



# AGENDA REPORT

**TO:** Jestin Johnson  
City Administrator

**FROM:** Emily Weinstein  
Director  
Housing and Community  
Development Department

**SUBJECT:** Amendments to Rent  
Adjustment Ordinance and  
Regulations

**DATE:** February 20, 2026

City Administrator Approval

  
Jestin Johnson (Mar 12, 2026 21:46:42 PDT)

Date: Mar 12, 2026

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt The Following Pieces of Legislation:**

**(I) An Ordinance Amending The Rent Adjustment Ordinance (Oakland Municipal Code Chapter 8.22, Article I) To:**

**(A) Eliminate Tenant Petition Deadlines;**

**(B) Require That An Owner Provide Evidence Of Possession Of A Current Business Tax Certificate, Payment Of Or Exemption From The Rent Adjustment Program Service Fee, Service Of Written Notice Of The Rent Adjustment Program To Affected Tenants, And Registration With The Rent Adjustment Program In Order To File An Appeal Or A Response To A Tenant Appeal; And**

**(C) Make Various Changes To The Remedies Section Including Increasing The Damages Remedy In Civil Actions Against Residential Rental Property Owners; And Making Appropriate California Environmental Quality Act Findings.**

**(II) A Resolution Ratifying Amendments To The Rent Adjustment Program Regulations To Permit Any Category Of Member Of The Housing, Residential Rent, And Relocation Board To Serve As A Board Officer**

## **EXECUTIVE SUMMARY**

The proposed legislation recommended by the Housing, Residential Rent and Relocation Board (Rent Board) would do the following:

1. Allow tenants to file rent adjustment petitions with the Rent Adjustment Program (RAP) at any time during their tenancy instead of during the current 180-day period for

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contesting a rent increase or 90-day period for claiming decreased housing services, while still retaining the three-year limit on restitution awards provided by the Residential Rent Adjustment Ordinance (RAO),

2. Require that an owner, at the time the owner files an appeal or a response to a tenant appeal if the owner has not already provided in the petition process, provide evidence of:
  - a. A current city business license,
  - b. Payment of the RAP service fee or exemption from the RAP service fee,
  - c. Service of the RAP Notice to affected tenants, and
  - d. Registration with the RAP
3. Modify the RAO remedies section including increasing the damages remedy in civil actions against owners, and
4. Remove the restriction in the Rent Regulations on selection of the Rent Board chair and vice chair being limited to the undesignated Rent Board members so that either owner or tenant representatives could be also selected as chair and vice chair.

## **BACKGROUND/LEGISLATIVE HISTORY**

**Oakland Municipal Code (OMC) Section 8.22.040.D.4** provides that the Housing, Residential Rent and Relocation Board (Rent Board) may make recommendations to the City Council pertaining to any ordinances in **OMC Chapter 8.22**, which governs residential rent adjustments, evictions, and other rental housing matters. The Rent Regulations provide practical and implementation-related details consistent with and supplementary to the guidance set out in the RAO (**OMC Section 8.22.020**).

The background on the four legislative proposals from the Rent Board are provided below.

### **1. Tenant Petition Deadlines**

**OMC Section 8.22.090.A** in the RAO imposes a time limit of one hundred eighty (180) days for tenants to petition the RAP for relief from unlawful rent increases and ninety (90) days for tenants to petition RAP for claims of decreased housing services. The 180-day deadline (from the issuance of the rent increase notice or the RAP Notice if not provided at the inception of the tenancy) was adopted by the City Council in December 2024. Prior to that amendment, the OMC imposed a time limit of ninety (90) to one hundred twenty (120) days for tenants to petition the RAP for relief from an unlawful rent increase. Under both current and prior law, the time limit is suspended when the residential rental property owner has failed to provide the tenant with the required notice of the RAO, with the clock starting once the tenant first receives the notice.

At its regular meeting held on November 14, 2024, the Rent Board received a presentation from one of its members on proposals to amend **OMC Sections 8.22.090 and 8.22.110** to eliminate deadlines for tenant petitions. After public comment and a full discussion, the Rent Board voted unanimously to recommend this amendment to City Council. Under the proposal, restitution awards for any unlawfully collected rent will still be limited to three years as currently provided by the RAO and Rent Board appeal decision precedent.

### **2. Owner Appeal Requirements**

**OMC Section 8.22.090.B.1** requires that, in order to petition the RAP or respond to a tenant petition, an owner provide evidence of:

- a) A current city business tax certificate,
- b) Payment of or exemption from the RAP service fee,
- c) Service of the RAP Notice to affected tenants, and
- d) Registration with the RAP.

However, for an appeal, the OMC does not currently require an owner to provide evidence of compliance with the owner filing requirements at the time of filing an appeal as it does at the time of petitioning RAP or responding to a tenant petition.

At its regular meeting on September 11, 2025, the Rent Board received a presentation from one of its members. The presentation addressed **amending OMC Section 8.22.120.A** to require an owner, who is appealing or responding to an appeal, to provide the following if not already provided at the time of petitioning or responding to the petition:

- A current business tax certificate,
- Proof of payment of or exemption from the RAP service fee,
- Evidence of service of the RAP Notice to affected tenants, and
- Registration with the RAP.

After opportunity for public comment and a full discussion, the Rent Board voted unanimously to recommend this amendment to City Council.

### **3. Remedies**

**OMC Section 8.22.150.C** permits an aggrieved party or the City Attorney, on behalf of such party, to bring a civil action for injunctive relief, actual damages, or both for any violations of the RAO or of an order or decision issued by a RAP hearing officer or the Rent Board.

**Senate Bill 567** adopted in 2023 made various changes to the California Tenant Protection Act (TPA) of 2019 which went into effect on April 1, 2024, including adding under **Civil Code 1947.12** that an owner who demands, accepts, receives or retains an amount of payment of rent in excess of the maximum rent allowed by the TPA is liable to the tenant in a civil action, including for injunctive relief and damages in the amount of the excess payment, rather than just the actual damages resulting from demanding, accepting, receiving or retaining excess rent.

**Civil Code 1947.12 subsection k** further provides that an owner who has acted willfully or with oppression, fraud, or malice is liable for damages up to three times the amount by which a payment, is demanded, accepted, received, or retained in excess of the maximum allowable rent, also known as treble damages.

At its regular meeting held on September 11, 2025, the Rent Board received a presentation from one of its members on amending **OMC Section 8.22.150**, the remedies section of the RAO. The recommended changes would increase penalties in court civil actions against owners by allowing aggrieved parties to recover reasonable attorney's fees and costs, and by strengthening the damages remedy so that an owner would be liable for treble of either actual

damages or the amount of rent demanded or retained in excess of lawful rent, whichever is greater.

The recommended changes would also permit enforcement of RAO regulations and would provide for a three-year statute of limitations. After opportunity for public comment and a full discussion, the Rent Board voted unanimously to recommend this amendment to City Council.

#### Housing and Community Department's Recommended Clarifying Changes:

The Housing and Community Department (HCD) recommends that the City Council further amend the remedies section for the enforcement of **Articles I and IV of Chapter 8.22 in the OMC**. The recommended amendments would further clarify the enforcement actions available to the Office of the City Attorney under these chapters, including that the City Attorney may not bring actions for damages. The recommended enforcement options for the City Attorney for Article I are comparable to City Attorney's current enforcement options under the Tenant Protection Ordinance (Article V of Chapter 8.22 in the OMC).

Under the proposed amendments to Section 8.22.150, the City Attorney's enforcement authority would expand. While the current ordinance allows the City Attorney to bring civil actions primarily for injunctive relief, the amendments would permit the City Attorney to also seek restitution, enforce administrative remedies, and recover reasonable attorney's fees and costs. In addition, the City Attorney would be authorized to enforce violations of both the Ordinance and its implementing regulations, aligning the RAO with state law and other Oakland housing ordinances.

#### **4. Rent Board Officer Designation**

Under **OMC Section 8.22.040.A**, the Rent Board consists of two members who are residential tenants, two members who are residential rental property owners, and three members who are neither, referred to by the Board as "undesigned" members, in addition to alternates for each Rent Board member category. **Section 8.22.040.C** of the Rent Regulations requires the Board to elect Rent Board officers (chair and vice chair) each year, and it currently requires that such officers be selected from among members who are Undesignated.

At its regular meeting held on November 14, 2024, the Rent Board considered a proposal by one of its members to amend **Section 8.22.040.C** of the Rent Regulations to allow any category of Rent Board member to serve as chair and vice chair. After opportunity for public comment and a full discussion, four members of the Rent Board in favor and one opposed to recommend this amendment to the City Council.

### **ANALYSIS AND POLICY ALTERNATIVES**

The recommended City Council actions will advance the citywide priority of Housing, Economic, and Cultural Security by 1) allowing residential tenants to petition at any time to correct a residential rental property owner's violation of the City's rent increase limits and ensuring rent-stable housing even if the recovery of any illegally collected rents is limited to three years, 2) securing property owner compliance with the RAP service fee, business tax, and rent registration requirements when exercising their right to appeal a RAP hearing decision, and 3)

increasing RAO compliance by increasing penalties for ordinance violations, consistent with state law.

### **1. Tenant Petition Deadlines**

Most California rent control jurisdictions do not impose time limits on tenants that prevent petitioning for relief from alleged violations and instead limit the number of years of restitution that may be awarded. The proposed amendment includes a clause (see Section 5 of the legislation) that prevents petitioning regarding alleged violations that are already time-barred under prior rules. The Rent Board seeks to ensure that all covered Oakland residential tenants and residential rental property owners have equitable access to the protections and relief provided by the RAO.

### **2. Owner Appeal Requirements**

An owner who did not respond to a tenant petition can, after a RAP decision is issued, effectively bypass the initial petition filing requirements when filing an appeal to the Rent Board or responding to a tenant appeal.

The Rent Adjustment and Rent Service Fee Ordinances are furthered by not allowing covered owners to increase the demand for RAP services prior to having paid the RAP service fee and demonstrating compliance with other filing requirements.

Thus, if this amendment is adopted, to appeal or respond to a tenant appeal, an owner would then be required to provide evidence of the following, if the owner has not already done so:

- a) A current city business tax certificate,
- b) Payment of or exemption from the RAP service fee,
- c) Service of the RAP Notice to affected tenants, and
- d) Registration with the RAP

### **3. Remedies**

Like the California TPA referenced in the legislative history section above, most California rent control jurisdictions base damages for violations on the amount demanded, accepted, or retained by the residential rental property owner in excess of the lawful rent, rather than limiting damages to just actual damages. Also, most California rent control jurisdictions impose a treble-damage modifier under certain circumstances, and Los Angeles and Beverly Hills impose treble damages for all violations of their rent ordinances.

The RAO does not currently provide for an award of attorney's fees or litigation costs for successful lawsuits filed under the ordinance, unlike the state TPA and most other California rent control jurisdictions, such as Los Angeles, East Palo Alto, Richmond, Santa Monica, and West Hollywood, which allow for awards of reasonable attorney's fees and costs for a prevailing plaintiff suing under their rent ordinance.

This Rent Board proposal seeks to bring the civil remedies available under the RAO closer in line with state law and comparable jurisdictions. It also seeks to harmonize the remedies in the RAO with those in other ordinances found in OMC **Chapter 8.22**, such as Articles V (Tenant

Protection Ordinance), VI (Tenant Move Out Agreement Ordinance), VIII (Relocation Payments for Owner and Relative Move-Ins), and IX (Equitable Access to Low-Income (“EQUAL”) Housing Ordinance), each of which contains a treble damages provision for either (1) willful violations, (2) specific categories of violation including certain ones where the owner acted in knowing violation of or reckless disregard of the ordinance, or (3) any violation of the ordinance.

While a private right of action under the RAO can indirectly enforce the ordinance’s implementing regulations when the ordinance prohibits certain activities by referencing those regulations, it generally cannot be used to enforce the regulations themselves. This is because the General Remedies section currently authorizes a private right of action only to enforce the ordinance and the orders or decisions of the Rent Board and RAP hearing officers. The recommended legislation would change this by allowing a private right of action for any violation of the implementing regulations, even if there is no violation of the RAO.

#### **4. Rent Board Officer Designation**

Oakland is the only Bay Area jurisdiction that requires its Rent Board to elect its officers from only one category of board members, those who are undesignated, thereby preventing Rent Board members who are tenants or rental property owners from serving as officers.

The Board seeks to provide all regular members with an opportunity to serve as officers, including chair and vice chair. Thus, the Rent Board recommends City Council approve the amendment of **Regulation 8.22.040** to grant such an opportunity.

#### **Alternatives**

City Council may decide to adopt one or more of the Rent Board’s recommendations, modify the recommendation, or not adopt any.

If Council does not approve the proposed amendments, the existing deadlines, appeal requirements, and remedies in the Ordinance and Regulations would remain unchanged, preserving current gaps that limit tenant access to the petition process, allow some owners to bypass compliance requirements when appealing, and restrict enforcement tools available to the City Attorney and aggrieved parties. As a result, tenants would continue to face strict filing deadlines, owners could appeal without demonstrating compliance with RAP obligations, remedies for violations would remain weaker than those in state law and comparable jurisdictions, and the Rent Board would remain unable to select officers from all member categories, limiting participation.

#### **FISCAL IMPACT**

Because the amendment eliminating tenant petition deadlines would apply only prospectively and would bar retroactive claims on matters already time-barred under current rules, it mitigates potential financial impacts on the RAP Fund. If adoption of this amendment results in a substantial increase in tenant petitions or administrative costs, HCD would return to City Council with recommendations to address those impacts. The amendment to the Residential RAO appeal requirements and violations section will likely increase compliance including RAP service fee and rent registration compliance, as well as compliance with the City’s business tax

requirements. The financial impact of the recommended changes—specifically, increasing the damages remedy in civil actions against residential rental property owners and authorizing the City Attorney to bring actions to enforce RAO regulations—is currently unknown. The Rent Board officer designation and remedies recommended amendments will have no financial impact on the RAP Fund.

### **PUBLIC OUTREACH / INTEREST**

The recommended ordinance changes were placed on the Rent Board agenda and discussed at multiple meetings. Over the past eighteen months, Rent Board members sponsoring the proposals engaged directly with numerous stakeholders to explain the changes, answer questions, and address concerns. Additionally, in January 2026, RAP staff also emailed stakeholder organizations to share the proposed changes and request further input, and informed stakeholders that the proposals were likely to be scheduled for consideration by the Community & Economic Development Committee and City Council in February and March. As of the date of submission of this report, no additional input was provided to RAP.

### **COORDINATION**

The report was written in consultation with the City Attorney's Office.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The tenant petition deadline amendment would provide enhanced opportunity to petition for relief to tenants who otherwise are unable to file a RAP petition within the current deadlines. The amendment to the RAO violations section will likely increase compliance with the annual RAP service fee and rent registration requirements which will allow RAP to financially support representation services of low- and moderate-income tenants and small property owners in RAP proceedings, and other RAP services to tenants and property owners of covered residential rental units.

***Environmental:*** All improvements to the efficient functioning of RAP help mitigate adverse environmental impacts resulting from existing rental housing through the resolution of petitions involving code violations and lack of maintenance, uncovering health and safety hazards in the process of its execution, in turn encouraging cohesion and vested interest of owners and tenants in established neighborhoods.

***Race and Equity:*** The amendment to the RAO remedies section will likely increase RAO compliance resulting in a more stable housing market for the low- and moderate-income community where people of color are overrepresented. Increased tenant access to the petition process can help to prevent and resolve disputes due to unwarranted rent increases and decreased housing services and to ensure low- and moderate-income tenants, who are mostly people of color, can access the decent, affordable, and healthy housing.

### **ACTION REQUESTED BY THE CITY COUNCIL**

Staff Recommends That The City Council Adopt The Following Pieces of Legislation:

(I) An Ordinance Amending The Rent Adjustment Ordinance (Oakland Municipal Code Chapter 8.22, Article I) To:

(A) Eliminate Tenant Petition Deadlines;

(B) Require That An Owner Provide Evidence Of Possession Of A Current Business Tax Certificate, Payment Of Or Exemption From The Rent Adjustment Program Service Fee, Service Of Written Notice Of The Rent Adjustment Program To Affected Tenants, And Registration With The Rent Adjustment Program In Order To File An Appeal Or A Response To A Tenant Appeal; And

(C) Make Various Changes To The Remedies Section Including Increasing The Damages Remedy In Civil Actions Against Residential Rental Property Owners; And Making Appropriate California Environmental Quality Act Findings.

(II) A Resolution Ratifying Amendments To The Rent Adjustment Program Regulations To Permit Any Category Of Member Of The Housing, Residential Rent, And Relocation Board To Serve As A Board Officer.

For questions regarding this report, please contact the Rent Adjustment Program Manager, Victor Ramirez, at 510.238.3220.

Respectfully submitted,

Emily Weinstein

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