



17 JUN 29 PM 3:39

CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612
REBECCA KAPLAN (510) 238-7008
At-Large FAX: (510) 238-6910
atlarge@oaklandnet.com TDD: (510) 839-6451

Date: June 29, 2017

To: City Council

From: Councilmember Kaplan

Re: Resolution Requesting The Rent Board To Consider Regulations To Have Property Owners Who Owner-Occupy Duplexes And Triplexes To Confirm Owner-Occupancy Status Through A Certificate Of Exemption Or Other Administrative Process

Dear Colleagues on the City Council and Members of the Public,

Oakland is struggling with rising evictions which are furthering displacement, homelessness, and other forms of suffering for families, neighborhoods and communities. We have heard increasing incidents of the use of claims of "owner occupancy" to get away with evictions which would be illegal. Concerns about false claims of owner occupancy are rising, and we lack a good system to ensure that owner-occupancy claims being used for evictions are legitimate.

Therefore, I ask that we refer this issue to the Rent Board, which has direct experience and expertise in this area, to ask that they create regulations to protect against false owner-occupancies being used to evict. I would note that I am not asking the Council to develop regulations, nor to approve specific details at this time, but simply to adopt a Resolution referring this important and growing problem to the Rent Board, so that they may develop appropriate procedures.

We urge you to support this Resolution, which will be heard at the Community and Economic Development Meeting on July 11, 2017.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rebecca Kaplan".

Councilmember At-Large Rebecca Kaplan

17 JUN 29 PM 3:39

Approved as to Form and Legality

OAKLAND CITY COUNCIL

DRAFT

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember Kaplan

RESOLUTION REQUESTING THE HOUSING RESIDENTIAL RENT AND RELOCATION BOARD TO CONSIDER REGULATIONS TO HAVE PROPERTY OWNERS WHO OWNER-OCCUPY DUPLEXES AND TRIPLEXES TO CONFIRM OWNER-OCCUPANCY STATUS THROUGH A CERTIFICATE OF EXEMPTION OR OTHER ADMINISTRATIVE PROCESS.

WHEREAS, Oakland's Just Cause Ordinance (O.M.C. 8.22.300) exempts buildings with two or three units from just-cause protections if a property owner lives in one of the units as a primary residence; and

WHEREAS, this means that renters in buildings with two or three units risk no-fault eviction, should an owner move into one of the units; and

WHEREAS, this exemption has the benefit of helping mom and pop landlords, who live in buildings with two or three units, but is susceptible to abuse; and

WHEREAS, false owner-move ins and owner-occupied exemptions are increasing in the City of Oakland as a tactic to push out existing tenants and raise rents; and

WHEREAS, such false owner-move ins and owner-occupied exemptions is exacerbating Oakland's severe housing supply and affordability crisis, and threatens the public health, safety and/or welfare of our residents; and

WHEREAS, currently, tenants may not know their rights and/or lack the resources to fight for them to be enforced or access the information to determine if an owner-occupancy is valid; and

WHEREAS, currently, the City of Oakland lacks adequate regulations to ensure that owner-occupancy claims being used for exemptions to the just cause for eviction law are legitimate; and

WHEREAS, the Rent Board has authority to adopt regulations for the Just Cause for Eviction Ordinance without returning to Council; now, therefore be it

RESOLVED: That the Oakland City Council requests the Housing, Residential Rent and

Relocation Board to consider regulations to have property owners who owner-occupy duplexes and triplexes to confirm owner-occupancy status through a certificate of exemption or other administrative process for exemption from the Just Cause for Eviction Ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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