Small property owners are defined as those who own a total of eight or fewer residential dwelling units (in Oakland and elsewhere) and who have a total household income at or below 100% area median income (AMI) for Alameda County. EBHRA started providing services under the contract as of July 2023. Through June 2024, EBHRA has performed the following activities under their Small Property Owner Representation Services (SPORS) Program.

### **Table 3: EBRHA Activities FY23-24**

<b>Number of Property Owners</b>	<b>Services Provided</b>
45	RAP general compliance support (RAP fees, rent registration, business tax, etc.)
20	RAP petition process education
16	Drafting and filing RAP petitions and RAP hearing readiness and preparation
4	RAP hearing representation
2	RAP mediation proceedings

*Outreach, Promotion & Marketing*

EBRHA provided a press release, more than forty webinars and meetings promoting the SPORS program, and networking mixers, fundraiser events and community and partner events. EBRHA also promoted the SPORS program via social media channels, email, and SMS, and ad placement in newsletters and monthly magazines.

*EBRHA's Case Summary*

**Closed Cases**

Nine cases were closed and resolved. Additionally, property owners in these cases were provided education on housing rights and directed to fulfill compliance requirements related to the rent registry, business tax and licenses, and/or RAP fees.

**Open Cases**

Twenty-six cases are open; twenty-two of those cases are scheduled for hearings with RAP.

**3. Technological Improvements**

During the reporting period, RAP made updates to its online forms, including the Eviction Portal where property owners file eviction notices and rent registry applications. To assist property owners to properly use RAP's Eviction Portal and to improve RAP's understanding of the reasons under which property owners are terminating tenancies in the city, the Portal was updated to include a scroll-down menu listing the valid reasons under which property owners can terminate a tenancy. The rent registry was also updated to allow property owners with ten or more residential dwelling units to batch-upload their registration information as a single submission rather than separately entering the required information for each dwelling unit.

**FINANCIAL REPORTING**

Actual Revenue and Expenditures for Fiscal Year 2021-22 through Fiscal Year 2023-24.

RAP has been operating with a structural deficit since FY19-20, except for FY20-21 when the RAP fee was increased and the Business Tax Office instituted the linking of business tax and RAP fee in its revenue realization process, creating a one-time spike in revenue. It is important to note that for the FY23-



24, RAP’s fund balance shows a deficit of about \$1.1 million. RAP’s current level of service meets the demand of Oakland’s renters and property owners of RAP units. Any reduction in expenditures would result in a reduction in RAP’s ability to meet this demand.

**Table 4: Actual Revenue and Expenditures for Fiscal Years 2021-22 through 2023-24**

	ACTUAL FISCAL YEAR 2021-22	ACTUAL FISCAL YEAR 2022-23	ACTUAL FISCAL YEAR 2023-24
<b>Beginning Fund Balance</b>	<b>4,749,956.68</b>	<b>2,826,101.45</b>	<b>1,095,130.56</b>
<b>REVENUES</b>			
Interest: Investment	10,080.07	17,824.32	(38,803.70)
Other Fees: Misc (RAP Annual Service Fee)	7,485,270.39	7,769,412.92	8,119,195.84
Delinquency Penalties	(31.85)	63.70	
Unrealized Gain/(Loss)	(39,804.22)	31,766.28	8,918.37
<b>Total Revenues</b>	<b>7,455,514.39</b>	<b>7,819,067.22</b>	<b>8,089,310.51</b>
<b>Total Available Financing (Revenue + Fund Balance)</b>	<b>12,205,471.07</b>	<b>10,645,168.67</b>	<b>9,184,441.07</b>
<b>EXPENDITURES</b>			
Salaries and Employee Benefits	7,215,324.46	7,220,239.12	8,489,538.66
Office Supplies	21,455.98	34,536.88	65,000.24
Non-contractual Services Expenditures (e.g., Phone and Advertisement Services)	103,604.54	94,815.11	204,031.16
Contract Expenditures	366,857.79	412,476.40	313,525.96
Travel and Education	42,086.52	41,406.95	38,571.57
City Internal Services (e.g., IT and Facilities)	468,158.00	492,602.00	472,256.00
Bank and Credit Card	59,331.06	36,724.67	60,363.54
Central Services Overhead (CSO)	639,050.27	640,693.98	216,196.36
Operating Transfer (Citywide Insurance Cost Allocation)	463,501.00	509,378.00	292,779.00
Other Refunds (Fees Collected from Non-covered RAP Units)		67,165.00	118,884.42
<b>Total Expenditures</b>	<b>9,379,369.62</b>	<b>9,550,038.11</b>	<b>10,271,092.91</b>

<b>Surplus/(Deficit)</b>	<b>2,826,101.45</b>	<b>1,095,130.56</b>	<b>(1,086,651.84)</b>
<b>FUND BALANCE</b>			
Net Gain/(Loss)	(1,923,855.23)	(1,730,970.89)	(2,181,782.40)
Beginning Fund Balance	4,749,956.68	2,826,101.45	1,095,130.56
Ending Fund Balance	2,826,101.45	1,095,130.56	(1,086,651.84)

Rental property owners covered by RAP are charged an annual fee in conformance with the Rent Program Fee ordinance. The rate was \$68 per unit prior to FY19-20 and increased to \$101 thereafter. As a result, RAP revenue increased from \$6.92M in FY18-19 to \$7.46M in FY21-22. The spike in revenue in FY20-21 is attributable both to the fee increase and the Business Tax Office instituting the linking of business tax and RAP fee in its revenue realization process. At the same time, Fund-wide expenditures increased from \$5.64M in FY18-19 to \$9.38M in FY21-22. The Fund suffered a deficit in FY19-20, FY21-22, and FY22-23.

**Table 5: Summary of RAP’s Annual Fiscal Activities in FY17-18 through FY23-24**

<b>RAP Fund-wide Financials (in millions)</b>	<b>FY17-18</b>	<b>FY18-19</b>	<b>FY19-20</b>	<b>FY20-21</b>	<b>FY21-22</b>	<b>FY22-23</b>	<b>FY23-24</b>
Revenues	5.21	6.92	8.04	10.95	7.46	7.82	8.09
Expenditures	-4.43	-5.64	-8.21	-9.22	-9.38	-9.55	-10.27
Surplus / (Deficit)	0.78	1.28	-0.17	1.73	-1.92	-1.73	-2.18
FYE Fund Balance	1.9	3.18	3.02	4.75	2.83	1.1	-1.08

A major contributor to the rapid increase in RAP Fund’s expenditures is the dramatic increase in expenditures incurred by other City departments allocating their costs to the RAP Fund, including but not limited to Central Services Overhead (CSO). As shown in the table and chart below, the actual non-HCD expenditures allocated to the RAP Fund went from \$1.66M in FY17-18 to \$3.57M in FY22-23. 49% and 46% of RAP revenue generated was used to support non-HCD departments in FY21-22 and FY22-23, respectively, compared with 32% in FY17-18.

As also shown in the chart below, the percentage of RAP revenues covering non-HCD expenditures dropped by 9% from 46% for FY22-23 to 37% for FY23-24. This is because the Finance Department reduced CSO costs and RAP’s share of the city’s insurance by more than \$424,000 and \$216,000, respectively. Total reduction from these two cost allocations is more than \$641,000 for FY23-24 compared with FY22-23.

**Table 6: RAP Fund Non-HCD Expenditures**

Category	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24
Non-HCD Expenditures - in millions	1.66	2.06	2.86	3.37	3.64	3.57	3.02
Revenues - in millions	5.21	6.92	8.04	10.95	7.46	7.82	8.09
% of RAP Revenues Covering Non-HCD Expenditures	32%	30%	36%	31%	49%	46%	37%

At its current operation, the RAP Fund balance was projected to become negative by Fiscal Year (FY) 24-25. To address this projected deficit, the City took the following actions during the most recent midcycle budget process:

- reduced the number of non-HCD positions allocated to the RAP Fund;
- reduced HCD operation and maintenance costs;
- reduced HCD staffing costs by temporarily freezing two positions; and,
- Committed to working in collaboration with the Business Tax Office to increase revenue through coordinated revenue realization efforts in FY24-25 to collect delinquent RAP fee payments and penalties.

**PROGRAM STATUS**

**1. Rent Board Vacancies**

The Board is a quasi-judicial body that hears appeals of RAP hearing officer decisions and enacts regulations and policies to further the administration of the Rent Adjustment and Just Cause for Eviction ordinances. The Board is composed of seven full members and seven alternate members appointed by the Mayor and confirmed by City Council. The following table shows the composition, including vacancies, of the Board at the beginning and end of FY22-23, and the end of FY23-24.

**Table 7: Rent Adjustment Board Membership**

Category	Designation	Board Members as of 7/1/22	Board Members as of 6/30/23	Board Members as of 6/30/24
Property Owner	Regular Member	Terrence Williams	<i>Vacant</i>	Kara Brodfuehrer
	Regular Member	Nikitra Hudson	Dmitri Taylor	Chris Jackson
	Alternate	<i>Vacant</i>	<i>Vacant</i>	<i>Vacant</i>
	Alternate	Kathleen Sims	<i>Vacant</i>	<i>Vacant</i>
Tenant	Regular Member	Rodney Nickens, Jr.	Rodney Nickens, Jr.	John DeBoer
	Regular Member	Pedro Viramontes	DeSeana Williams	DeSeana Williams

	Alternate	John DeBoer	John DeBoer	Merika Goolsby
	Alternate	<i>Vacant</i>	<i>Vacant</i>	<i>Vacant</i>
Undesignated	Regular Member	Denard Ingram	Denard Ingram	<i>Vacant</i>
	Regular Member	Charles Oshinuga	Charles Oshinuga	Charles Oshinuga
	Regular Member	Evelyn Torres	<i>Vacant</i>	<i>Vacant</i>
	Alternate	<i>Vacant</i>	<i>Marcos Escobar</i>	<i>Vacant</i>
	Alternate	<i>Vacant</i>	<i>Vacant</i>	<i>Vacant</i>

**2. Rent Board Meeting Cancellations**

The Board is scheduled to meet twice a month, with a recess in August, for a planned annual total of twenty-two meetings. The Board had nine meeting cancellations in FY22-23 and six in FY23-24 as set out in the table below.

Despite the greater-than-average number of cancelations due to lack of quorum, RAP staff and the Board have managed appeals so that there has not been a backlog over the past two years. In addition, RAP staff continues to diligently alert the Mayor’s Office about vacancies to ensure Board seats are timely filled.

**Table 8: Rent Board Meeting Cancellations**

Cancellation Date	Reason for Cancellation
<i>FY22-23</i>	
July 14, 2022	Lack of quorum
October 13, 2022	A party in the case on the agenda requested postponement
November 10, 2022	Lack of quorum
December 8, 0222	A party in the case on the agenda requested postponement
March 9, 2023	Lack of space availability to hold in-person meeting
April 27, 2023	Full meeting was replaced by a panel meeting on April 20, 2023
May 25, 2023	Lack of quorum
June 8, 2023	Lack of quorum
June 22, 2023	Lack of quorum
<i>FY23-24</i>	
September 14, 2023	A party in the case on the agenda requested postponement
December 28, 2023	Lack of quorum
January 11, 2024	No appeals or other agenda items scheduled
February 8, 2024	Lack of quorum
April 11, 2024	Lack of quorum
May 9, 2024	Lack of quorum

**3. Statistics on the Number and Types of Petitions Filed and Outcomes, Including Rent Increases Granted<sup>3</sup>**

In FY22-23, RAP received 231 petitions, a decrease of 76 from the previous fiscal year.

In FY23-24, RAP received 262 petitions, an increase of 31 from the previous fiscal year.

**Table 9: Number of Petitions Filed Per Fiscal Year 2018-2024**

Fiscal Year	Tenant Petitions	Property Owner Petitions	Total Petitions Filed
2018-2019	494	246	740
2019-2020	490	301	791
2020-2021	226	110	336
2021-2022	228	79	307
2022-2023	176	55	231
2023-2024	184	79	262

**Table 10: Petition Grounds in FY22-23 and FY23-24**

	Petition Grounds	Number FY22-23	Number FY23-24
Tenant	Allowable amount	85	64
	Capital improvements (cost pass through)	8	4
	Code violation	11	18
	Contesting an exemption	12	6
	Decreased housing services	125	132
	Notice to tenants: failure to provide	61	53
	Rent initiation	8	6
	Unlawfully charged	30	24
Property Owner	Additional occupant	1	4
	Banking	3	8
	Capital improvements (cost pass through)	18	37
	Exemption: new construction	22	20
	Exemption: SFH or Condo (Costa Hawkins)	3	3
	Extension of time	1	0
	Fair return	2	3
	Increased housing service costs	1	5
	Tenant not residing in unit as principal residence	6	11
	Uninsured repair costs	1	4

<sup>3</sup> Note that “rent increases granted” is not a data point to which RAP has ready access, nor is it one that speaks to RAP’s performance of its work. I.e., RAP’s role is to adjudicate rent increase disputes fairly and consistently with the law, not to seek to either approve or disapprove rent increases as a matter of policy.

**Table 11: RAP Petition Outcomes**

In FY22-23 and FY23-24, RAP resolved a total of 552 cases with outcomes as follows.

Outcome	Number resolved FY22-23	Number resolved FY23-24
Administrative Decision	46	67
Involuntary Dismissal	79	62
Voluntary Dismissal	49	63
Settlement Agreement (via Mediation or Settlement Conference)	41	45
Hearing Decision Issued	69	32
Total	284	268

**4. Timeliness of Petition Hearings and Appeals**

For cases heard in FY22-23, the average time between petition filing and a case being heard was 5 months.

For appeals heard in FY22-23, the average time between an appeal being filed and the appeal being heard was 2.5 months.

For cases heard in FY23-24, the average time between petition filing and a case being heard was 2.5 months.

For appeals heard in FY23-24, the average time between an appeal being filed and the appeal heard was 3 months.

**5. Statistics on Numbers and Types of Eviction Notices Filed Pursuant to the Just Cause for Eviction Ordinance**

The Just Cause for Eviction ordinance requires property owners to file with RAP a copy of any eviction notice (“notice to terminate tenancy”) served to a resident of a covered unit within ten days of service. Note that this notice is required to be served prior to any unlawful detainer (eviction) filing with the court – and not all notices to terminate tenancy ultimately result in an actual eviction filing. HCD does not track the full progression of the eviction process.

On March 27, 2020, Oakland adopted a COVID-19 Eviction Moratorium (Eviction Moratorium); this moratorium ended on July 14, 2023. The Eviction Moratorium:

- prohibited most evictions in units covered by the Just Cause for Eviction ordinance except for Ellis Act evictions or evictions necessary for the health and safety of other occupants;
- prohibited eviction for non-payment of rent that accrued from March 2020 – July 2023 due to COVID-19; and

- prohibited rent increases above the annual CPI.

These limitations on evictions led to a dramatic reduction in eviction notices filed with RAP. Prior to the adoption of the Eviction Moratorium, RAP received an average of 550 eviction notices per month. In FY22-2023, RAP received approximately 60 notices per month. The number climbed back dramatically in FY23-24 when RAP received approximately 460 notices per month.

**Table 12: Total Eviction Notices Received**

Fiscal Year	Number of Notices Received
2018-2019	6,714
2019-2020	4,696
2020-2021	881
2021-2022	807
2022-2023	719
2023-2024	5,515

**Table 13: FY22-23 and FY23-24 Eviction Notices By Zip Code**

RAP tracks eviction notices by zip code. Note that this table contains information solely on non-performance termination notices; “no-fault” notices such as Ellis Act notices are not included.

Zip Code	FY22-23 Total	FY23-24 Total
94601	98	398
94602	101	227
94603	77	288
94605	61	510
94606	104	838
94607	51	562
94608	33	226
94609	26	273
94610	17	375
94611	15	179
94612	52	961
94618	5	42
94619	27	107
94621	51	374

**Table 14: FY22-23 Eviction Notices by Stated Reason**

Stated Reason for Eviction	FY22-23 Total	FY23-24 Total
Failure to Pay Rent	436	5,032
Disorderly Conduct	121	102
Rental Agreement Violation	54	160

Damage to Property	34	51
Ellis Act	29	24
Using Rental Property for Illegal Purposes	23	12
Repairs to Unit	13	37
Property Exempt	5	17
Owner Re-Occupancy	2	8
Owner or Relative Move In	1	56
Denial to Access Rental Unit	1	14
Illegal Unit	0	2
TOTAL	719	5,515

**6. Number and Type of “Covered Units”**

RAP estimates that there are approximately 42,934 rental “covered units” as that term is defined by OMC section 8.22.020<sup>4</sup>. This estimate is based on a variety of data sources including the American Community Survey, Oakland Housing Authority (OHA), City of Oakland Housing and Community Development, and calculated by using the following figures:

Total rental units:	95,994
Single-family detached and one-unit attached:	(23,044)
Mobile homes and boats:	(419)
Assisted housing (privately owned, subsidized):	(10,000)
Public housing (OHA-owned):	(1,606)
Oak. Aff. Housing Preservation Initiatives units:	(1,585)
Units built 1983-2016 (non-subsidized):	(9,969)
Voucher-subsidized:	(6,437)
Total covered units:	42,934

**FISCAL IMPACT**

No fiscal impact caused by acceptance of this report is anticipated.

**PUBLIC OUTREACH / INTEREST**

As highlighted in this report, extensive public outreach was carried out by RAP for various purposes in the reporting period. No public outreach was done regarding this informational report.

**COORDINATION**

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<sup>4</sup> “Covered Unit” means any dwelling unit, including joint living and work quarters, and all housing services located in Oakland and used or occupied in consideration of payment of rent with the exception of those units designated in Section 8.22.030 A. as exempt. “Covered Unit” includes a vehicular residential facility, as defined in Oakland Planning Code Section 17.10.700, rented or offered for rent for living or dwelling purposes, whether rent is paid for the recreational vehicle and the lot upon which it is located, or rent is paid for the lot alone.”



The Finance Department contributed to this report.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** RAP's important work, which is described in this informational report, involves the implementation and enforcement of rent-related ordinances that the City has adopted to stabilize rents for most of Oakland's tenants and protect most all of Oakland's tenants from unjust evictions.

**Environmental:** RAP's important work, which is described in this informational report, helps mitigate adverse environmental impacts of poor-quality rental housing through resolving petitions involving code violations and lack of maintenance, uncovering health and safety hazards in the process of its execution and, in turn, encouraging cohesion and vested interest of owners and tenants in healthy neighborhoods.

**Race & Equity:** RAP's important work, which is described in this informational report, includes implementing and enforcing the rent-related laws that the City has adopted to preserve vibrant and diverse neighborhoods and communities through stemming displacement and preventing homelessness, both of which disproportionately impact low-income people of color.

### **ACTION REQUESTED OF THE CITY COUNCIL**

**Staff Recommends That The City Council Receive And File The Annual Report Of The Rent Adjustment Program For Fiscal Years 2022-24.**

For questions regarding this report, please contact Victor Ramirez, Rent Adjustment Program Director, at 510-238-3220, [VRamirez@oaklandca.gov](mailto:VRamirez@oaklandca.gov).

Respectfully submitted,

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