



# *AGENDA REPORT*

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**DATE:** June 23, 2022  
**TO:** City Councilmembers and members of the public  
**FROM:** Councilmembers Dan Kalb & Carroll Fife  
**SUBJECT:** Ballot Measure to Amend the **Just Cause for Eviction Ordinance**

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## **RECOMMENDATION**

**Councilmembers Dan Kalb and Carroll Fife recommend that the City Council adopt the following:**

**RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS AT THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION, AN ORDINANCE TO AMEND OAKLAND MUNICIPAL CODE SECTION 8.22.300 ET SEQ. (JUST CAUSE FOR EVICTION ORDINANCE) TO:**

**(1) EXTEND EVICTION PROTECTIONS TO TENANTS IN VEHICULAR RESIDENTIAL FACILITIES AND NEWLY CONSTRUCTED RENTAL UNITS EXCEPT ACCESSORY DWELLING UNITS DURING THE FIRST TEN YEARS;**

**(2) REMOVE FAILURE TO EXECUTE A LEASE EXTENSION AS GROUNDS FOR EVICTION;**

**(3) PROHIBIT NO-FAULT EVICTIONS OF EDUCATORS AND CHILDREN DURING THE SCHOOL YEAR; AND**

**(4) MAKE OTHER CLARIFYING AMENDMENTS; AND DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION, AND TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION**

## **EXECUTIVE SUMMARY**

This proposed legislation would amend the Just Cause for Eviction Ordinance (Oakland Municipal Code Section 8.22.300 et seq) to

Item: \_\_\_\_\_  
City Council Meeting  
July 5, 2022

1. Extend eviction protections to tenants in vehicular residential facilities and newly constructed rental units except accessory dwelling units during the first ten years;
2. Remove failure to execute a lease extension as grounds for eviction;
3. Prohibit no-fault evictions of educators and children during the school year;
4. Make other clarifying amendments.

## **BACKGROUND**

On November 5, 2002, Oakland voters passed the Just Cause Eviction Ordinance (Measure EE), which was codified in Chapter 8.22, Article II of the Oakland Municipal Code. Measure EE established various tenant protections and procedures pertaining to residential evictions in Oakland. Revisions to the Just Cause Eviction Ordinance have been made since then, including Measure JJ in 2016, which extended just cause protection to tenants in residential rental units first offered for rent between October 14, 1980, and December 31, 1995. And on November 6, 2018, Oakland voters passed Measure Y to amend the Just Cause for Eviction Ordinance. Measure Y removed the Just Cause Exemption for owner-occupied duplexes and triplexes and gave the City Council authority to add eviction requirements.

## **ANALYSIS**

For years, the City of Oakland has been experiencing a severe housing affordability and displacement crisis that requires action by the City government. There is a significant demand for rental housing in Oakland leading to rising market rents, caused in part by the spillover of increasingly expensive housing costs in San Francisco. The increased housing pressures for residents across a range of lower and middle income levels warrants expanded rent stabilization and tenant protection policies. Displacement through evictions has a direct impact on the health, safety and/or welfare of Oakland's citizens by uprooting children from their schools and friends, disrupting longstanding community networks that are integral to residents' welfare, forcing lower income residents to pay unaffordable relocation costs, segregating low-income residents into less healthy, less safe and more overcrowded housing that is often further removed from vital public services and leaving residents with unhealthy levels of stress and anxiety as they attempt to cope with the threat of homelessness. Over 60 percent of occupied housing units in Oakland are occupied by renters, many of whom would not be able to locate affordable housing within Oakland if displaced (U.S. Census Bureau, ACS 2016). In May 2022, the median rental price for a one-bedroom unit in Oakland was \$2,050 per month (Zumper National Rent Report: May 2022). Oakland's minimum wage is \$15.06 per hour and a full-time hourly worker must earn an hourly wage of \$39.03 to afford a two bedroom apartment in Oakland (Out of Reach 2021, National Low income Housing Coalition).

Since the Just Cause for Eviction Ordinance was passed in 2002, voters and City Council have on numerous occasions recognized the need to expand coverage of the Ordinance by adding additional

protections and removing exemptions. Additionally, the City Council has since passed legislation to attempt to provide more housing options. On July 28, 2020, the City Council adopted Ordinance 13611 C.M.S., establishing a pilot program allowing residential occupancy of one recreational vehicle (RV) on undeveloped property; on June 1, 2021, the City Council adopted Resolution No. 88675 C.M.S. which, among other things, directed staff to report back to City Council with action to regulate and permit RV parks in Oakland; November 16, 2021, the City Council adopted Ordinance No. 13666 C.M.S., which amended the Oakland Planning Code (O.M.C. Title 17), the Oakland Building Construction Code (O.M.C. Chapter 15.04), and other miscellaneous sections of the Oakland Municipal Code to promote cost-efficient construction innovation and expanded housing options by, among other things, allowing residential occupancy of Vehicular Residential Facilities, including RVs and tiny homes on wheels, in all zoning districts where residential uses are permitted. Additionally, the City Council adopted Ordinance No. 13668 C.M.S., which amended the Residential Rent Adjustment Program Ordinance (O.M.C. Chapter 8.22) to add Vehicular Residential Facilities as covered units.

It is the intent of the sponsors to provide additional protections under the Just Cause Eviction Ordinance, including protections for those housed as a result of those recent pieces of legislation.

#### Extending eviction protections

The proposed amendment to the Just Cause for Eviction Ordinance expands tenant protections to those persons who inhabit vehicular residential facilities and newly constructed rental units except accessory dwelling units during the first ten years. Therefore, extending eviction protections to those persons who are now inhabiting housing options made legal by the passage of Resolution No. 88675 C.M.S., and Ordinance No. 13666 C.M.S. Accessory Dwelling Units would be exempt for the first ten years in order to encourage the continued building and rental of this form of housing.

There are several cities in California that do not have exemptions from just cause for eviction based on the date of construction. Those cities include, Alameda, Berkeley, East Palo Alto, Emeryville, Hayward, Los Angeles, Mountain View, Richmond, San Diego, San Francisco, San Jose, and Union City. Therefore, existing law makes Oakland an outlier since it does not cover all units.

#### Removing failure to execute a renewal lease for a rental unit

The Just Cause for Eviction Ordinance currently allows a landlord to evict a tenant if the tenant, upon termination of an oral or written agreement with a landlord, refuses to execute a written extension or renewal for a further term of like duration and under terms which are materially similar. The proposed amendment would remove the failure to execute a lease as a basis for Just Cause Eviction. The removal of this provision would make Oakland's law more in line with other cities in the San Francisco Bay Area and cross the country that do not allow eviction based on the failure to execute a new lease.

Prohibiting no-fault evictions of educators and children during the regular school year

The proposed amendment would seek to prevent those residing in a rental unit that includes children under the age of 18 and educators for at least 90 days from being evicted during the regular school year of the Oakland Unified School District. The basis for this proposed amendment is the recognition of the unique importance of housing stability for children and for educators, and the desire to seek to prevent disruption in their lives while the regular school year is in session.

There are various amendments proposed to provide clarity in some instances that are consistent with the purpose of the Just Cause for Eviction Ordinance.

**PUBLIC OUTREACH/INTEREST**

This ordinance was created through collaboration with various organizations with ties to various non-citizen communities.

Meetings were held with representatives from the East Bay Rental Housing Association (EBRHA), the Oakland Chamber of Commerce (OCC), Bridge Association Realtors, Jobs and Housing Coalition, Causa Justa; Just Cause, Central Legal de la Raza, and the East Bay Community Law Center (EBCLC). There was positive and negative feedback from these organizations. One piece of negative feedback was that the legislation would discourage building of ADUs. There was a change made to the legislation to exempt ADUs for the first 10 years based on that feedback. This collaborative effort also included community leaders and organizations, including the Oakland Tenants Union and the Alliance of Californians for Community Empowerment (ACCE).

**COORDINATION**

This legislation is being reviewed by the Office of the City Attorney.

**FISCAL IMPACT**

No significant fiscal impact is anticipated.

**SUSTAINABLE OPPORTUNITIES**

**Economic:** The ordinance is intended to protect the economic vitality of Oakland by helping to keep existing renters in their homes, specifically maintaining the economic security of tenants.

**Environmental:** There are no impacts on environmental opportunities associated with this report.

**Race and Equity:** The ordinance is intended to promote equity by protecting Oakland renters, who are less economically secure than Oakland homeowners and who are somewhat more likely to be persons of color, and to stabilize neighborhoods and communities by encouraging long term tenancies in rental housing.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The City Council finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”), including under section 15061(b)(3) of the State CEQA Guidelines, and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

For questions regarding this report, please contact Deidra Moss at [dmoos@oaklandca.gov](mailto:dmoos@oaklandca.gov) or [tlove@oaklandca.gov](mailto:tlove@oaklandca.gov).

Respectfully submitted,



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