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*Jim Lewis*  
City Attorney's Office

# OAKLAND CITY COUNCIL

## RESOLUTION NO. 86411 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT LYNETTE GIBSON MCELHANEY AND  
COUNCILMEMBER ABEL GUILLÉN

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**RESOLUTION URGING THE STATE LEGISLATURE AND GOVERNOR  
TO AMEND THE ELLIS ACT (GOVERNMENT CODE SEC. 7060 ET  
SEQ.) TO PERMIT ALL CALIFORNIA CITIES TO EFFECTIVELY  
REGULATE RESIDENTIAL HOTELS**

**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**, 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 rental uses, such as boutique hotels or dormitory style housing for affluent residents; 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, nutrition, and other important and necessary services to the tenant population of such hotels; and

**WHEREAS**, the State Legislature passed the Ellis Act in 1985 to allow property owners to evict tenants in order to "go out of business" and to prohibit cities from compelling owners to continue to offer a property for rent; and

**WHEREAS**, in 2003, the Legislature amended the Ellis Act to exempt residential hotels from such a prohibition in San Francisco and in cities with populations over 1,000,000 (currently Los Angeles, San Diego and San Jose), thereby providing those cities with greater powers to protect tenants from evictions from residential hotels and to require continued residential use of residential hotels; and

**WHEREAS**, there is no public policy rationale that legitimizes providing greater tools to preserve residential hotels and protect hotel tenants to those four cities than to every other California city that shares the same economic conditions and threatened stock of residential hotels; now, therefore, be it

**RESOLVED:** That the City of Oakland hereby urges the State Legislature and Governor to amend the Ellis Act to exempt residential hotels in *all* California cities from the prohibition against local agencies compelling residential rental property owners to continue to offer their property for rent.

OCT 04 2016

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - [REDACTED]; CAMPBELL-WASHINGTON, [REDACTED] 5, GUILLÉN, KALB, KAPLAN, REID AND [REDACTED]

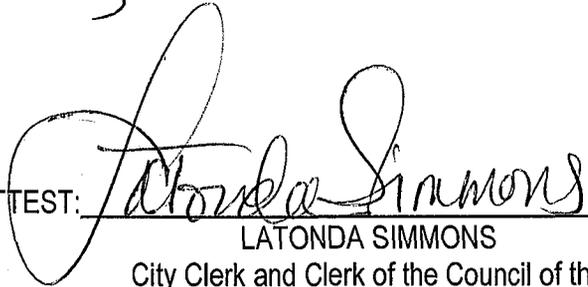
NOES - 0

ABSENT - Grillo - 1

ABSTENTION - 0

Excused - Brooks, - 2  
Gibson McElhoney

ATTEST:



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