



# AGENDA REPORT

**TO:** Members of the City Council

**FROM:** Council President Lynette Gibson McElhaney, President Pro Tempore Larry Reid, and Councilmembers Abel Guillén and Rebecca Kaplan

**SUBJECT:** Extension of Emergency Moratorium on Conversion or Demolition of Residential Hotels

**DATE:** January 5<sup>th</sup>, 2017

## **RECOMMENDATION**

Council President Lynette Gibson McElhaney, President Pro Tempore Larry Reid, and Councilmembers Abel Guillén and Rebecca Kaplan recommend that the City Council extend Ordinance No. 13410 C.M.S., an interim ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, establishing a temporary moratorium on the conversion, demolition, reconfiguration, and rehabilitation of residential hotels, to take immediate effect, through December 11, 2018 or whenever permanent regulations are adopted, whichever occurs first.

## **EXECUTIVE SUMMARY**

On December 13, 2016, the Oakland City Council adopted an interim ordinance that placed a moratorium on actions that would lead to the loss of residential hotel units. By State law, that interim ordinance expires 45 days after passage but may be extended if permanent regulations have not been approved. This ordinance makes the findings that the City Council was on recess and could not have considered and adopted permanent regulation during the 45 day period which ends on January 27, 2017. This legislation extends the moratorium until December 11, 2018 or such time as the City is able to adopt permanent regulations.

## **PROPOSAL AND LEGISLATIVE HISTORY**

The emergency ordinance adopted on December 13, 2016 placed a temporary, 45 day moratorium on any conversion, demolition, reconfiguration or rehabilitation of residential hotels, thereby temporarily halting activities that would have resulted in the loss of residential hotel units. This measure provided exceptions for vested projects, affordable housing projects or projects that needed to comply with a City order due to substandard conditions or in response to a natural disaster.

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The City Council has been on winter recess since the adoption of the temporary measure and therefore has been unable to consider the permanent regulations needed to end the moratorium. On October 4<sup>th</sup>, 2016, City Council adopted Resolution 86408 C.M.S. which initiated action by the City Administrator and Planning Commission to prepare permanent regulations. At this time, these complex regulations are still being researched and prepared by staff.

This measure requires a four-fifths (4/5) vote of the City Council for approval.

**SUSTAINABLE OPPORTUNITIES**

**Economic:** This ordinance intends to promote greater economic integration in Oakland by preserving very low income housing in the City Center. Maintaining housing for low and very low income residents improves economic performance by ensuring healthy and nearby housing for workers.

**Environmental:** Maintaining affordable housing close to transit centers will continue to reduce GHG emissions by minimizing vehicle miles traveled to/from work and essential services for low and very low income residents.

**Social Equity:** This ordinance intends to promote social equity by protecting Oakland renters from losing access to affordable housing in residential hotels.

**ACTION REQUESTED OF THE CITY COUNCIL**

Extend Ordinance No. 13410 C.M.S., an interim ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, establishing a temporary moratorium on the conversion, demolition, reconfiguration, and rehabilitation of residential hotels, to take immediate effect, through December 11, 2018 or whenever permanent regulations are adopted, whichever occurs first.

For questions regarding this report, please contact Alex Marqusee, Legislative Analyst, at 510-238-7031.

Respectfully submitted,



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Council President Lynette Gibson McElhaney

Prepared by:  
Alex Marqusee, Legislative Analyst  
Office of Council President McElhaney

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City Council  
January 17, 2017





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2016 DEC -2 AM 8:58

# AGENDA REPORT

**TO:** Members of the City Council

**FROM:** Council President Lynette Gibson McElhaney, President Pro Tempore Larry Reid, and Councilmembers Abel Guillén and Rebecca Kaplan

**SUBJECT:** Emergency Moratorium on Conversion or Demolition of Residential Hotels

**DATE:** December 1<sup>st</sup>, 2016

## RECOMMENDATION

Council President Lynette Gibson McElhaney, President Pro Tempore Larry Reid, and Councilmembers Guillén and Kaplan recommend that the City Council adopt an interim ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, establishing a temporary moratorium on the conversion, demolition, reconfiguration, and rehabilitation of residential hotels, to take effect immediately upon adoption.

## EXECUTIVE SUMMARY

Oakland's residential hotels represent an increasingly rare form of flexible and easy to access low-income housing essential to sheltering thousands of Oakland residents. The current economic climate of expensive construction costs and record demand for luxury housing and boutique hotels make the conversion of existing low income housing an appealing investment opportunity for real estate speculators. However, the potential loss of Oakland's remaining residential hotels represents a current and immediate threat to the health, safety and welfare of Oakland's residents who will face displacement or homelessness in their absence.

This emergency ordinance proposes to place a temporary moratorium on the loss of residential hotel units by prohibiting the conversion, demolition, reconfiguration or rehabilitation of such units for 45 days. The City Council previously requested that the Oakland Planning Commission bring forward amendments to the City Planning Code to preserve the supply of residential hotels. This moratorium provides the City the ability to deliberate on these amendments without suffering the loss of residential units in the meantime. This moratorium contains exceptions for affordable housing projects and those repairs required by City order or natural disaster.

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## **BACKGROUND / LEGISLATIVE HISTORY**

### *The Value of Residential Hotels in Oakland*

Residential Hotels, also called Single Room Occupancy (SRO) hotels, provide an essential housing option for low and extremely low-income Oaklanders. These rooms are a vital source of housing because they do not require credit checks, proof of income, large security deposits or long-term leases, any of which can disqualify some from accessing other forms of housing. In Oakland, residents of SROs are a diverse population comprised of many groups vulnerable to displacement and homelessness. A 2004 study prepared by the City found that 33% are elderly, 15% are physically disabled, 30% are emotionally or mentally disabled and nearly 20% suffer from substance abuse.<sup>1</sup>

Long term residents rely on SROs for housing that is affordable. A 2015 study prepared by the City found that 85% of SRO residents have inhabited their room for one month, 65% for one year, and 26% for five or more years.<sup>2</sup> The same study found that the average monthly rate for new tenants is \$676, far below the 2014 averages of \$2,169 and \$2,530 paid in downtown Oakland for vacant studios and one bedroom apartments.<sup>3</sup>

The California State Legislature has also recognized the important role SROs play in supplementing the affordable housing supply. In support of the State law regarding rehabilitation of SROs, the Legislature found that "the need for decent housing among individuals of very low and low income is great" and that SROs are "often the only form of housing affordable to these individuals."<sup>4</sup> For these reasons, residential hotels are often referred to as 'housing of last resort' for many who would otherwise have to seek affordable housing well outside of the City, or, if they lack sufficient means to do so, would be facing homelessness.

### *The Increased Threat of Residential Hotel Conversions*

The demand for residential units and high cost of new construction incentivizes SRO owners to convert buildings to higher-earning market-rate residential housing. Similarly, record high hotel prices and construction costs are incentivizing owners to convert buildings into boutique hotels.

Although the problem is not limited to Oakland<sup>5</sup>, the current local real estate market incentivizes investors to purchase, upgrade and convert residential hotels rather than construct new

<sup>1</sup> *Residential Hotels in Central Oakland*. Rep. Community and Economic Development Agency: City of Oakland, Jan. 2004. Web.

<<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd021542.pdf>>

<sup>2</sup> Warwick, Brian. *Downtown Oakland's Residential Hotels*. Rep. The City of Oakland, Housing and Community Development Department, Sept. 2015. Web.

<<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak055799.pdf>>

<sup>3</sup> Data provided by the City of Oakland Community and Economic Development Agency

<sup>4</sup> California Health and Safety Code Section 50519(a).

<sup>5</sup> "Many [SROs] are being demolished or converted to other uses." (Cal. Health and Safety Code § 50519(a).)



buildings, which makes SROs in the City particularly vulnerable to demolition or conversion. The City's March 24, 2016 Report 'Supplemental NOFA Housing Funding' listed estimates of the total cost per unit of seven recent housing projects as between \$486,857 and \$640,206. An analysis by the City of Oakland Housing and Community Development Department on the 'Cost to Preserve and Replace At-Risk Housing in Oakland' found that the per unit costs of preserving and rehabilitating SRO housing ranges between \$92,273 and \$72,906 per unit.<sup>6</sup> City staff conversations with several SRO owners identified the cost of purchasing an existing SRO as between \$90,000 and \$150,000 per unit depending on the age and condition of the building. From this analysis, the purchase and renovation of an SRO costs approximately \$200,000 per unit on average which is several hundred thousand dollars per unit less than even the cheapest newly constructed units.

The rapid increase in hotel prices and demand without a significant increase in supply has also increased incentives to convert Oakland's SROs into boutique hotels and other commercial transient uses. A special report, 'Illegal Hotel Conversions Sweep San Francisco', in 2011 documented the pressures to use of SROs as tourist hotels despite regulatory prohibitions.<sup>7</sup> Oakland faces similar pressures as it boasts the nation's highest rate of hotel price appreciation.<sup>8</sup> A staff review of online hotel booking services found a similar phenomenon occurring in Oakland with many rooms in one SRO offered for transient use<sup>9</sup>, and some SRO units in Oakland have already been fully converted to market-rate commercial hotel rooms, removing affordable housing stock from the available supply in the City.

A final indicator of increased pressure to convert SRO housing is the number of evictions filed. Owners who are interested in converting SROs towards more profitable uses become less inclined to negotiate with tenants who are behind on rent and may seek to coerce or intimidate tenants to leave using unlawful detainer actions. The Anti-Eviction Mapping Project's report on evictions in Oakland's SROs found 1018 eviction notices served over the last six years in 17 residential hotels.<sup>10</sup> Media reports also allege that owners who have newly acquired residential hotels have begun using increasingly aggressive tactics to try and empty their buildings in advance of a conversion to other uses.<sup>11</sup>

<sup>6</sup> These estimates of cost per unit for preservation are based on data from 2012-13. The escalation of construction costs have only driven-up these estimates.

<sup>7</sup> Shaw, Randy. "Illegal Hotel Conversions Sweep San Francisco." Beyond Chron, 12 Dec. 2011. Web. 02 Dec. 2016. <<http://www.beyondchron.org/beyondchron-special-report-illegal-hotel-conversions-sweep-san-francisco/>>

<sup>8</sup> Mandelbaum, Robert. "Latest Lodging Forecast Extends Record U.S. Occupancy Through 2017." Latest Lodging Forecast Extends Record U.S. Occupancy Through 2017. CBRE, n.d. Web. 02 Dec. 2016. <<http://www.cbrehotels.com/EN/Research/Pages/Latest-Lodging-Forecast-Extends-Record-US-Occupancy-Through-2017.aspx>>

<sup>9</sup> A staff review of Airbnb.com found numerous rooms available at the Menlo.

<sup>10</sup> "SINGLE ROOM OCCUPANCY HOTELS IN OAKLAND." Anti-Eviction Mapping Project, n.d. Web. 02 Dec. 2016. <<http://www.antievictionmap.com/oakland-sros/>>

<sup>11</sup> For instance, see: Bond Graham, Darwin. "Last Days at Downtown Oakland's Hotel Travelers?" East Bay Express, n.d. Web. <http://www.eastbayexpress.com/oakland/last-days-at-downtown-oaklands-hotel-travelers/content?oid=4799815>. Flores, Jessica. "Oakland Building Residents Feel Pressured To Move Amid Renovation." CBS San Francisco, 15 Aug. 2015. Web. <http://sanfrancisco.cbslocal.com/2016/08/15/oakland-building-residents-feel-pressured-to-move/>



Overall, City staff estimate that there are 712 SRO units at risk of being converted to high-income market-rate units or boutique hotels due to market pressures and a lack of regulatory control.

*The Threats to the Health and Welfare of Oaklanders from the Potential Loss of SRO Units*

In January 2016, the Oakland City Council declared a shelter crisis (Ordinance 13348 C.M.S) due to the large increase in the number of Oaklanders experiencing homelessness. This finding reflected an acknowledgment that the housing affordability crisis and the lack of sufficient resources available in response has left the City unable to provide sufficient services for its approximately 1,400 unsheltered residents. As found in research by the US Census Department, the loss of residential hotels to date has been a contributing factor towards this crisis:

“Loss of the stock of SRO units in U.S. cities from the late 1960s through the present – in hotels, rooming houses, tenements subdivided during the 1930s, and apartment buildings cut up into small single room rentals after World War 2 – has been identified as a major factor in precipitating urban housing crises and upsurges in urban homelessness.”<sup>12</sup>

Currently, residential hotels house many of the Oaklanders most at risk of experiencing homelessness but for the housing provided by these hotels. Many residents are elderly, disabled or suffering from untreated mental illness or substance abuse. Any additional loss of residential hotel housing will most likely lead to an increase in Oakland’s already large and growing population of unsheltered individuals by residents unable to access other forms of housing.

*Oakland’s Legislative History of Residential Hotel Preservation Efforts*

Oakland has long supported SRO’s as a viable housing option for low income residents. Most recently, on October 4th, 2016, the City Council unanimously passed Resolution No. 86408 C.M.S. which requested the City Planning Commission to initiate action to amend Oakland’s Planning Code to preserve the supply of residential hotels and to return to Council within six months with proposed amendments. This resolution also called for an immediate increase in relocation payments for residents evicted in the case of a demolition or conversion as well as a report from the City Administrator on programmatic options to preserve residential hotels.

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amid renovation/ Bond Graham Darwin Landlord Being Sued for Allegedly Pushing Out SRO Tenants | East Bay Express | 03 Nov. 2016 | Web | <http://www.eastbayexpress.com/SevenDays/archives/2016/06/17/landlord-being-sued-for-allegedly-pushing-out-sro-tenants>

<sup>12</sup> Brownrigg, Leslie A. PEOPLE WHO LIVE IN HOTELS: AN EXPLORATORY OVERVIEW (2006) Page 29 U.S. Census Bureau Statistical Research Division, 31 May 2006. Web | <https://www.census.gov/srd/papers/pdf/ssm2006-03.pdf>



The City's efforts are consistent with legislation enacted by the California State Legislature, which has recognized the need for retaining residential hotels in support of amendments to the Ellis Act exempting residential hotels in larger cities.<sup>13</sup>

### **POLICY PROPOSAL**

This emergency ordinance places a temporary, 45 day moratorium on any conversion, demolition, reconfiguration or rehabilitation of residential hotels, thereby temporarily halting activities that would result in the loss of residential hotel units. This measure provides exceptions for vested projects, affordable housing projects or projects that must comply with a City order due to substandard conditions or in response to a natural disaster.

This temporary measure expires either at the end of 45 days or when the City Council passes the permanent regulations currently being developed by the Planning and Building Department. After the initial 45 days, the City Council may extend the moratorium for a period of up to 22 months and 15 days. However, ten days prior to the expiration of the interim ordinance or any extension, the legislative body must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

As discussed above, the loss of residential hotel units creates an immediate threat to the public health, safety, and welfare. The intention of this moratorium is not to permanently restrict the conversion, demolition, reconstruction or rehabilitation of residential hotels. Rather, this temporary moratorium provides the time necessary for the City to return with sensible permanent regulations that protect the public health, safety, and welfare without suffering the loss of any residential hotel units in the meanwhile.

This measure and any subsequent extension requires a four-fifths (4/5) vote of the City Council for approval.

### **FISCAL IMPACT**

There is no fiscal impact to this legislation.

### **COORDINATION**

The legislation was created by the Office of Council President McElhaney in coordination with the City Attorney's Office, the Planning Bureau, and the Housing and Community Development Department.

### **SUSTAINABLE OPPORTUNITIES**

<sup>13</sup> "Residential hotels are considered a unique and important source of affordable housing in San Francisco and throughout California." (AB 1217 Assembly Bill, Bill Analysis); Cal. Government Code § 7060.)





**Economic:** This ordinance intends to promote greater economic integration in Oakland by preserving very low income housing in the City Center. Maintaining housing for low and very low income residents improves economic performance by ensuring healthy and nearby housing for workers.

**Environmental:** Maintaining affordable housing close to transit centers will continue to reduce GHG emissions by minimizing vehicle miles traveled to/from work and essential services for low and very low income residents.

**Social Equity:** This ordinance intends to promote social equity by protecting Oakland renters from losing access to affordable housing in residential hotels.

**ACTION REQUESTED OF THE CITY COUNCIL**

Adopt an interim ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, establishing a temporary moratorium the conversion, demolition, reconfiguration, and rehabilitation of residential hotels, to take effect immediately upon adoption.

For questions regarding this report, please contact Alex Marqusee, Legislative Analyst, at 510-238-7031.

Respectfully submitted,



Council President Lynette Gibson McElhaney

Prepared by:  
Alex Marqusee, Legislative Analyst  
Office of Council President McElhaney





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OFFICE OF THE CITY CLERK  
OAKLAND

2016 DEC -1 PM 5:10

7 VOTES REQUIRED FOR PASSAGE

Approved as to form and legality



OFFICE OF THE CITY ATTORNEY

## OAKLAND CITY COUNCIL

### Ordinance No. 18410 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT GIBSON MCELHANEY, PRESIDENT PRO TEMPORE LARRY REID, AND COUNCILMEMBERS GUILLEN AND KAPLAN

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**INTERIM ORDINANCE, ADOPTED AS AN URGENCY MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE CONVERSION, DEMOLITION, RECONFIGURATION, AND REHABILITATION OF RESIDENTIAL HOTELS, TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**

**WHEREAS**, the City of Oakland is experiencing a severe housing affordability crisis that requires immediate emergency action by the City government; and

**WHEREAS**, residential hotels are often housing of last resort for the poor, especially in areas with extremely high costs of housing such as Oakland; and

**WHEREAS**, the housing affordability crisis continues to overwhelm Oakland residents and threatens the public health, safety and/or welfare of our citizenry; and

**WHEREAS**, a number of economic forces, including the dearth of hotels and the high cost of new construction in Oakland, create incentives for developers to purchase residential hotels and repurpose them for non-residential uses, such as boutique hotels, or reconfigure them for other residential uses that result in the displacement of existing tenants or the removal of rental units from the market; and

**WHEREAS**, the loss of residential hotels in Oakland would exacerbate the already overwhelming burden on public and non-profit agencies that provide protective, social, health, psychological, nutritional, and other important and necessary services to the tenant population of such hotels; and

**WHEREAS**, the City Council has determined that residential hotels are an essential component of the City's affordable housing supply as a flexible and easily accessible form of housing that provides low, very low, and extremely low-income residents the ability to remain in Oakland and to avoid homelessness; and

**WHEREAS**, the City of Oakland Housing and Community Development Department prepared a report in September of 2015 which states that from 1985 through 2015, the City lost approximately 799 residential hotel units; and

**WHEREAS**, the City of Oakland Housing and Community Development Department continues to monitor the status of the residential hotel units studied in the September 2015 report, and as of October 2016 an additional 712 units in the downtown area are at-risk of being lost or are already lost to the supply of Naturally Occurring Affordable Housing (NOAH) units; and

**WHEREAS**, on October 4, 2016, the Oakland City Council adopted Resolution No. 86408 C.M.S., which requested that the City Planning Commission initiate action to amend Oakland's Planning Code to preserve the supply of residential hotels within six months of the Resolution's passage; and

**WHEREAS**, Resolution No. 86408 C.M.S. directed the City Administrator to return with an informational report detailing what options the City may pursue to preserve the use of residential hotels to provide housing for extremely low, very low and low-income residents including how the City could purchase or master lease residential hotels; and

**WHEREAS**, Resolution No. 86408 C.M.S. also called for the City to immediately initiate action to amend Section 17.102.230(B) of the Oakland Planning Code to increase the relocation assistance amount to be equivalent to relocation assistance amounts adopted by the City Council for evictions authorized by the Ellis Act, California Government Code Section 7060, et seq., and any other amendments necessary to protect the tenants of residential hotels; and

**WHEREAS**, until such time that the City concludes its review and adopts amendments to the Oakland Planning Code, the City needs an interim moratorium on the approval of the rehabilitation, reconfiguration, conversion, or demolition of existing units that results in the displacement of tenants to prevent the removal of such units as housing for low, very low, and extremely low-income Oakland residents, except where such rehabilitation, reconfiguration, or conversion results in the creation of long-term assisted housing affordable to low, very low, and extremely low-income persons; and

**WHEREAS**, the California State Legislature has recognized the need for retaining residential hotels to provide housing for low, very low, and extremely low-income individuals in legislation, and in justifying such legislation:

The Legislature finds and declares that the need for decent housing among individuals of very low and low income is great, and that residential hotels are often the only form of housing affordable to these individuals. Many residential hotels are in poor condition and in need of rehabilitation, and many are being demolished or converted to other uses. California Health and Safety Code § 50519(a); and

**WHEREAS**, the California State Legislature has further recognized the need for retaining residential hotels in support of amendments to the Ellis Act exempting residential hotels in larger cities ("Residential hotels are considered a unique and important source of affordable housing in San Francisco and throughout California." AB 1217 Assembly Bill, Bill Analysis); and

**WHEREAS**, pursuant to Government Code Section 65858, the City Council may introduce and adopt, by an affirmative seven votes of the Council, as an urgency measure, an interim ordinance prohibiting the approval of any uses that may be in conflict with contemplated land use proposals that the City Council is considering; and

**WHEREAS**, pursuant to Government Code Section 65858, the City Council must state the reasons constituting the necessity of an urgency measure to protect the public health, safety, and welfare of the City; and

**WHEREAS**, the unrestricted rehabilitation, reconfiguration, conversion, and demolition of units in residential hotels exacerbates the housing crisis by making such units unaffordable to low, very low, and extremely low-income Oakland residents and may result in the displacement of Oakland residents from their homes and communities; and

**WHEREAS**, based on the findings above, the City finds that there is a current and immediate threat to the public health, safety, and/or welfare associated with the approvals of applications to rehabilitate, reconfigure, convert, and demolish units in residential hotels and that approval of additional rehabilitation, reconfiguration, conversion, and demolition of such units would result in that threat to the public health, safety, and/or welfare; and

**WHEREAS**, the City desires to further the public health, safety and/or welfare by temporarily prohibiting the rehabilitation, reconfiguration, conversion, and demolition of residential hotel units while it deliberates comprehensive and permanent reforms to the Oakland Municipal Code and/or the Oakland Planning Code; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Urgency Finding.** The City Council finds the foregoing recitals to be true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings. The City Council further finds that there is a necessity to adopt as an urgency measure an interim ordinance temporarily prohibiting the

rehabilitation, conversion, and demolition of residential hotel units while the City Council studies permanent revisions to the Oakland Municipal Code and/or the Oakland Planning Code because such unrestricted rehabilitations, conversions, and demolitions directly threaten the public health, safety, and/or welfare of the City.

**SECTION 2. Duration of Interim Ordinance.** This Ordinance shall remain in full force and effect for a period of forty-five (45) days from the date of its adoption. This 45-day period may only be extended by the City Council in accordance with the provisions of Government Code Section 65858.

**SECTION 3. Definitions.** The following terms, whenever used in this Ordinance, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in the Oakland Municipal Code and/or the Oakland Planning Code.

**(a) Affordable Housing Organization** means a religious, hospital, scientific, or charitable fund, foundation, limited liability company, or corporation, including a limited partnership in which the managing general partner is an eligible nonprofit corporation or eligible limited liability company, or a veterans' organization, as described by California Revenue and Taxation Code Section 214, subsection (g).

**(b) Affordable Housing Project** means a property used exclusively for rental housing and related facilities, owned or operated by an affordable housing organization where, pursuant to legally binding restrictions, all of the units are restricted as affordable housing at an affordable rent or affordable housing cost, as those terms are defined in California Health & Safety Code Section 50053 and 50052.5, to occupancy by extremely low, very low, low, and/or moderate-income households, as those terms are defined California Health and Safety Code Sections 50079.5, 50093, 50105 and 50106.

**(c) Conversion** means any action that converts one or more existing residential hotel units to be used for other Residential or Commercial Activities, as those terms are defined in Section 17.10.030 of the Oakland Planning Code, regardless of whether substantial improvements have been made to such units.

**(d) Demolition** means an action that reduces the number of existing residential hotel units in a residential hotel, either through complete or partial demolition of the building; or by combining two or more existing residential hotel units to make a larger new unit.

**(e) Owner** means an owner of record of a residential hotel or an entity or individual with a long-term lease or some form of equitable interest in a residential hotel.

**(f) Rehabilitation** means reconfiguration, reconstruction, renovation, repair, or other improvement to all or part of a residential hotel or a residential hotel unit which results in displacement of existing residents for more than two (2) weeks.

**(g) Residential Hotel** is defined in accordance with California Health and Safety Code Section 50519, and means any building containing six (6) or more residential hotel units, intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, which is also the primary residence of those guests, but does not mean any building in which every unit is rented exclusively on a less-than-weekly basis.

**(h) Residential Hotel Unit** means a rooming unit or efficiency dwelling unit, as those terms are defined in Section 17.09.040 of the Oakland Planning Code, which is used for permanent or semi-transient residential activities, as those terms are defined in Sections 17.10.110 and 17.10.120 of the Oakland Planning Code, and is located in a residential hotel.

**SECTION 4. Temporary Moratorium.** For a period of forty-five (45) days from the effective date of this Ordinance, or until such time as the City Council concludes the review described above and adopts new permanent regulations addressing the conversion, demolition, or rehabilitation of residential hotels or residential hotel units, whichever comes first, the City of Oakland hereby declares a moratorium on the conversion, demolition, and rehabilitation of residential hotels and residential hotel units (the "Moratorium"). During the term of this Moratorium:

**(a)** No permit shall be issued or approval granted to convert residential hotel units or residential hotels; and

**(b)** No permit shall be issued or approval granted to demolish residential hotel units or residential hotels; and

**(c)** No permit shall be issued or approval granted to rehabilitate residential hotel units or residential hotels; and

**(d)** No permit shall be issued for any new construction, demolition, or rehabilitation on a lot where a resident of a residential hotel unit has been or will be displaced for more than two (2) weeks.

**SECTION 5. Exceptions.** This Ordinance shall not apply to:

**(a)** Any residential unit or portion of a residential hotel to the extent an owner possesses an established, vested right not to be subject to this Ordinance, including without limitation, pursuant to Section 17.114.030 of the Oakland Planning Code; or

**(b)** Any residential hotel that has been or shall be turned into an Affordable Housing Project, as determined by the City of Oakland Housing and Community Development Department; or

**(c)** Any residential hotel that must comply with a City order (1) to repair or demolish an unsafe, uninhabitable or substandard condition; (2) to rebuild due to destruction by fire, earthquake, or other natural disaster; or (3) to comply with

administrative nuisance abatement proceedings, provided that no provision of the Oakland Municipal Code prohibits rebuilding. For the purpose of this exception, such repair or rebuilding will not amount to a "substantial rehabilitation" as that term is used in Section 8.22.030.B.2 of the Oakland Municipal Code.

**SECTION 6. Withdrawal of Residential Hotels from Rental Market.** This Ordinance shall not prevent the owner of a residential hotel from sending or delivering to the Rent Adjustment Program a notice of intent to withdraw all of the residential hotel units from rent or lease pursuant to California Government Code Section 7060, et seq. (the Ellis Act), provided that prior to the withdrawal, the owner has complied with Oakland Municipal Code Section 8.22.400, et seq. (the Ellis Act Ordinance), where applicable.

**SECTION 7. Petition for Relief from Moratorium.**

(a) The City Council, acting in its legislative capacity and by resolution, may grant an exemption from this Ordinance in cases (1) where the Moratorium's application would be unlawful under and/or conflict with Federal, State, or local law or regulation, or (2) where hardship has been duly established to the satisfaction of the City Council. An application for these exemptions shall be filed with the City Clerk on forms provided by the City.

(b) Any person seeking approval that would be affected by this Moratorium, and who contends that the Moratorium as applied to him or her would be unlawful under and/or conflict with Federal, State, or local law or regulation or would amount to a hardship, must submit a petition to the City requesting relief from the Moratorium ("Petition"). Petitions must be on the Appeal Form provided by the City of Oakland and submitted at 250 Frank H. Ogawa Plaza, Suite 5313, to the attention of the Director of the Housing and Community Development Department. Failure to submit such a Petition will preclude such person from challenging the moratorium in court. The Petition shall identify the name and address of the applicant, the affected application number, and shall state specifically and completely how the Moratorium as applied to him or her would be unlawful under and/or in conflict with Federal, State, or local law or regulation, and shall include payment of fees in an amount of \$1,622.57. Failure to raise each and every issue that is contested in the Petition and provide appropriate supporting evidence will be grounds to deny the Petition and will also preclude the Petitioner from raising such issues in court. The City Administrator, or her designee, shall mail to the applicant a written determination accepting or rejecting the Petition.

(c) If a Petitioner seeks to challenge the written determination of the City Administrator, the Petitioner must appeal to the City Council and such appeal must be filed within ten (10) calendar days of the date from which the City Administrator's written determination was issued and by 4:00 p.m. Appeals must be on the form provided by the City of Oakland and submitted at 250 Frank H. Ogawa Plaza, Suite 5313, to the attention of the Director of the Housing and Community Development Department. The Appeal must state specifically wherein it is claimed there was error or abuse of discretion by the City Administrator or wherein the decision is not supported by

substantial evidence. The Appeal also must include payment of \$1,891.08. Failure to make a timely appeal will preclude a Petitioner from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all arguments and evidence in the record which supports the basis for the appeal. Failure to do so will preclude a Petitioner from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented in the Petition to the City Administrator.

**SECTION 8. Implementing Interpretations and Regulations.** The City Administrator has the authority to issue interpretations of and regulations to implement this Ordinance, including without limitation to develop a list of residential hotels that are subject to the Moratorium.

**SECTION 9. Environmental Review.** This Ordinance is exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, in that this Ordinance temporarily prohibits the conversion, demolition, and rehabilitation of existing residential hotel units, which is solely an administrative process resulting in no physical changes to the environment. Accordingly, this Ordinance contains no provisions modifying the physical design, development, or construction of residences or nonresidential structures.

**SECTION 10. 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 this Ordinance. The City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 11. Effective Date/Certification by City Clerk.** Pursuant to Government Code Section 65858, this Ordinance shall become effective immediately on final adoption if it receives seven or more affirmative votes. The City Clerk shall certify to the passage and adoption of this Ordinance causing it to be posted, as required by law, and it shall thereafter be in full force and effect.

**SECTION 12. Term.** For the term of this Ordinance, as set forth in Section 2 hereof, the provisions of this Ordinance shall govern, to the extent there is any conflict between the provisions of this Ordinance and the provisions of any other City code, ordinance, resolution or policy, and all such conflicting provisions shall be suspended.



**SECTION 13. Authority.** This Ordinance is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI of the California Constitution, Government Code Section 65858, and the Housing Element of the City's General Plan.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **DEC 13 2016**

AYES: BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB,  
KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY - 8

NOES: 0

ABSENT: 0

ABSTENTION: 0

ATTEST:



LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California

Date of Attestation: 12/21/2016

## NOTICE AND DIGEST

### **INTERIM ORDINANCE, ADOPTED AS AN URGENCY MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE CONVERSION, DEMOLITION, RECONFIGURATION, AND REHABILITATION OF RESIDENTIAL HOTELS, TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**

This emergency ordinance proposes to place a 45-day moratorium on the conversion, demolition, reconfiguration, and rehabilitation of single room occupancy hotels throughout the City of Oakland pursuant to Government Code section 65858. The emergency ordinance is based on legislative findings that there is a current and immediate threat to the health, safety and welfare of Oakland's residents who will face displacement or homelessness in the absence of the temporary moratorium.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

17 JAN -5 PM 1:00

7 VOTES REQUIRED FOR PASSAGE

APPROVED AS TO FORM AND LEGALITY

  
OFFICE OF THE CITY ATTORNEY

## OAKLAND CITY COUNCIL

Ordinance No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT GIBSON MCELHANEY, PRESIDENT PRO  
TEMPORE LARRY REID, AND COUNCILMEMBERS GUILLÉN AND KAPLAN

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**EXTENDING ORDINANCE NO. 13410 C.M.S., AN  
INTERIM ORDINANCE, ADOPTED AS AN URGENCY  
MEASURE PURSUANT TO CALIFORNIA GOVERNMENT  
CODE SECTION 65858, ESTABLISHING A TEMPORARY  
MORATORIUM ON THE CONVERSION, DEMOLITION,  
RECONFIGURATION, AND REHABILITATION OF  
RESIDENTIAL HOTELS, TO TAKE IMMEDIATE EFFECT,  
THROUGH DECEMBER 11, 2018 OR WHENEVER  
PERMANENT REGULATIONS ARE ADOPTED,  
WHICHEVER OCCURS FIRST**

**WHEREAS**, the City of Oakland is experiencing a severe housing affordability crisis that requires immediate emergency action by the City government; and

**WHEREAS**, residential hotels are often housing of last resort for the poor, especially in areas with extremely high costs of housing such as Oakland; and

**WHEREAS**, the housing affordability crisis continues to overwhelm Oakland residents and threatens the public health, safety and/or welfare of our citizenry; and

**WHEREAS**, a number of economic forces, including the dearth of hotels and the high cost of new construction in Oakland, create incentives for developers to purchase residential hotels and repurpose them for non-residential uses, such as boutique hotels, or reconfigure them for other residential uses that result in the displacement of existing tenants or the removal of rental units from the market; and

**WHEREAS**, the loss of residential hotels in Oakland would exacerbate the already overwhelming burden on public and non-profit agencies that provide protective, social, health, psychological, nutritional, and other important and necessary services to the tenant population of such hotels; and

**WHEREAS**, the City Council has determined that residential hotels are an essential component of the City's affordable housing supply as a flexible and easily accessible form of housing that provides low, very low, and extremely low-income residents the ability to remain in Oakland and to avoid homelessness; and

**WHEREAS**, the City of Oakland Housing and Community Development Department prepared a report in September of 2015 which states that from 1985 through 2015, the City lost approximately 799 residential hotel units; and

**WHEREAS**, the City of Oakland Housing and Community Development Department continues to monitor the status of the residential hotel units studied in the September 2015 report, and as of October 2016 an additional 712 units in the downtown area are at-risk of being lost or are already lost to the supply of Naturally Occurring Affordable Housing (NOAH) units; and

**WHEREAS**, the California State Legislature has recognized the need for retaining residential hotels to provide housing for low, very low, and extremely low-income individuals in legislation, and in justifying such legislation:

The Legislature finds and declares that the need for decent housing among individuals of very low and low income is great, and that residential hotels are often the only form of housing affordable to these individuals. Many residential hotels are in poor condition and in need of rehabilitation, and many are being demolished or converted to other uses. California Health and Safety Code § 50519(a); and

**WHEREAS**, the California State Legislature has further recognized the need for retaining residential hotels in support of amendments to the Ellis Act exempting residential hotels in larger cities ("Residential hotels are considered a unique and important source of affordable housing in San Francisco and throughout California." AB 1217 Assembly Bill, Bill Analysis); and

**WHEREAS**, on October 4, 2016, the City Council adopted Resolution No. 86408 C.M.S., which requested that the City Planning Commission initiate action to amend Oakland's Planning Code to preserve the supply of residential hotels within six months of the Resolution's passage; and

**WHEREAS**, Resolution No. 86408 C.M.S. directed the City Administrator to return with an informational report detailing what options the City may pursue to preserve the use of residential hotels to provide housing for extremely low, very low and low-income residents including how the City could purchase or master lease residential hotels; and

**WHEREAS**, Resolution No. 86408 C.M.S. also called for the City to immediately initiate action to amend Section 17.102.230(B) of the Oakland Planning Code to increase the relocation assistance amount to be equivalent to relocation assistance amounts adopted by the City Council for evictions authorized by the Ellis Act, California Government Code Section 7060, et seq., and any other amendments necessary to protect the tenants of residential hotels; and

**WHEREAS**, on December 13, 2016, following notice pursuant to Government Code Section 65090 and public hearing, the City Council adopted Ordinance No. 13410 C.M.S., an interim moratorium to temporarily prohibit the rehabilitation, reconfiguration, conversion, and demolition of residential hotel units that results in the displacement of tenants to prevent the removal of such units as housing for low, very low, and extremely low-income Oakland residents, except where such rehabilitation, reconfiguration, or conversion results in the creation of long-term assisted housing affordable to low, very low, and extremely low-income persons; and

**WHEREAS**, the interim moratorium was enacted pursuant to Government Code Section 65858 by an affirmative eight votes of the Council and was intended to be in effect while the City Council deliberated comprehensive and permanent reforms to the Oakland Municipal Code and/or the Oakland Planning Code; and

**WHEREAS**, pursuant to Government Code Section 65858, the interim moratorium is scheduled to expire after forty-five (45) days, on January 27, 2017, at which point it may be extended for twenty-two (22) months and fifteen (15) days, following additional notice pursuant to Section 65090 and public hearing; and

**WHEREAS**, due to the City of Oakland's limited schedule in December 2016 and January 2017, the City Council has not had a regularly scheduled meeting since its adoption of the moratorium, and therefore has been unable to deliberate comprehensive and permanent reforms to the Oakland Municipal Code and/or the Oakland Planning Code; and

**WHEREAS**, pursuant to Government Code Section 65858, the City Council must state the reasons constituting the necessity of extending an urgency measure to protect the public health, safety, and welfare of the City; and

**WHEREAS**, the unrestricted rehabilitation, reconfiguration, conversion, and demolition of units in residential hotels exacerbates the housing crisis by making such units unaffordable to low, very low, and extremely-income Oakland residents and may result in the displacement of Oakland residents from their homes and communities; and

**WHEREAS**, until such time that the City concludes its review and adopts amendments to the Oakland Municipal Code and/or Oakland Planning Code, the City desires to extend the interim moratorium; and

**WHEREAS**, because the interim moratorium would have the effect of protecting residential hotels that are affordable to lower income households from demolition, conversion, or reduction in unit count, the moratorium would not deny approvals needed for the development of "multifamily housing" as that term is defined by Government Code Section 65858(g), and therefore the City Council need not make the additional findings otherwise required by Government Code Section 65858(c); and

**WHEREAS**, based on the findings above, the City finds that there is a current and immediate threat to the public health, safety, and/or welfare associated with the approvals of applications to rehabilitate, reconfigure, convert, and demolish units in residential hotels and that approval of additional rehabilitation, reconfiguration, conversion, and demolition of such units would result in that threat to the public health, safety, and/or welfare; and

**WHEREAS**, the City desires to further the public health, safety and/or welfare by continuing to temporarily prohibit the rehabilitation, reconfiguration, conversion, and demolition of residential hotel units while it deliberates comprehensive and permanent reforms to the Oakland Municipal Code and/or the Oakland Planning Code; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Urgency Finding.** The City Council finds the foregoing recitals to be true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings. The City Council further finds that there is a necessity to adopt as an urgency measure an extension of the interim ordinance temporarily prohibiting the rehabilitation, conversion, and demolition of residential hotel units while the City Council studies permanent revisions to the Oakland Municipal Code and/or the Oakland Planning Code because such unrestricted rehabilitations, conversions, and demolitions directly threaten the public health, safety, and/or welfare of the City.

**SECTION 2. Duration of Interim Ordinance.** This Ordinance shall remain in full force and effect for a period of twenty-two (22) months and fifteen (15) days from the date of its adoption or whenever permanent reforms to the Oakland Municipal Code and/or the Oakland Planning Code are adopted, whichever occurs first.

**SECTION 3. Definitions.** The following terms, whenever used in this Ordinance, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in the Oakland Municipal Code and/or the Oakland Planning Code.

(a) **Affordable Housing Organization** means a religious, hospital, scientific, or charitable fund, foundation, limited liability company, or corporation, including a limited partnership in which the managing general partner is an eligible nonprofit corporation or eligible limited liability company, or a veterans' organization, as described by California Revenue and Taxation Code Section 214, subsection (g).

(b) **Affordable Housing Project** means a property used exclusively for rental housing and related facilities, owned or operated by an affordable housing organization where, pursuant to legally binding restrictions, all of the units are restricted as affordable housing at an affordable rent or affordable housing cost, as those terms are defined in California Health & Safety Code Section 50053 and 50052.5, to occupancy by extremely low, very low, low, and/or moderate-income households, as those terms are defined California Health and Safety Code Sections 50079.5, 50093, 50105 and 50106.

(c) **Conversion** means any action that converts one or more existing residential hotel units to be used for other Residential or Commercial Activities, as those terms are defined in Section 17.10.030 of the Oakland Planning Code, regardless of whether substantial improvements have been made to such units.

(d) **Demolition** means an action that reduces the number of existing residential hotel units in a residential hotel, either through complete or partial demolition of the building; or by combining two or more existing residential hotel units to make a larger new unit.

(e) **Owner** means an owner of record of a residential hotel or an entity or individual with a long-term lease or some form of equitable interest in a residential hotel.

(f) **Rehabilitation** means reconfiguration, reconstruction, renovation, repair, or other improvement to all or part of a residential hotel or a residential hotel unit which results in displacement of existing residents for more than two (2) weeks.

(g) **Residential Hotel** is defined in accordance with California Health and Safety Code Section 50519, and means any building containing six (6) or more residential hotel units, intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, which is also the primary residence of those guests, but does not mean any building in which every unit is rented exclusively on a less-than-weekly basis.

(h) **Residential Hotel Unit** means a rooming unit or efficiency dwelling unit, as those terms are defined in Section 17.09.040 of the Oakland Planning Code, which is used for permanent or semi-transient residential activities, as those terms are defined in Sections 17.10.110 and 17.10.120 of the Oakland Planning Code, and is located in a residential hotel.



**SECTION 4. Temporary Moratorium.** For a period of twenty-two (22) months and fifteen (15) days from the effective date of this Ordinance, or until such time as the City Council concludes the review described above and adopts new permanent regulations addressing the conversion, demolition, or rehabilitation of residential hotels or residential hotel units, whichever comes first, the City of Oakland hereby declares a moratorium on the conversion, demolition, and rehabilitation of residential hotels and residential hotel units (the "Moratorium"). During the term of this Moratorium:

(a) No permit shall be issued or approval granted to convert residential hotel units or residential hotels; and

(b) No permit shall be issued or approval granted to demolish residential hotel units or residential hotels; and

(c) No permit shall be issued or approval granted to rehabilitate residential hotel units or residential hotels; and

(d) No permits shall be issued for any repairs to residential hotel units or residential hotels that would result in displacement of existing residents for more than two (2) weeks.

**SECTION 5. Exceptions.** This Ordinance shall not apply to:

(a) Any residential unit or portion of a residential hotel to the extent an owner possesses an established, vested right not to be subject to this Ordinance, including without limitation, pursuant to Section 17.114.030 of the Oakland Planning Code; or

(b) Any residential hotel that has been or shall be turned into an Affordable Housing Project, as determined by the City of Oakland Housing and Community Development Department; or

(c) Any repairs that, as determined by the Chief Building Official, (1) are necessary for health and safety purposes; or (2) do not result in displacement of existing residents from residential hotel units or the loss of residential hotel units.

(d) Any residential hotel that must comply with a City order (1) to repair or demolish an unsafe, uninhabitable or substandard condition; (2) to rebuild due to destruction by fire, earthquake, or other natural disaster; or (3) to comply with administrative nuisance abatement proceedings, provided that no provision of the Oakland Municipal Code prohibits rebuilding. For the purpose of this exception, such repair or rebuilding will not amount to a "substantial rehabilitation" as that term is used in Section 8.22.030.B.2 of the Oakland Municipal Code.

## **SECTION 6. Petition for Relief from Moratorium.**

(a) The City Council, acting in its legislative capacity and by resolution, may grant an exemption from this Ordinance in cases (1) where the Moratorium's application would be unlawful under and/or conflict with Federal, State, or local law or regulation, or (2) where hardship has been duly established to the satisfaction of the City Council. An application for these exemptions shall be filed with the City Clerk on forms provided by the City.

(b) Any person seeking approval that would be affected by this Moratorium, and who contends that the Moratorium as applied to him or her would be unlawful under and/or conflict with Federal, State, or local law or regulation or would amount to a hardship, must submit a petition to the City requesting relief from the Moratorium ("Petition"). Petitions must be on the Appeal Form provided by the City of Oakland and submitted at 250 Frank H. Ogawa Plaza, Suite 5313, to the attention of the Director of the Housing and Community Development Department. Failure to submit such a Petition will preclude such person from challenging the moratorium in court. The Petition shall identify the name and address of the applicant, the affected application number, and shall state specifically and completely how the Moratorium as applied to him or her would be unlawful under and/or in conflict with Federal, State, or local law or regulation, and shall include payment of fees in an amount of \$1,622.57. Failure to raise each and every issue that is contested in the Petition and provide appropriate supporting evidence will be grounds to deny the Petition and will also preclude the Petitioner from raising such issues in court. The City Administrator, or her designee, shall mail to the applicant a written determination accepting or rejecting the Petition.

(c) If a Petitioner seeks to challenge the written determination of the City Administrator, the Petitioner must appeal to the City Council and such appeal must be filed within ten (10) calendar days of the date from which the City Administrator's written determination was issued and by 4:00 p.m. Appeals must be on the form provided by the City of Oakland and submitted at 250 Frank H. Ogawa Plaza, Suite 5313, to the attention of the Director of the Housing and Community Development Department. The Appeal must state specifically wherein it is claimed there was error or abuse of discretion by the City Administrator or wherein the decision is not supported by substantial evidence. The Appeal also must include payment of \$1,891.08. Failure to make a timely appeal will preclude a Petitioner from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all arguments and evidence in the record which supports the basis for the appeal. Failure to do so will preclude a Petitioner from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented in the Petition to the City Administrator.

**SECTION 7. Implementing Interpretations and Regulations.** The City Administrator has the authority to issue interpretations of and regulations to implement this Ordinance, including without limitation to develop a list of residential hotels that are subject to the Moratorium.

**SECTION 8. Environmental Review.** This Ordinance is exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, in that this Ordinance temporarily prohibits the conversion, demolition, and rehabilitation of existing residential hotel units, which is solely an administrative process resulting in no physical changes to the environment. Accordingly, this Ordinance contains no provisions modifying the physical design, development, or construction of residences or nonresidential structures.

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**SECTION 10. Effective Date/Certification by City Clerk.** Pursuant to Government Code Section 65858, this Ordinance shall become effective immediately on final adoption if it receives seven or more affirmative votes. The City Clerk shall certify to the passage and adoption of this Ordinance causing it to be posted, as required by law, and it shall thereafter be in full force and effect.

**SECTION 11. Term.** For the term of this Ordinance, as set forth in Section 2 hereof, the provisions of this Ordinance shall govern, to the extent there is any conflict between the provisions of this Ordinance and the provisions of any other City code, ordinance, resolution or policy, and all such conflicting provisions shall be suspended.

**SECTION 12. Authority.** This Ordinance is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI of the California Constitution, Government Code Section 65858, and the Housing Element of the City's General Plan.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY,  
GUILLÉN, KALB, KAPLAN, AND REID

NOES:

ABSENT:

ABSTENTION:

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Date of Attestation: \_\_\_\_\_