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FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89479 C.M.S.

RESOLUTION ADOPTING AMENDMENTS TO THE RENT ADJUSTMENT PROGRAM REGULATIONS APPROVED BY THE HOUSING RESIDENTIAL RENT AND RELOCATION BOARD TO CLARIFY SUBSTANTIAL COMPLIANCE WITH THE RENT REGISTRY ORDINANCE (ORDINANCE NO. 13695 C.M.S.)

WHEREAS, on June 21, 2022, the City Council adopted Ordinance No. 13695, which amended the Rent Adjustment Ordinance and Just Cause for Eviction Ordinance to create an annual registration requirement for units covered by the Rent Adjustment Ordinance or the Just Cause Ordinance (“Rent Registry Ordinance”); and

WHEREAS, Section 11 of the Rent Registry Ordinance directed the City Administrator to work with the Rent Board to develop regulations defining substantial compliance and directives on mandatory and optional fields, to return to Council for approval; and

WHEREAS, on September 8, 2022, the Housing, Residential Rent and Relocation Board (“HRRRB”) approved amending the Rent Adjustment Regulations as set forth in Exhibit A and now returns such Regulations to the City Council for approval in accordance with Council’s directive; and

WHEREAS, the Rent Registry Ordinance requires owners of residential rental property to register their properties by March 1 every year and imposes penalties if owners fail to substantially comply with the registration requirement; and

WHEREAS, clarifying the concept of substantial compliance in regulations will assist property owners in complying with the rental registration requirements and clarify the applicability of penalties for failure to register as set forth in OMC 8.22.50; now, therefore, be it

RESOLVED: That Section 8.22.510 as set forth in Exhibit A is hereby added to the Rent Adjustment Regulations.

IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 1 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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

Exhibit A to Resolution Adopting Regulations for the Rent Registry Ordinance
(Ordinance. No. 12695 C.M.S.)

Amendment to Rent Adjustment Regulations

Section 8.22.510

A Rental Property Owner shall be found in substantial compliance with Registration requirements when: (1) the Rental Property Owner has made a good faith effort to comply with the Registration Requirement in OMC 8.22.510; and (2) the Rental Property Owner has cured any defect in compliance in a timely manner after receiving notice of a deficiency from the Rent Adjustment Program. An owner who cures a defect within the time period indicated in the notice of deficiency shall have complied in timely manner.

If certain information is unknown to a Rental Property Owner, and the Rental Property Owner is not able to ascertain exact information through legal means and reasonable efforts (including, but not limited to, inquiring existing tenants and requesting City records, as applicable), the Rental Property Owner may report requested information on information and belief, or note that information provided is approximate, or state that the requested information is unknown. A Rental Property Owner who reports the required information in accordance with the foregoing shall be deemed to have substantially complied with the reporting requirements of OMC 8.22.510.

Accordingly, when a Rental Property Owner reports information required by OMC 8.22.510 under penalty of perjury, such information shall be considered to be reported on information and belief where the owner does not have direct, firsthand knowledge of the requested information, and an owner or manager shall not be penalized for failure to report information accurately or stating it is unknown, so long as they have reported the requested information "to the best of the owner's or manager's knowledge."

The form of certification under penalty of perjury shall be as follows:

I have used all reasonable diligence in preparing this statement. I have reviewed the statement, and, to the best of my knowledge, the information contained herein is true and complete. To the extent I was unable, despite the use of reasonable diligence, to ascertain the exact information to be reported, I have provided the most accurate approximation possible based on information and belief where possible or, where such approximation is not feasible, I have stated that the information is unknown. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.