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April 13, 2023

RE: Covid-19 Eviction Moratorium Phase-Out And Amendments To The Just Cause Ordinance

Dear Mayor Thao, City Council Colleagues, and Members of the Public,

Thank you for your participation and feedback on our proposal to phase out the eviction moratorium. The last three years of this unprecedented global pandemic have called on each of us to show up in extraordinary ways, and make possible, the impossible. Our Eviction Moratorium met the challenge of the moment — keeping people housed and curbing the spread of COVID-19.

Over the last six months, we've spent time listening to multiple perspectives, and as Council President I am committed to moving forward a proposal that is responsible and meets our broader goals of housing stability, homelessness prevention, and certainty about the ending of the moratorium.

Attached is amended legislation, since the CED meeting, which I believe addresses the concerns we have heard. I am offering these amendments with the invitation and the hope that a majority, if not all, my council colleagues will support this legislation. I want us to move forward taking into consideration the interest of tenants and property owners, as well as our responsibility as legislators to enact policies to protect the public's interest. I am proposing the following additional amendments:

- Continue the existing moratorium until July 14, 2023 and end the eviction moratorium and late fee moratorium on July 15, 2023. We hope this addresses the concern that a transition period is too complicated and a date certain will be more easily understood. The amended end date allows us a 75 day period, assuming it's passed on 2nd reading on May 2nd, to ensure proper outreach and education to tenants and property owners as they manage this change and access resources.
- Amend Section 8.22.360A2 to read as follows:
 - The tenant has continued, after written notice to cease, to substantially violate a material term of the tenancy other than the obligation to surrender possession on proper notice as required by law. To establish a substantial violation of a material term of the tenancy, the landlord must demonstrate all of the following: (1) that

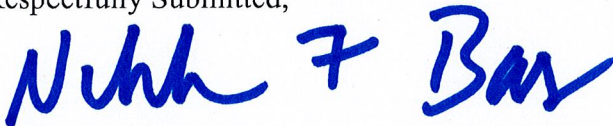
the tenant's lease violation caused substantial actual damage to the landlord or other tenants, (2) that the tenant's behavior was unreasonable, and (3) that the term of tenancy is reasonable, legal, and was accepted in writing by the tenant.

- Conform Section 12 to 8.22.360A2 to read as follows:
 - SECTION 12. Direction to Rent Board. The City Council directs the City Administrator to work with the Rent Board to revise the Just Cause for Eviction Ordinance Regulations to implement newly added Just Cause provisions including, but not limited to, establishing further guidance on what constitutes "substantial actual damage" pursuant to O.M.C. 8.22.360A2.

The impacts of the COVID-19 pandemic will be felt for generations to come, and I feel proud of the work our City and Council have done, as well as hopeful for the work we will continue to do to ensure the health, well-being, and safety of all Oaklanders. Thank you colleagues for your consideration of this amended legislation.

I'd like to thank our City Attorney's Office, my co-sponsor President Pro Tempore Dan Kalb, as well as stakeholders who have worked tirelessly with us on advancing this effort.

Respectfully Submitted,



Nikki Fortunato Bas
Council President, District 2

Attachment:

- Amended Legislation