



CITY ATTORNEY'S OFFICE

INTRODUCED BY COUNCILMEMBER _____

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING THE RENT REGISTRY ORDINANCE (ORDINANCE NO. 13695 C.M.S.) TO MODIFY THE INITIAL SUBMISSION DEADLINE FOR RENT REGISTRY REGISTRATION FORMS FROM MARCH 1, 2023 TO JULY 1, 2023

WHEREAS, the City Council adopted Ordinance No. 13695 C.M.S. on June 21, 2022, which amended The Rent Adjustment Ordinance (O.M.C. 8.22.010 et seq) And The Just Cause For Eviction Ordinance (O.M.C. 8.22.300 et seq) to (1) create an annual requirement for residential rental units in which rental property owners of units subject to the Rent Program Service Fee shall be required to report rent and other tenancy information, as set forth in Section 8.22.520, (2) require owners to provide evidence of complying with residential rental registration requirement when filing rent increase petitions or responses to tenant petitions and (3) to provide as a tenant's affirmative defense in an eviction action the property owner's failure to comply with registration requirements outlined in O.M.C. 8.22.510; and

WHEREAS, the Ordinance No. 13695 C.M.S. requires owners of residential rental property to register their rental units' rents for the first time by March 1, 2023, and imposes penalties if owners fail to substantially comply with the registration requirement; and

WHEREAS, a high compliance rate with the rent registration requirement is critical to the establishment of a robust rent registry that will assist the City in its goal of monitoring rents and limiting rent overcharges; and

WHEREAS, the City of Oakland's Rent Adjustment Program is tasked with developing and implementing the rent registration process and conducting initial outreach to Oakland property owners so that they may comply with the rent registration requirements; and

WHEREAS, the Rent Adjustment Program has identified that a modification of the initial registration deadline is necessary to fully develop the online rent registry, add critical staff, conduct widespread outreach, and educate/support Oakland property owners in the rent registration process so as to allow a high rate of compliance with the Ordinance requirements during the first year of implementation; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Amendment of Section 8.22.510 of Oakland Municipal Code. Section 8.22.510 of the Oakland Municipal Code is amended as set forth below (additions are shown as double underline and deletions are shown as ~~strikethrough~~).

8.22.510 - Annual registration and reporting obligations

- A. Starting on March 1, 2023, Rental Property Owners of units subject to Section 8.22.500.D shall be required to report certain information about their units to the City, as set forth in Section 8.22.5320. Rental Property Owners shall report the information using a form prepared by the City. The City Administrator may, in addition or in lieu of a paper form, develop an electronic form or a secure internet website for Rental Property Owners to submit the required information. The City Administrator may also develop procedures for tenants to also report information about their units, but in that event reporting by tenants shall be optional rather than required.
- B. Deadline for Submission of Registration Form. For 2023, Rental Property Owners shall complete and submit to the City the registration form ~~prior to the delinquency deadline identified in the fee statement~~ on or before July 1, 2023. For all subsequent years, the deadline shall be March 1.
- C. Failing to Register. A Rental Property Owner of a Covered Unit, as defined in O.M.C. 8.22.020, who fails to substantially comply with the registration requirement, but otherwise qualifies to petition or respond to a petition filed with the Rent Adjustment Program, will forfeit six months of the rent increase sought unless the owner cured the failure to register. A Rental Property Owner may cure the failure to register required by this section and not be subject to a forfeiture of a rent increase if the Rental Property Owner substantially complies with the registration requirement six months prior to serving the rent increase notice on the tenant or, in the case of an owner petition, at least six months prior to filing the petition.

SECTION 2. CEQA. This action is exempt from the California Environmental Quality Act ("CEQA") under the following, each as a separate and independent basis, including but not limited to, the following: CEQA Guideline Section 15378 (regulatory actions), Section 15061 (b) (3) (no significant environmental impact), and Section 15183 (actions consistent with the general plan and zoning).

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 4. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE AMENDING THE RENT REGISTRY ORDINANCE (ORDINANCE NO. 13695 C.M.S.) TO MODIFY THE INITIAL SUBMISSION DEADLINE FOR RENT REGISTRY REGISTRATION FORMS FROM MARCH 1, 2023 TO JULY 1, 2023

This Ordinance amends the Rent Registry Ordinance to modify the initial submission deadline for rent registry registration forms from March 1, 2023 to July 1, 2023.