

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 88382 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN

---

**ADOPT A RESOLUTION IN SUPPORT OF ENACTMENT OF LEGISLATION BY CALIFORNIA LEGISLATURE THAT WOULD REQUIRE THAT THE AFFORDABLE HOUSING COMMUNITY BE GIVEN THE RIGHT OF FIRST REFUSAL ON THE PURCHASE OF RESIDENTIAL HOUSING PROPERTIES SUBJECT TO TAX AUCTION**

**WHEREAS**, according to the 2019 Alameda County Homeless County Report, homelessness increased by 47% in Oakland between 2017 and 2019, in part because of the soaring housing prices and real estate speculation by large investment corporations; and

**WHEREAS**, wages for African American, Latinx, and minority populations remain stagnant as the City becomes more gentrified, increasing their risk of eviction and housing insecurity; and

**WHEREAS**, the U.S. Census Bureau reported that according to the 2013-2017 American Community Survey 5-Year Estimates, the median household income of an African American family in Oakland is approximately \$39,000, while that of a white family is approximately \$91,000; and

**WHEREAS**, because affordable housing is based on the city's average income, less housing has become available to African American, Latinx, and minority populations in the City; and

**WHEREAS**, according to the California Department of Housing and Community Development, California is home to 12 percent of the nation's population, but a disproportionate 22 percent of the nation's homeless populations; and

**WHEREAS**, the majority of Californian renters pay more than 30 percent of their income toward rent, and nearly 1.5 million households are paying more than 50 percent of their income toward rent; and

**WHEREAS**, pursuant to the California Surplus Lands Act, Government Code section 54220 *et seq.*, the California Legislature has declared that prior to disposition, surplus government land not necessary for a local agency's use should be made available for the purpose of developing low- and moderate-income housing; and

**WHEREAS**, the Surplus Lands Act provides that any local agency disposing of surplus land must send, prior to disposing of that property or participating in negotiations to dispose of that property with a prospective transferee, a written notice of availability of surplus land for the purpose of developing low- and moderate-income housing to specified entities under Government Code section 54222; and

**WHEREAS**, residential properties subject to tax auction held by the County of Alameda, a local agency, should be similarly disposed of as surplus lands, and the rules governing surplus lands should apply and a written notice of availability of residential properties subject to tax action are available for developing affordable housing should be sent to all interested parties, including affordable housing entities, providing; and

**WHEREAS**, while the passage of AB 1486 (2019) expanded the Surplus Lands Act and provided an important step forward to promoting affordable housing, the Surplus Lands Act does not apply to residential housing properties that become tax-defaulted when property taxes remain unpaid and are subject to tax auctions; and

**WHEREAS**, property that is tax-defaulted after five years (or three years in the case of property also subject to a nuisance abatement lien) becomes subject to the county tax collector's power to sell that property in order to satisfy the defaulted property taxes; and

**WHEREAS**, The county tax collector may offer the property for sale at public auction, a sealed bid sale, or a negotiated sale to a public agency or qualified nonprofit organization; and

**WHEREAS**, housing is a human right, and housing for the community should benefit those in need; and

**WHEREAS**, in order to historically preserve the rich culture and diversity in Oakland, secure the right to housing, provide shelter to Oakland's most vulnerable populations, and ensure California remains financially accessible to all socio-economic communities, the City, County and the State must do its part to pass supportive, sufficient, and necessary legislation to make sure housing remains affordable; now, therefore, be it:

**RESOLVED:** That the City Council requests that the California legislature enact legislation that would require residential housing properties being considered for sale at a public auction be treated similarly to other surplus lands held by local agencies, and therefore a written notice of availability would be sent to affordable housing entities granting them the right of first refusal on the purchase of residential housing properties subject to tax auction prior to such auction; and be it

**FURTHER RESOLVED:** That the City Council directs that this issue be added to our State Legislative lobbying agenda, and that our state lobbyist is directed to work on the matter.

IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 10 2020

PASSED BY THE FOLLOWING VOTE:

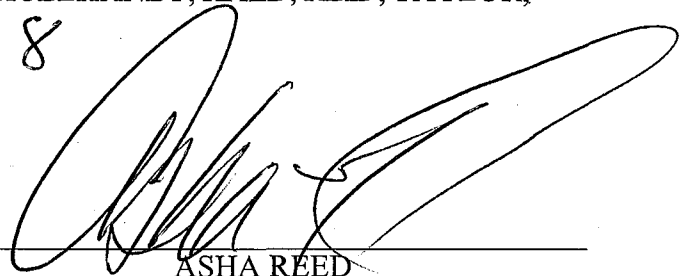
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,  
THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

Interim City Clerk and Clerk of the Council  
of the City of Oakland, California

2993786v2