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**SECTION 2. Addition of Article VIII to Chapter 8.22 of the Oakland Municipal Code.** That the City Council hereby adopts the addition of Section 8.22.850 et. seq. as Article VIII of Chapter 8.22 of the Oakland Municipal Code, as follows.

**Article VIII – Relocation Payments for Owner or Relative Move-Ins**

**8.22.820 Amount of relocation payments**

- A. Unless otherwise specified in a section of the Oakland Municipal Code requiring relocation payments, Tenant Households who are required to move as a result of a Qualifying Relocation Event shall be entitled to a relocation payment from the Owner in the sum of six thousand five hundred dollars (\$6,500.00) per unit for studios and one-bedroom apartments; eight thousand dollars (\$8,000.00) per unit for two-bedroom apartments; and nine thousand eight hundred seventy-five dollars (\$9,875.00) per unit for units with three or more bedrooms. The payment shall be divided equally among all Tenants occupying the Rental Unit at the time of service on the Tenants of the notice of termination of tenancy.
- B. Unless otherwise specified in a section of the Oakland Municipal Code requiring relocation payments, Tenant Households in Rental Units that include lower income, elderly or disabled Tenants, and/or minor children shall be entitled to a single additional relocation payment of two thousand five hundred dollars (\$2,500.00) per unit from the Owner. If a household qualifies for this additional payment, the payment shall be divided equally among eligible (lower-income, elderly, disabled, parents/guardians of minor children) Tenants.
- C. In the case of temporary relocations under O.M.C. 15.60.110(B), the amounts in paragraphs A-B shall be a cap on relocation payments.
- D. The relocation payments specified in subsection 8.22.820(A) shall increase annually on July 1 in accordance with the CPI Adjustment as calculated in OMC subsection 8.22.070(B)(3). The first increase shall take place on July 1, 2017.

**8.22.850 – Relocation Payments for Owner or Relative Move-Ins**

- A. Applicability. An Owner who evicts a Tenant pursuant to O.M.C. Section 8.22.360(A)(8)-(9) or where a Tenant vacates following a notice or other communication stating the Owner's intent to seek recovery of possession of the unit under any of these O.M.C. Sections must provide relocation payment under this Section. Relocation payment procedures pursuant to

code compliance or Ellis Act evictions will be governed by the Code Compliance Relocation Ordinance and the Ellis Act Ordinance.

B. The property Owner shall be responsible for providing relocation payments, in the amounts specified in Section 8.22.820, to an eligible Tenant Household in the form and manner prescribed under this article and any rules and regulations adopted under this article.

C. Tenant Eligibility for Payment. Tenants will be eligible for relocation payments according to the following schedule based on the effective any notice to terminate:

1. Upon taking possession of the Rental Unit, the Tenant will be eligible for one-third (1/3) of the total payment pursuant to subsection B above.
2. After one year of occupancy of the Rental Unit, the Tenant will be eligible for two-thirds (2/3) of the total payment pursuant to subsection B above.
3. After two years of occupancy of the Rental Unit, the Tenant will be eligible for the full amount of the total payment pursuant to subsection B above.

B.D. Time for payment

1. The Owner must pay the Tenant half of the relocation payment provided for in Section 8.22.820(A) when the termination notice is given to the household, and the remaining half when the Tenant vacates the unit provided that the Tenant agrees, in writing, not to contest an unlawful detainer based on the notice to terminate tenancy for the Owner or relative moving in to the Tenant's Rental Unit. If the Tenant does not so agree, then the entirety of the relocation payment is not due unless the Owner prevails in the unlawful detainer. If the Owner prevails in the unlawful detainer, the relocation payment must be paid to the Tenant prior to the Owner seeking a writ of possession for the Tenant to vacate the unit.
2. The Owner must pay the Tenant the additional payment provided for in Section 8.22.820(B) within fifteen (15) days of the Tenant's notice of eligibility or the Tenant supplying documentation of the Tenant's eligibility.

DE. Failure to make the relocation payments in the manner and within such times as prescribed in this Section is not a defense to an unlawful detainer action. However, if an Owner fails to make the relocation payment as prescribed, the Tenant may file an action against the Owner and, if the Tenant is found eligible for the relocation payments, the Tenant will be entitled to recover the amount of the relocation payments plus an equal amount as damages and the Tenant's attorney's fees. Should the Owner's failure to make the payments as prescribed be found to be in bad faith, the Tenant shall be entitled to the relocation payments plus an additional amount of three times the amount of the relocation payments and the Tenant's attorney's fees.

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**SECTION 7. Effective Date and Application.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption. Section 2 of this Ordinance (Relocation for Owner-Occupancy eviction) shall apply to all notices to terminate tenancy that were served on or after November 28, 2017, Section 5 of this Ordinance (Relocation for Displacement Condominium Conversion) shall apply to any notice to terminate tenancy served by an Owner or Tenant on or after November 28, 2017.