



TO: Honorable City Council

FROM: Mayor Libby Schaaf;
Councilmember Dan Kalb;
and President Pro Tempore
Sheng Thao

SUBJECT: Amendment to Rent Adjustment
Ordinance to Include Vehicular
Residential Facilities

DATE: October 29, 2021

RECOMMENDATION

We respectfully request that the City Council adopt of the following:

An Ordinance To Amend The Rent Adjustment Ordinance (Oakland Municipal Code Chapter 8.22) To Add Vehicular Residential Facilities As Covered Units

REASON FOR SUPPLEMENTAL REPORT

On October 26th, the Community and Economic Development (CED) Committee discussed whether the City's Just Cause for Eviction Ordinance and Tenant Protection Ordinance would apply to the rental of recreational vehicles (RVs), which would be classified as Vehicular Residential Facilities under the proposed Construction Innovation and Expanded Housing Options Ordinance and in the proposed amendment to the Rent Adjustment Ordinance, and whether the removal of approved Vehicular Residential Facilities from a site would trigger the requirement for relocation payments, which are required for certain residential evictions under City law.

The agenda report for the October 26th CED Committee meeting states that Vehicular Residential Facilities would be covered under the Just Cause for Eviction Ordinance and the Tenant Protection Ordinance, both the rental of an RV to a tenant and the rental of land to an RV owner upon which the RV is located. After additional research and further consultation with the City Attorney's Office, we now believe the Just Cause for Eviction Ordinance and Tenant Protection Ordinance would apply to the rental of an RV to a tenant but **not** to the rental of land to an RV owner.

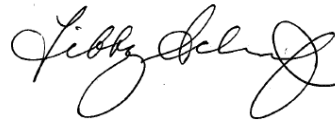
Regarding the question of whether the removal of approved Vehicular Residential Facilities from a site would trigger the requirement for relocation payments under City law, relocation payments would be required if the units are covered under the Just Cause for Eviction Ordinance and the ground for the eviction triggers relocation obligations (code compliance, owner move-in, or Ellis Act). Therefore, we believe the removal of an approved RV rented to a tenant may trigger relocation payments but **not** the removal of an approved RV where the land is rented to an RV owner.

ACTION REQUESTED OF THE CITY COUNCIL

We respectfully request that the City Council adopt the proposed ordinance to amend the City's Rent Adjustment Ordinance so that it applies to Vehicular Residential Facilities, if the City Council adopts the Construction Innovation and Expanded Housing Options Ordinance to authorize Vehicular Residential Facilities.

For questions regarding this report, please contact Darin Ranelletti, Policy Director for Housing Security, Office of the Mayor, at (510) 238-3460 or dranelletti@oaklandca.gov.

Respectfully submitted,



LIBBY SCHAAF
Mayor



DAN KALB
District 1



SHENG THAO
District 4