

CITY OF OAKLAND

SUPPLEMENTAL REPORT

TO: Council President Fortunato Bas and Members of the Council

FROM: Councilmembers Dan Kalb and Carroll Fife

CC: City Administrator, Ed Reiskin

DATE: July 7, 2022

RE: **Supplement Information Regarding Proposed Amendments to the City of Oakland's Just Cause for Eviction Ordinance**

I. INTRODUCTION

On July 11th, the City Council will continue its consideration of Councilmember Kalb and Fife's proposed amendments to the City's Just Cause for Eviction Ordinance. These proposed amendments were initially heard during the Oakland City Council's July 5th meeting.

In response to public comment and the Council's discussion of the item, Councilmembers Kalb and Fife would like to provide the following additional information.

II. SUPPLEMENTAL INFORMATION

Absence of new construction exemptions:

Some proponents for a new construction exemption to Oakland's Just Cause for Eviction Ordinance have requested the citations from the municipal codes to support the contention that many San Francisco Bay Area cities do not have new construction exemptions to their just cause for eviction ordinances. The following Bay Area cities have no new construction exemption in their just cause for eviction ordinances:

Alameda (Alameda Municipal Code Section 6-58.20)
East Palo Alto (East Palo Alto Municipal Code Section 14.04.050(A))
Emeryville (Emeryville Municipal Code Section 5-40.02)
Fairfax (Fairfax Municipal Code Section 5.54.020)
Hayward (Hayward Municipal Code Section 12-1.04(v))
Richmond (Richmond Municipal Code Section 11.100.030(m))
San Francisco (San Francisco Municipal Code Section 37.2(r))
San Jose (San Jose Municipal Code Sections 17.23.1220(O), 1230)
Union City (Union City Municipal Code 5.50.030)

Each of these cities does have a date of construction exemption for rent control, as required by the Costa Hawkins Rental Housing Act, but does not have one for just cause.

Potential effect of no new construction exemption on new housing stock:

Some proponents of a new construction exemption to Oakland’s Just Cause for Eviction Ordinance have asserted that the City will see a dramatic decrease in the production of new housing stock without an exemption for new construction. The data says otherwise. The following table reflects data provided by the California Department of Housing and Community Development for the numbers of above-moderate-income regional housing needs allocation performance in several Bay Area cities that do not have exemptions for new construction in their just cause for eviction ordinances (Oakland’s current numbers are included).

Above-Moderate-Income RHNA Performance in Bay Area Jurisdictions That Apply Just Cause to New Construction, 2015-2021

City	Above Mod Units Permitted	Above Mod RHNA	Above Mod % Permitted
Alameda (City)	1,775	748	237%
East Palo Alto	15	266	6%
Emeryville	1,052	752	140%
Fairfax	14	23	61%
Hayward	2,824	1,981	143%
Mountain View	4,658	1,093	426%
Richmond	805	1,282	63%
San Francisco	21,023	12,536	168%
San Jose	15,052	14,231	106%
Union City	403	417	97%
All	50,736	34,730	146%

These numbers appear to reflect that the general strength of the residential development market seems to drive permitting and construction trends more than whether or not just cause applies to new construction. Oakland is clearly a city with a strong residential development market, and the evidence indicates that including new homes in just cause is highly unlikely to change that.

Respectfully submitted,



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Councilmembers Dan Kalb – July 7, 2022

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