

OAKLAND CITY COUNCIL

RESOLUTION NO. 88151 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT PRO TEM DAN KALB

RESOLUTION IN SUPPORT OF SENATE BILL 1190 (DURAZO) THAT WOULD (1) EXTEND THE PROTECTION OF CIVIL CODE SECTION 1946.7 TO ALLOW A TENANT TO TERMINATE THEIR TENANCY IF THEY ARE A VICTIM OF A CRIME THAT CAUSED PHYSICAL INJURY, EMOTIONAL INJURY AND THE THREAT OF PHYSICAL INJURY, OR DEATH; AND (2) GIVE LOCAL GOVERNMENTS AUTHORITY TO ENFORCE THE TENANT PROTECTION ACT OF 2019

WHEREAS, one of the most fundamental human needs for the security of a stable and safe home may be challenged by the need for victims of violent crimes and their family/household members to relocate quickly following a violent crime; and

WHEREAS, it is reported that more than 6,000 violent crimes occur in Oakland annually; and

WHEREAS, research shows that more than 4 in 10 crime survivors would have wanted emergency or temporary housing after the crime; and

WHEREAS, only 6% of crime survivors actually receive emergency or temporary housing after the crime; and

WHEREAS, a victim staying in their residence following a violent crime may increase the risk of developing Post-Traumatic Stress Disorder and expose victims to further violence; and

WHEREAS, when victims of other violent crimes make the difficult decision to break their lease, these victims and their family/household members may experience further financial and housing insecurity; and

WHEREAS, under current law, breaking a lease could negatively impact the victim's and their family's/household's credit scores and lead to future landlords discriminating against them; and

WHEREAS, Civil Code Section 1946.7 permits a tenant to terminate their tenancy if the tenant or a household member becomes a victim of domestic violence, sexual assault, stalking, human trafficking, or elder abuse; and

WHEREAS, SB 1190 would expand the protection of Civil Code Section 1946.7 to allow a tenant to terminate their tenancy if the tenant, a household member or an immediate family member becomes a victim of any of the above described crimes; or a crime that caused physical injury, or emotional injury and the threat of physical injury, or death; and

WHEREAS, SB 1190 would prohibit landlords from refusing to rent to an otherwise qualified tenant solely because the tenant had previously exercised their right to early lease termination under Civil Code Section 1946.7; and

WHEREAS, SB 1190 would also allow local enforcement of tenant protections, meaning that a city attorney, including the city attorney of a city and county, any district attorney, or any county counsel can enforce the Tenant Protection Act of 2019; and

WHEREAS, SB 1190 would also allow local governments such as the City of Oakland to designate a local agency to investigate and enforce provisions of the Tenant Protection Act of 2019; and

WHEREAS, SB 1190 is supported by Crime Survivors for Safety and Justice; now, therefore, be it

RESOLVED: That the Oakland City Council hereby endorses SB 1190 and urges the California State Legislature and Governor Gavin Newsom to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 02 2020

PASSED BY THE FOLLOWING VOTE:

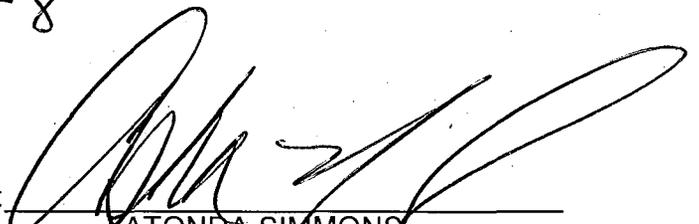
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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