



CITY HALL | 1 FRANK H. OGAWA PLAZA | OAKLAND, CALIFORNIA 94612
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Proposed Amendments to Eviction Moratorium Wind-Down Legislation

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SUMMARY OF CHANGES

- 1) End** moratorium for all evictions and late fees by May 30, 2023 not Sept 1 [amendment to Sec 3, 5, and 7d]
- 2) Keep** proposed phase 2 for CPI cap for rent increase cap until July 2024 [Sec 4]
 - **Clarify:** Extend the expiration of Rent Banking and CapEx Pass throughs for the full term that Banking/CapEx was not permitted (approximately 4 years and 4 months). Housing Providers do not lose banking abilities
- 3) Remove** Just Cause Protection to allow tenants to forgo rent payments if the amount due is less than the HUD Metro Rate [Section 7, 8.22.360(A)(1)]
 - **Clarify:** This seems to hurt small community housing providers and results in the inability for them to be able to properly plan payment for mortgage, property taxes. Where is the data study showing that evictions arise from this?
- 4) Remove** Just Cause Protection on substantial actual damage [Section 7, 8.22.360 (A)(2)]
 - **Clarify:** This is mostly duplicative of existing protections to evict tenants. Violent tenants, tenants who engage in illegal activities, tenants who significantly disrupt other tenants can already be evicted under other portions of just cause. Where is the data study showing that a significant number of evictions arise from not having this?
 - **Case law:** *Boston v Juarez* already states that to use breach of lease as a cause to evict, landlord needs an actual showing of harm.
- 5) Remove** Just Cause Protection to include tenants that become employees and managers for ALL rental housing [Section 7, 8.22.360 (D)(9)]
 - **Clarify:** Applying this to all housing may have the unintended consequence of reducing the ability for tenants to be able to earn income as a manager or employee if they are then added as a special Just Cause Class. Where is the data study showing that a significant number of evictions arise from not having this?
- 6) Introduce** a financial component -
 - Resolution to increase funding Tenant Legal Aid orgs
 - Resolution to set up fund to support community housing providers / explore other ways to make whole
- 7) Rental Registry Delay**
 - Delay enactment of rental registry so HCD staff can respond to needs of tenants



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AMENDMENTS TO LEGISLATION

Additional Whereas Clauses

[One to reference forthcoming resolution to increase funding to tenant legal aid orgs, another to reference forthcoming resolution to direct City Admin to explore options to set up fund to support small landlords, another to postpone implementation of the rental registry to allow RAP to focus on moratorium related concerns, another to encourage tenants and landlords to create payment plans for owed rental debt]

DELETE SECTION 3

EDIT SECTION 5

Change End Date

“No late fees may be imposed for rent that became due between March 9, 2020, and August 31, 2023”

To

“No late fees may be imposed for rent that became due between March 9, 2020, and May 31, 2023”

DELETE SECTION 7, 8.22.360(A)(1)]

Changes In its entirety

DELETE SECTION 7, 8.22.360(A)(2)]

Changes In its entirety

DELETE SECTION 7, 8.22.360(D)(9)]

Changes In its entirety

EDIT SECTION 7(D)(10)

Change end date – from August 31, 2023, to May 31, 2023



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