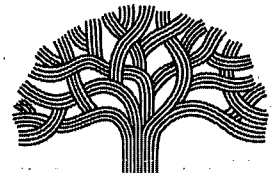


2016 JUL 14 PM 5:13



CITY OF OAKLAND

CITY HALL ▪ 1 FRANK H. OGAWA PLAZA, 2<sup>nd</sup> Floor ▪ OAKLAND, CALIFORNIA 94612

Honorable Lynette Gibson McElhaney  
*President of the City Council, District 3*

[LMcElhaney@Oaklandnet.com](mailto:LMcElhaney@Oaklandnet.com)

Honorable Annie Campbell Washington  
*Vice Mayor, District 4*

[ACampbellWashington@Oaklandnet.com](mailto:ACampbellWashington@Oaklandnet.com)

Honorable Abel Guillén  
*District 2*

[AGuillen@Oaklandnet.com](mailto:AGuillen@Oaklandnet.com)

Honorable Dan Kalb  
*District 1*

[DKalb@Oaklandnet.com](mailto:DKalb@Oaklandnet.com)

**Date:** Tuesday, July 19, 2016

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**To:** Members of the City Council

**Cc:** Sabrina Landreth, City Administrator  
Claudia Cappio, Assistant City Administrator

**Re:** Rent Stabilization Reform Act 2016

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Colleagues:

We submit for your consideration and adoption a strong package of housing reforms that are intended to:

- Improve housing security for Oakland's tenants.
- Produce equitable outcomes for tenants and ensure fairness for property owners.
- Strengthen the operations of the Rent Adjustment Program to provide for greater efficiency and fairness.
- Strengthen protections for vulnerable tenants.
- Stabilize neighborhoods and families and reduce displacement of residents from our city.

To meet these objectives, we advance for your consideration a ballot measure (Amendment to Agenda Item #13) and a companion Ordinance (Agenda Item #12).

Summary of Reforms:

- Extend Just Cause protections to units built prior to January 1, 1995.
- Establish that property owners may increase rents only for increases based on the CPI Rent Adjustment or Banking or by filing a petition for higher amounts.
- Codify allowable Capital Improvement Pass-throughs to 70% of actual costs plus imputed financing, amortized over the useful life of the improvement.
- Maintain protections for tenants in protected units for an additional year after an owner move-in occurs in a duplex or triplex.
- Extend noticing filing periods for property owners and tenants.

The companion Ordinance mirrors much of the language in the proposed ballot measure. Adoption of the Ordinance directs the Administration to enact these protections in a timely fashion, provides certainty for the public and advances these reforms for affirmation by the voters in November 2016.



Our proposed Ordinance also includes administrative changes to extend deadlines, expands equal access noticing requirements, and clarifies one element of the Tenant Protection Ordinance.

## **DETAILS**

Reforms included in the proposed ballot measure (Agenda Item #13) and companion Ordinance (Agenda Item #12) are as follows:

**1. Extend Just Cause protections to include all units in buildings built before 1995. (Ballot Measure)**

If adopted by the voters, the ballot measure will extend Just Cause protections to all units built before January 1, 1995. This date conforms to the passage of the Costa-Hawkins Rental Housing Act that restricted a city's ability to extend rent stabilization to new units.

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**2. Requires owners to file a petition for any rent increases other than the CPI Rent Adjustment except for banked increases. (Both)**

Oakland's current rent stabilization program is a complaint-based system that requires a tenant to file a protest if they believe a property owner has sought a rent increase that is unlawful. The complaint-based system under current law fosters inequality as tenants may not know about or fail to utilize government interventions for fear of harassment or retaliation.

The proposed amendments provide a more equitable solution by establishing a system that requires owners to petition for rent increases in excess of the CPI Rent Adjustment or banked increase. The intent is to improve the enforcement system by providing equal protection to all tenants regardless of whether or not they file a petition, reduce errors by property owners and streamline the system to provide greater efficiency for both housing providers and tenants.

**3. Extends the amortization period of capital improvements based on a 'useful-life' schedule, allow property owners to recoup the imputed costs of financing in addition to 70% of the costs of capital improvement and prohibit pass-through of 'gold plating' improvements. (Both)**

Under our current system, tenants who live in buildings for only a few years will bear the cost for 70% of a large capital improvement. Upon adoption, Oakland will establish a more equitable system that allows property owners to cover the costs of needed improvements (plus their imputed financing costs) which conforms to standard IRS practice whereby costs are spread out over the useful life. The intent is to relieve price pressures that could lead to displacement while still providing an incentive for property owners to make the needed investment to maintain and enhance the quality of life, building aesthetics, health and safety features. Finally, this proposal clarifies that property owners may not use 'gold-plating,' (unnecessary premium upgrades) to justify raising rents, which could be used as an incentive to displace current tenants in favor of those could pay more.

**4. Extends the deadline to challenge a rent increase. (Companion Ordinance)**

Under our current system, tenants have 60 days to contest a rent notice. The proposed Ordinance will increase the time to contest to 90 days for a properly issued notice of rent increase and 120 days for a rent increase without proper notice.



**5. Requires owners to petition for exemption from rent control for substantial rehabilitation. Allow one (1) year for owners who have not received a determination for past construction to apply. (*Companion Ordinance*)**

The permanent removal of a rental unit from the rent stabilized housing stock represents a significant change in the status of a property. The existence of this exemption reflects the City's need to continue to improve its dilapidated housing stock; however, tenants should not be forced to contest this action. An owner who stands to greatly and permanently benefit from this exemption should be required to petition the City.

Under current law, any owner that invests 50% or more of the value of the unit in rehabilitation is able to remove that unit from coverage under the Rent Stabilization Ordinance. The proposed Ordinance recognizes the importance of improving Oakland's aged housing stock and ensures that any tenant living in a unit slated for substantial rehabilitation be given advanced notice.

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The affirmative petition requirement also serves to notify the City of the loss of a covered unit.

**6. Maintains protections for tenants in protected units for an additional year after an owner move-in occurs in a duplex or triplex. (*Companion Ordinance*)**

Under current law, owner-occupied 2-unit (duplex) or 3-unit (triplex) homes are not covered under the rent stabilization ordinance. Tenants living in non-owner-occupied dwellings of this type are covered until an owner moves in, at which time rent regulation extends for only one year upon owner move-in. This proposal extends price stabilization for an additional 12 months (1 year) to two years to give a tenant ample time to adjust to anticipated rent increases or to relocate.

**7. Affirms that a legal rent increase is not a violation of the Tenant Protection Ordinance (TPO) (*Companion Ordinance*)**

The Council-adopted 2014 Tenant Protection Ordinance (TPO) exists to deter housing providers from using tactics to harass existing tenants, especially those living in homes covered by the Rent Stabilization ordinance. However, the TPO is not intended to provide additional protection to a tenant that is acting illegally or in bad faith. Property owners provide a valuable public service by providing housing for Oakland residents. This provision clarifies that a housing provider acting lawfully will be considered to be in compliance with TPO.

**8. Additional miscellaneous changes. (*Companion Ordinance*)**

The proposal also includes provisions advanced in the ballot measure proposed by Councilmember Kaplan including requiring periodic staff reports and allowing the rent board to request enforcement actions and studies. In addition, this ordinance requires additional languages be included on notice forms to ensure language barriers do not deny tenants access to their rights.



Respectfully submitted,



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**Councilmember Guillén**



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**Councilmember Kalb**



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**Council President Gibson McElhaney**



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**Vice Mayor Campbell Washington**

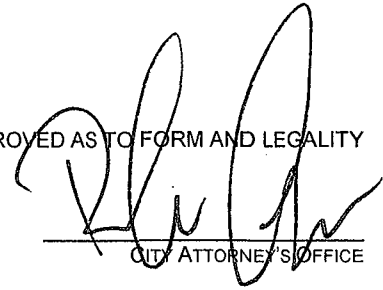


FILED  
OFFICE OF THE CLERK  
OAKLAND

PROPOSED AMENDMENTS TO ITEM \_\_\_\_\_

2016 JUL 14 PM 5:17

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

INTRODUCED BY COUNCILMEMBERS CAMPBELL WASHINGTON, GIBSON MCELHANEY, GUILLEN AND KALB

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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A RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO ~~THE VOTERS AT THE NOVEMBER 8, 2016 STATEWIDE GENERAL ELECTION~~ PROPOSED AMENDMENTS TO O.M.C. CHAPTER 8.22 (RESIDENTIAL RENT ADJUSTMENTS AND EVICTIONS) TO: (1) REQUIRE OWNERS FILE PETITIONS FOR RENT INCREASES OTHER THAN THOSE BASED ON THE ANNUAL CONSUMER PRICE INDEX INCREASE OR BANKING; (2) CHANGE THE DEFINITION OF CAPITAL IMPROVEMENTS TO PROVIDE AMORTIZATION OF THE COST OVER USEFUL LIFE OF THE IMPROVEMENT; (3) MODIFY THE NEW CONSTRUCTION EXEMPTION IN THE JUST CAUSE FOR EVICTION ORDINANCE TO APPLY TO UNITS CONSTRUCTED AFTER JANUARY 1, 1995; AND (4) PERMIT THE CITY COUNCIL LIMITED AUTHORITY TO MODIFY THE ORDINANCES; AND TO DIRECT THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE NOVEMBER 8, 2016 STATEWIDE GENERAL ELECTION

**WHEREAS**, Oakland has a Rent Adjustment Program that presently permits landlords to petition for rent increases, but in most cases requires tenants to petition to contest rent increases over an annual rent increase allowance; and

**WHEREAS**, On November 5, 2002, Oakland voters passed the Just Cause for Eviction Ordinance (Measure EE), codified as Article II of Title 8 of the Oakland Municipal Code; and

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

**WHEREAS**, the housing affordability crisis threatens the public health, safety and/or welfare of our residents; and

**WHEREAS**, 60 percent of Oakland residents are renters, who would not be able to locate affordable housing within the city if displaced (U.S. Census Bureau, ACS 2014 Table S1101); and

**WHEREAS**, in February 2016 the median rental price for a one-bedroom unit in Oakland was \$2,250 per month (\$27,000 per year), a 13.6 percent increase in costs over February 2015, and the median rental price for a two-bedroom unit in February 2016 was \$2,700 per month (\$32,400 per year), an 18.9 percent increase over costs in February 2015 (Zumper National Rent Report: March 2016); and

**WHEREAS**, Oakland's rental housing costs are the fourth highest in the nation, behind San Francisco, New York, and Boston (Zumper National Rent Report: March 2016); and

**WHEREAS**, in 2014 the estimated annual median household income for households that rented in Oakland was \$36,657, which would result in a household renting the median priced unit paying 74 percent of household income for a one-bedroom unit or 85 percent of household income for a two-bedroom unit (U.S. Census Bureau, ACS 2014, Table S2503); and

**WHEREAS**, the affordable rent for a family earning \$36,657 is defined as only paying thirty percent of income on housing, which is approximately \$916 per month; and

**WHEREAS**, the median rent for all apartments rented in February of 2016 reached an all-time high of just over \$3,000 per month according to research from Trulia; and

**WHEREAS**, 22.5% of Oakland's households are "housing insecure," defined as facing high housing costs, poor housing quality, unstable neighborhoods, overcrowding, or homelessness; and

**WHEREAS**, over 26,000 Oakland households are severely rent burdened, which is defined as spending 50 percent or more of monthly household income on rent (Oakland Consolidated Housing Needs Assessment 2015 Analysis of HUD Data, as reported in the City's March 2016 Oakland at Home report, pp. 10-11); and

**WHEREAS**, displacement through evictions has a direct impact on the health, safety and/or welfare of Oakland's citizens by uprooting children from their schools, disrupting longstanding community networks that are integral to citizens' welfare, forcing low-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;  
and

**WHEREAS**, major capital improvements amortized over a short period of time may cause high rent increases, the costs of such improvements should be amortized over a period of time closer to their useful life, and tenants should not have to pay for improvements that upgrade amenities beyond what they already have without the tenants approval; and

**WHEREAS**, the requirement in the current Rent Adjustment Ordinance for tenants to file petitions to challenge rent increases discourages many tenants from contesting what might be invalid rent increase, and requiring landlords to file petitions to justify rent increases in excess of an annual allowance provides tenants with better protection against unjustified rent increases, particularly in the case of the ~~most vulnerable elements of the renter population; and~~

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**WHEREAS**, the current Just Cause for Eviction Ordinance ("JCO") leaves a gap in its coverage for units subject to the Oakland's Rent Adjustment Ordinance leaving some tenants whose rents are regulated without eviction protections and such tenants should be afforded better protection against arbitrary evictions and evictions intended to increase rent to market, so an extension of just cause coverage to additional newly constructed units is warranted, and

**WHEREAS**, in order to correct any provisions invalidated by state law or court decisions, and to make modifications to the JCO to further its intended purposes, the City Council should be able to make changes to it without the need to send the JCO to the ballot; and

**WHEREAS**, this action is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment), 15061(b)(3) (no significant effect on the environment), and 15183 (projects consistent with a community plan, general plan, or zoning), each as a separate and independent basis, and when viewed collectively provide an overall basis for CEQA clearance;

**WHEREAS**, California Elections Code Section 9217 requires that an ordinance adopted by voters may be amended only by a vote of the people, unless provision is otherwise made in the original ordinance, and such provision for amendment by the City Council was not authorized by the voters in the Just Cause for Eviction Ordinance; now, therefore, be it:

**RESOLVED.** That the City Council hereby authorizes and directs the City Clerk, at least 88 days prior to the next general municipal election date, to file with

the Alameda County Board of Supervisors and the Registrar of Voters certified copies of this resolution; and be it

**FURTHER RESOLVED:** That the proposed Amendments to the Rent Adjustment Ordinance (O.M.C. Chapter 8, Article I (8.22.100, et seq.) and the Just Cause for Eviction Ordinance (Measure EE)(O.M.C. Chapter 8, Article II (8.22.300, et seq.) text is set out below. Added text is shown as double underlined type; deleted text is shown as ~~strikethrough~~ type.

The people of the City of Oakland do ordain as follows:

**Section 1.** Amendments to Rent Adjustment Ordinance (O.M.C. Chapter 8, Article I (8.22.100, et seq.). Added text is shown as double underlined type; deleted text is shown as ~~strikethrough~~ type.

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### **~~8.22.020 - Definitions.~~**

As used in this chapter, Article I:

"1946 notice" means any notice of termination of tenancy served pursuant to California Civil Code Section 1946. This notice is commonly referred to as a thirty (30) or sixty (60) day notice of termination of tenancy, but the notice period may actually be for a longer or shorter period, depending on the circumstances.

"1946 Termination of tenancy" means any termination of tenancy pursuant to California Civil Code § 1946.

"Anniversary date" is the date falling one year after the day the tenant was provided with possession of the covered unit or one year after the day the most recent rent adjustment took effect, whichever is later. Following certain vacancies, a subsequent tenant will assume the anniversary date of the previous tenant (Section 8.22.080).

"Banking" means any CPI Rent Adjustment (or any rent adjustment formerly known as the Annual Permissible Rent Increase) the owner chooses to delay imposing in part or in full, and which may be imposed at a later date, subject to the restrictions in the regulations.

"Board" and "Residential Rent Adjustment Board" means the Housing, Residential Rent and Relocation Board.

"Capital improvements" means those improvements to a covered unit or common areas that materially add to the value of the property and appreciably prolong its useful life or adapt it to new building codes. Those improvements must primarily benefit the tenant rather than the owner. Capital improvement costs that may be passed through to tenants include seventy percent (70%) of actual costs, plus imputed financing. Capital improvement costs shall be amortized over the useful life of the improvement as set forth in an amortization schedule developed by staff. Capital improvements do not include the following as set forth in the regulations: correction of



serious code violations not created by the tenant; improvements or repairs required because of deferred maintenance; or improvements that are greater in character or quality than existing improvements ("gold-plating" "over-improving") excluding: improvements approved in writing by the tenant, improvements that bring the unit up to current building or housing codes, or the cost of a substantially equivalent replacement.

"CPI—All items" means the Consumer Price Index—All items for all urban consumers for the San Francisco—Oakland—San Jose area as published by the U.S. Department of Labor Statistics for the twelve (12) month period ending on the last day of February of each year.

"CPI—Less shelter" means the Consumer Price Index—All items less shelter for all urban consumers for the San Francisco—Oakland—San Jose area as published by the U.S. Department of Labor Statistics for the twelve (12) month period ending on the last day of February of each year.

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"CPI Rent Adjustment" means the maximum rent adjustment (calculated annually according to a formula pursuant to Section 8.22.070 B.3) that an owner may impose within a twelve (12) month period without the tenant being allowed to contest the rent increase, except as provided in Section 8.22.070B.2 (failure of the owner to give proper notices, decreased housing services, and uncured code violations).

"Costa-Hawkins" means the California state law known as the Costa-Hawkins Rental Hawkins Act codified at California Civil Code § 1954.50, et seq. (Appendix A to this chapter contains the text of Costa-Hawkins).

"Covered unit" means any dwelling unit, including joint living and work quarters, and all housing services located in Oakland and used or occupied in consideration of payment of rent with the exception of those units designated in Section 8.22.030A as exempt.

"Ellis Act Ordinance" means the ordinance codified at O.M.C. 8.22.400 (Chapter 8.22, Article III) setting out requirements for withdrawal of residential rental units from the market pursuant to California Government Code § 7060, et seq. (the Ellis Act).

"Fee" means the Rent Program Service Fee as set out in O.M.C. 8.22.500 (Chapter 8.22, Article IV).

"Housing services" means all services provided by the owner related to the use or occupancy of a covered unit, including, but not limited to, insurance, repairs, maintenance, painting, utilities, heat, water, elevator service, laundry facilities, janitorial service, refuse removal, furnishings, parking, security service, and employee services.

"Owner" means any owner, lessor or landlord, as defined by state law, of a covered unit that is leased or rented to another, and the representative, agent, or successor of such owner, lessor or landlord.

"Owner of record" means a natural person, who is an owner of record holding an interest equal to or greater than thirty-three percent (33%) in the property, but not including any lessor, sublessor, or agent of the owner of record.

"Just Cause for Eviction Ordinance" means the ordinance adopted by the voters on November 5, 2002 (also known as Measure EE) and codified at O.M.C. 8.22.300 (O.M.C. Chapter 8.22, Article II).

"Rent" means the total consideration charged or received by an owner in exchange for the use or occupancy of a covered unit including all housing services provided to the tenant.

"Rent Adjustment Program" means the department in the city that administers this chapter and also includes the board.

"Regulations" means the regulations adopted by the board and approved by the City Council ~~for implementation of this chapter, Article I (formerly known as "Rules and Procedures")~~ (After regulations are approved, they will be attached to this chapter as Appendix B).

"Security deposit" means any payment, fee, deposit, or charge, including but not limited to, an advance payment of rent, used or to be used for any purpose, including but not limited to the compensation of an owner for a tenant's default in payment of rent, the repair of damages to the premises caused by the tenant, or the cleaning of the premises upon termination of the tenancy exclusive of normal wear and tear.

"Tenant" means a person entitled, by written or oral agreement to the use or occupancy of any covered unit.

"Uninsured repairs" means that work done by an owner or tenant to a covered unit or to the common area of the property or structure containing a covered unit which is performed to secure compliance with any state or local law as to repair damage resulting from fire, earthquake, or other casualty or natural disaster, to the extent such repair is not reimbursed by insurance proceeds.

#### **8.22.065 - Rent Adjustments In General.**

A. Notwithstanding any other provision of this Chapter, owners may increase rents only for increases based on the CPI Rent Adjustment or Banking, or by filing a petition to increase rent in excess of that amount. Any rent increase not based on the CPI Rent Adjustment or Banking that is not first approved by the Rent Adjustment Program is void and unenforceable.

B. Rent increases are subject to the requirements of this Chapter and Regulations.

C. The changes reflected in this O.M.C. subsection 8.22.065 only apply to rent increases noticed on or after April 1, 2017.

**Section 2.** Amendments to the Just Cause for Eviction Ordinance (Measure EE)(O.M.C. Chapter 8, Article II (8.22.300, et seq.). Added text is shown as double underlined type; deleted text is shown as ~~strikethrough~~ type.

**8.22.350 – Applicability and Exemptions.**

The provisions of this chapter shall apply to all rental units in whole or in part, including where a notice to vacate/quit any such rental unit has been served as of the effective date of this chapter but where any such rental unit has not yet been vacated or an unlawful detainer judgment has not been issued as of the effective date of this chapter. However, Section 6 [8.22.360] and Section 7(A)-(E) [8.22.370(A) through 8.22.370(E)] of the chapter [O.M.C. Chapter 8.22, Article II] shall not apply to the following types of rental units:

- A. Rental units exempted from Part 4, Title 4, Chapter 2 of the California Civil Code (CCC) by CCC § 1940(b).

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- ~~B. Rental units in any hospital, skilled nursing facility, or health facility.~~
- C. Rental units in a nonprofit facility that has the primary purpose of providing short term treatment, assistance, or therapy for alcohol, drug, or other substance abuse and the housing is provided incident to the recovery program, and where the client has been informed in writing of the temporary or transitional nature of the housing at its inception.
- D. Rental units in a nonprofit facility which provides a structured living environment that has the primary purpose of helping homeless persons obtain the skills necessary for independent living in permanent housing and where occupancy is restricted to a limited and specific period of time of not more than twenty-four (24) months and where the client has been informed in writing of the temporary or transitional nature of the housing at its inception.
- E. Rental units in a residential property where the owner of record occupies a unit in the same property as his or her principal residence and regularly shares in the use of kitchen or bath facilities with the tenants of such rental units. For purposes of this section, the term owner of record shall not include any person who claims a homeowner's property tax exemption on any other real property in the State of California.
- F. A rental unit in a residential property that is divided into a maximum of three units, one of which is occupied by the owner of record as his or her principal residence. For purposes of this section, the term owner of record shall not include any person who claims a homeowner's property tax exemption on any other real property in the State of California.
- G. A unit that is held in trust on behalf of a developmentally disabled individual who permanently occupies the unit, or a unit that is permanently occupied by a developmentally disabled parent, sibling, child, or grandparent of the owner of that unit.

H. ~~Newly constructed rental units which are completed and offered for rent for the first time after the effective date of the initial Oakland Residential Rent, Relocation, and Arbitration Ordinance, provided that such new units were not created as a result of rehabilitation, improvement or conversion as opposed to new construction.~~

I. A rental unit or rental units contained in a building that has a certificate of occupancy for the new construction of the unit or building in which the rental unit(s) is contained is issued on or after January 1, 1995;

1. This exemption applies only to rental units that were newly constructed from the ground up and does not apply to units that were created as a result of rehabilitation, improvement or conversion of commercial space, or other residential rental space;
2. If no certificate of occupancy was issued for the rental unit or building, in lieu of the date a certificate of occupancy, the date the last permit for the new construction was finalized prior to occupancy shall be used;

**Section 3. Rent Adjustment Ordinance** (O.M.C. Chapter 8, Article I (8.22.100, et seq.) miscellaneous.

A. The City Council may not modify or repeal the specific text of the Rent Adjustment Ordinance inserted, modified or deleted by Section 1 of this measure as shown in double underline for added text and strikethrough type for deleted text; however, the City Council may modify any other provisions in the Rent Adjustment Ordinance. The City Council may modify the specific text inserted, modified or deleted by this Measure only if required by a court decision or state law that invalidate or require modification. The Rent Board may make a recommendation for revisions to be forwarded to the City Council for consideration.

B. The amendments set out in Section 1 (Rent Adjustment Ordinance) of this Measure do not apply to any valid rent increase notice given prior to the effective date of this Measure.

C. It is anticipated that the amendments to the Rent Adjustment Ordinance set out herein may require further amendments to the Rent Adjustment Ordinance and Rent Adjustment Regulations. The City Council may make such other changes to the Rent Adjustment Ordinance and the Rent Adjustment Board may make such changes necessary to conform the Rent Regulations to the Rent Adjustment Ordinance made herein.

**Section 4. Just Cause for Eviction Ordinance** (Measure EE)(O.M.C. Chapter 8, Article II (8.22.300, et seq.)) miscellaneous.

A. Should any provision of the Just Cause for Eviction Ordinance (Measure EE)(O.M.C. Chapter 8, Article II (8.22.300, et seq.) (Section 2) or any provision of this

Measure, be invalidated or required to be modified by a court decision or change in State or Federal law, the Rent Board may make a recommendation for revisions to be forwarded to the City Council for consideration. The City Council is authorized to make to such modifications to conform to the court decision or change in state law provided that such modifications effectuate the purpose of the Just Cause for Eviction Ordinance and the original text.

B. The amendments set out in Section 2 (Just Cause Ordinance) of this measure do not apply to any valid notice terminating tenancy given prior to the effective date of this measure.

**Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this Measure 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 Measure. The voters hereby declare that it would have passed this ~~Measure 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. In lieu of severance, any section declared invalid or unconstitutional may be modified pursuant to Sections 3 or 4 above, as appropriate.

**Section 6. Effective Date.** This Ordinance shall be effective only if approved by a majority of the voters voting thereon and shall go into effect ten (10) days after the vote is declared by the City Council.

**FURTHER RESOLVED:** That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk will fix and determine a date for submission of arguments for or against said proposed amendment of the Just Cause for Eviction Ordinance, and said date will be posted by the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk will provide for notice and publication of said proposed amendment of the Just Cause for Eviction Ordinance in the manner provided for by law; and be it

**FURTHER RESOLVED:** That each ballot used at said municipal election will have printed therein, in addition to any other matter required by law, the following:

**PROPOSED MUNICIPAL CODE AMENDMENT**

**MEASURE \_\_\_\_**

Measure \_\_\_\_ Shall the City of Oakland strengthen protection for renters by; Expanding the protections of Just Cause for Eviction to units first offered for rent on or before January 1, 1995; and Amending the Rent Adjustment Program to amortize capital improvement costs over the useful life of the

improvement and to prohibit landlords from rent increases other than a cost-of-living or banked adjustment unless they first petition for and receive approval?

<p>Measure __. Shall the City of Oakland strengthen protection for renters by; Expanding the protections of Just Cause for Eviction to units first offered for rent on or before January 1, 1995; and Amending the Rent Adjustment Program to amortize capital improvement costs over the useful life of the improvement and to prohibit landlords from rent increases other than a cost-of-living or banked adjustment unless they first petition for and receive approval?</p>	<p>Yes</p>	
	<p>No</p>	

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and be it

**FURTHER RESOLVED:** That the City Clerk and City Administrator are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the next municipal election and appropriate all monies necessary for the City Administrator and City Clerk to prepare for and conduct the next municipal election consistent with law; and be it

**FURTHER RESOLVED:** That the City Council has reviewed the proposed amendments to the Oakland Municipal Code to be considered by the voters and independently finds and determines that this action is exempt from CEQA pursuant to CEQA Guidelines sections 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment), 15061(b)(3) (no significant effect on the environment), and 15183 (projects consistent with a community plan, general plan, or zoning), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance. The Environmental Review Officer or designee shall file a Notice of Exemption with the appropriate agencies.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

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NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

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