



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

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 RAP 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

WHEREAS, the Housing, Residential Rent and Relocation Board (“Rent Board”) may make recommendations to the City Council or appropriate City Council committee pertaining to Chapter 8.22 of the Oakland Municipal Code (“O.M.C.”), including the Residential Rent Adjustment Program Ordinance (“Rent Ordinance”), or City housing policy when requested to do so by the City Council or when the Board otherwise acts to do so, pursuant to O.M.C. 8.22.040 D.4 of the Rent Ordinance; and

WHEREAS, after the City Council’s adoption of an amendment to the Rent Ordinance effective December 24, 2024, which lengthened only the time for petitioning to contest rent increases, the Rent Ordinance imposes a time limit of one hundred eighty (180) days for tenants to petition the Rent Adjustment Program (“RAP”) for relief from an unlawful rent increase and ninety (90) days for tenants to petition for claims of decreased housing services, suspending the time limits only in instances where the residential rental property owner has failed to provide the tenant with the required notice of the Ordinance; and

WHEREAS, 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; and

WHEREAS, on November 14, 2024, the Rent Board unanimously adopted a resolution recommending that the City Council eliminate tenant petition deadlines by amending O.M.C. Sections 8.22.090 and 8.22.110; and

WHEREAS, the Rent Ordinance requires an owner to provide evidence of possession of a current city business tax certificate, payment of or exemption from the RAP service fee, service of written notice of the existence and scope of the RAP to affected tenants, and registration with the RAP in order to petition the RAP or respond to a tenant petition; and

WHEREAS, the Rent Ordinance and corresponding Rent Adjustment Program Regulations do not currently require an owner to provide evidence of possession of a current city business tax certificate, payment of or exemption from the RAP service fee, service of written notice of the existence and scope of the RAP to affected tenants, and registration with the RAP at the time of filing an appeal or response to a tenant appeal, creating a scenario where an owner who did not respond to a tenant petition can, after the Rent Adjustment Program decision is issued, effectively bypass the initial filing requirements when filing an appeal or responding to a tenant appeal; and

WHEREAS, the Rent Ordinance and Rent Service Fee Ordinance are not furthered by allowing covered owners to increase the demand on RAP services prior to having paid the RAP fee; and

WHEREAS, on September 11, 2025, the Rent Board unanimously adopted a resolution recommending that the City Council amend O.M.C. Section 8.22.120 A to require an owner to provide evidence of possession of a current city business tax certificate, payment of or exemption from the RAP service fee, and registration with the RAP, if such evidence was not already provided to the RAP by the owner at the time of petitioning or responding to the petition; and

WHEREAS, O.M.C. Section 8.22.150 C of the Rent Ordinance 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 Rent Ordinance or of an order or decision issued by a RAP Hearing Officer or the Rent Board; and

WHEREAS, Senate Bill 567 adopted in 2023 made various changes to the California Tenant Protection Act (“TPA”) of 2019 which become effective 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; and

WHEREAS, 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; and

WHEREAS, similar to state law, 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; and

WHEREAS, in addition to basing damages on the amount demanded, accepted, or retained in excess of lawful rent, most California rent control jurisdictions impose a treble damages modifier under certain circumstances, and Los Angeles and Beverly Hills impose treble damages for all violations of their rent ordinances; and

WHEREAS, Oakland's Rent Ordinance does not provide for an award of attorney's fees or litigation costs for successful lawsuits filed under the Ordinance, unlike most other California rent control jurisdictions, which allow for awards of reasonable attorney's fees and costs for a prevailing plaintiff suing under their rent ordinance; and

WHEREAS, the Rent Board seeks to bring the civil remedies available under the Rent Adjustment Ordinance closer in line with state law and comparable jurisdictions; and

WHEREAS, the Rent Board seeks to harmonize the remedies in the Rent Ordinance with those in other ordinances found in O.M.C. 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; and

WHEREAS, while a private right of action brought under the Rent Ordinance can be used to indirectly enforce the Ordinance's implementing regulations when the Ordinance prohibits activity by reference to the regulations, a private right of action brought under Rent Ordinance otherwise cannot otherwise be used to enforce the regulations because the General Remedies section of the Ordinance authorizes a private right of action only for the purposes of enforcing the Ordinance and orders and decisions of the Rent Board and RAP hearing officers; and

WHEREAS, the Rent Board seeks to ensure that all covered Oakland tenants and residential real property owners have equitable access to the protections and relief provided by the Rent Ordinance; and

WHEREAS, the Rent Board seeks to discourage residential real property owners from violating the Rent Ordinance; and

WHEREAS, on September 11, 2025, the Rent Board unanimously adopted a resolution recommending that the City Council make various changes to O.M.C. Section 8.22.150, the remedies section of the Rent Ordinance, including increasing the damages remedy in civil actions against residential rental property owners, allowing for recovery of fees and costs, permitting

enforcement of Rent Ordinance regulations, provision of a three-year Statute of Limitations, and clean up; now, therefore, be it

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Modification of Section 8.22.090 of the Oakland Municipal Code. Section 8.22.090 of the Oakland Municipal Code is hereby amended to read as follows (additions are shown as double underline and deletions are shown as ~~strikethrough~~).

8.22.090 – Petition and response ~~to~~ filing procedures.

A. Tenant Petitions and Responses.

1. Tenant may file a petition regarding any of the following:
 - a. A rent increase was given that is not based on the CPI rent adjustment, banking; and/or a final decision in an owner petition;
 - b. The owner set an initial rent in excess of the amount permitted pursuant to Section 8.22.080 (Rent increases following vacancies);
 - c. A rent increase notice failed to comply with the requirements of Subsection 8.22.070H;
 - d. The owner failed to give the tenant a notice in compliance with Section 8.22.060 and State law;
 - e. The owner decreased housing services to the tenant;
 - f. The tenant alleges the covered unit has been cited in an inspection report by the appropriate governmental agency as containing serious health, safety, fire, or building code violations pursuant to Subsection 8.22.070 D.6;
 - g. The owner fails to reduce rent on the month following the expiration of the amortization period for capital improvements, or to pay any interest due on any rent overcharges from the failure to reduce rent for a capital improvement.
 - h. The owner noticed a rent increase that exceeds the annual limit as provided in Section 8.22.070 A.2. or that exceeds the rent increase limit of thirty percent (30%) in five (5) years.
 - i. The petition is permitted by the Just Cause for Eviction Ordinance (Measure EE) O.M.C. 8.22.300 or its regulations.
 - j. The petition is permitted by the Ellis Act Ordinance, O.M.C. 8.22.400, or its regulations.
 - k. The tenant contests an exemption from this O.M.C. 8.22, Article I or Article II.
 - l. The tenant claims the owner has received reimbursements for any portion of cost or financing of capital improvements after a capital improvement rent increase has been approved, and has not prorated and refunded such reimbursement, or has other undeclared capital improvement benefits.

- m. After a rent increase imposed for an additional occupant as defined by Section 8.22.020, the owner fails to reduce the rent following a decrease in occupancy.
 - n. A primary tenant overcharges a subtenant in violation of the regulations. Only a subtenant may file a petition for this reason.
 - o. The owner did not have a current business tax certificate.
2. Tenant petitions may be filed at any time. ~~For a petition contesting a rent increase, the petition must be filed as follows:~~
- a. ~~If the owner provided written notice of the existence and scope of this Chapter as required by Section 8.22.060 at the inception of tenancy, the petition must be filed within one hundred eighty (180) days of the date the owner serves the rent increase notice.~~
 - b. ~~If the owner did not provide written notice of the existence and scope of this Chapter as required by Section 8.22.060 at the inception of tenancy, within one hundred eighty (180) days of the date the tenant first receives written notice of the existence and scope of this Chapter as required by Section 8.22.060.~~
3. Reserved ~~For a petition claiming decreased housing services:~~
- a. ~~If the decreased housing is the result of a noticed or discrete change in services provided to the tenant (e.g., removal of parking place, requirement that tenant pay utilities previously paid by owner) the petition must be filed within ninety (90) days of whichever of the following is later:~~
 - i. ~~The date the tenant is noticed or first becomes aware of the decreased housing service; or~~
 - ii. ~~The date the tenant first receives written notice of the existence and scope of this Chapter as required by Section 8.22.060.~~
 - b. ~~If the decreased housing is ongoing (e.g., a leaking roof), the tenant may file a petition at any point but is limited in restitution for three (3) years before the petition is filed and to the period of time when the owner knew or should have known about the decreased housing service.~~
4. In order to file a petition or respond to petition, a tenant, including a subtenant contesting overcharges by a primary tenant, must provide the following at the time of filing the petition or response:
- a. A completed tenant petition or response on a form prescribed by the Rent Adjustment Program;
 - b. Reserved;
 - c. A statement of the services that have been reduced or eliminated, if the tenant claims a decrease in housing services;
 - d. A copy of the applicable citation, if the tenant claims the rent increase need not be paid because the covered unit has been cited in an inspection report by the appropriate

governmental agency as containing serious health, safety, fire, or building code violations pursuant to Section 8.22.070D.6; and

- e. Proof of service by first-class mail or in person of the tenant petition or response and any supporting documents on the opposing party (owner, subtenant, or primary tenant).

5. A tenant must file a response to an owner's or subtenant's petition within thirty (30) days of service of the petition.

B. Owner Petitions and Owner Responses to Tenant Petitions.

1. In order for an owner to file a response to a tenant petition or to file a petition, the owner must provide the following:

- a. Evidence of possession of a current business tax certificate;
- b. Evidence of payment of the Rent Adjustment Program service fee or evidence of exemption from the fee;
- c.
 - i. Evidence of service of written notice of the existence and scope of the Rent Adjustment Program as required by Section 8.22.060 on all tenants in covered units affected by the petition or response;
 - ii. After July 1, 2023, evidence of registration with the Rent Adjustment Program as provided in O.M.C. Section 8.22.510 for each affected covered unit in the building prior to the petition or response being filed;
- d. A completed response or petition on a form prescribed by the Rent Adjustment Program;
- e. Organized documentation supporting the owner's claimed justification(s) for the rent increase or supporting any claim of exemption; and
- f. Proof of service by first-class mail or in person of the owner petition or response and any supporting documents on the tenants of all units affected by the petition. Supporting documents that exceed twenty-five (25) pages are exempt from the service requirement, provided that: (1) the owner petition form must be served by first-class mail or in person; (2) the petition or attachment to the petition must indicate that additional documents are or will be available at the Rent Adjustment Program; and (3) the owner must provide a paper copy of supporting documents to the tenant or the tenant's representative within ten (10) days if a tenant requests a paper copy in the tenant's response.

2. An owner must file a response to a tenant's petition within thirty (30) days of the service of the tenant petition.

3. Subsection 8.22.090 B. shall not apply to primary tenant responses to subtenant petitions.

SECTION 2. Modification of Section 8.22.110 of the Oakland Municipal Code. Section 8.22.110 of the Oakland Municipal Code is hereby amended to read as follows (additions are shown as double underline).

8.22.110 – Hearing procedures.

A. Hearing Officer. A hearing shall be set before a Hearing Officer to decide the issues in the petition.

B. Hearings.

1. All hearings on petitions shall be open to the public and recorded;
2. Any party to a hearing may be assisted by a representative who may be an attorney or any other person. A party must designate his or her representative in writing.

C. Notification and Consolidation. Rent Adjustment Program staff shall notify the owner and tenant in writing of the time and place set for hearing. Representatives of parties shall also be notified of hearings, provided that the Rent Adjustment Program has been notified in writing of a party's designation of a representative at least ten days prior to the notice of the hearing being sent. Disputes involving more than one covered unit in any single building may be consolidated for hearing.

D. Time of Hearing and Decision.

1. The Hearing Officer shall have the goal of hearing the matter within sixty (60) days of the original petition's filing date.
2. The Hearing Officer shall have a goal of rendering a decision within sixty (60) days after the conclusion of the hearing or the close of the record, whichever is later. The decision shall be issued in writing.
3. The decision of the examiner shall be based entirely on evidence placed into the record.

E. A Hearing Officer may order a rent adjustment as restitution for any overcharges or undercharges due, subject to guidelines set out in the regulations. Restitution may only be awarded for overcharges that occurred within three years prior to the petition being filed and, for awards for decreased housing service, shall be limited to the period of time when the owner knew or should have known about the decreased housing service.

F. Administrative Decisions.

1. Notwithstanding the acceptance of a petition or response by the Rent Adjustment Program, if any of the following conditions exist, a hearing may not be scheduled and a Hearing Officer may issue a decision without a hearing:
 - a. The petition or response forms have not been properly completed or submitted;
 - b. The petition or response forms have not been filed in a timely manner;
 - c. The required prerequisites to filing a petition or response have not been met;

- d. A certificate of exemption was previously issued and is not challenged by the tenant; or
- e. The petition and response forms raise no genuine dispute as to any material fact, and the petition may be decided as a matter of law.

2. A notice regarding the parties' appeal rights will accompany any decision issued administratively. Appeals are governed by Section 8.22.120.

G. Should the petitioner fail to appear at the designated hearing, the Hearing Officer may dismiss the petition.

SECTION 3. Modification of Section 8.22.120 of the Oakland Municipal Code. Section 8.22.120 of the Oakland Municipal Code is hereby amended to read as follows (additions are shown as double underline and deletions are shown as ~~strikethrough~~).

8.22.120 – Appeal procedure.

A. Filing an Appeal.

1. Either party may appeal the Hearing Officer's decision, including an administrative decision, within fifteen (15) days after service of the notice of decision by filing with the Rent Adjustment Program ~~a written notice on a~~ completed form prescribed by the Rent Adjustment Program setting forth the grounds for the appeal. If an owner did not file a completed petition or response accepted by the Rent Adjustment Program for the case, the owner must provide evidence of possession of a current business tax certificate, payment of or exemption from the Rent Adjustment Program fee, service of written notice of the Rent Adjustment Program to affected tenants, and registration with the Rent Adjustment Program, as described in Subsections 8.22.090 B.1.a, b, and c, in order to file an appeal or a response to an appeal.

2. The matter shall be set for an appeal hearing and notice thereof shall be served on the parties not less than ten (10) days prior to such hearing.

B. Assignment of Appeals.

1. Staff shall assign to the Board appeals that involve an owner's petition seeking a certificate of exemption, a claim of exemption in response to a tenant's petition, or other important decisions as determined by staff.

2. Staff may assign to an Appeal Officer appeals where the only issue on appeal is whether good cause exists for failing to appear at a hearing or failure to meet a response deadline.

3. Except cases required to be heard by the Board under O.M.C. 8.22.120 B.1., all other cases may be assigned by Staff to either the Board or an Appeal Panel.

C. Appeal Hearings. The following procedures shall apply to all appeal hearings:

1. The Appeal Body shall have a goal of hearing the appeal within thirty (30) days of filing the notice of appeal.

2. All appeal hearings conducted by the Appeal Body shall be public and recorded.
3. Any party to a hearing may be assisted by an attorney or any person so designated.
4. Appeals shall be based on the record as presented to the Hearing Officer unless the Appeal Body determines that an evidentiary hearing is required. If the Appeal Body deems an evidentiary hearing necessary, the case will be continued and the Appeal Body shall issue a written order setting forth the issues on which the parties may present evidence. All evidence submitted to the Appeal Body must be submitted under oath.
5. The total argument time for each party is limited to six (6) minutes, unless the regulations allow for more time. The Appeal Body or the chair of the Appeal Body may also modify the time limit in an individual appeal.

D. Appeal Body's Decision Final. The Appeal Body's decision is final. Parties cannot appeal to the City Council. Parties cannot appeal the decision of an Appeal Panel or an Appeal Officer to the full Board.

E. Court Review. A party may seek judicial review of a final decision of the Appeal Body pursuant to California Civil Code Section 1094.5 within the time frames set forth therein.

SECTION 4. Modification of Section 8.22.150 of the Oakland Municipal Code. Section 8.22.150 of the Oakland Municipal Code is hereby amended to read as follows (additions are shown as double underline and deletions are shown as ~~strikethrough~~).

8.22.150 – General remedies.

A. ~~Violations of this Chapter.~~

1. Violations of Orders or Decisions. Failure of a party to abide by an order or decision of a Hearing Officer and/or the Board shall be deemed a violation of Article I of this Chapter and shall be punishable administratively or by civil remedies unless otherwise provided in this Chapter.
2. Violations of ~~this Chapter~~ Articles I and IV. Violations of Article I and Article IV of this Chapter and their regulations may be enforced administratively or by civil remedies as set forth in this section or as otherwise specifically set out in ~~this Chapter~~ Article I.
3. In addition to the remedies provided in Article I of this Chapter, a violator is liable for such costs, expenses, and disbursements paid or incurred by the city in abatement and prosecution of the violation.
4. The remedies available in Article I of this Chapter are not exclusive and may be used cumulatively with any other remedies in this Chapter or at law.
5. Remedies for violations of Section 8.22.080 are set out in that section.

6. The statute of limitations for a civil action shall be three (3) years, and all remedies under this ordinance are available for the entire statutory period.

B. General Administrative Remedies.

1. Administrative Citation. Anyone who violates specified provisions of Article I and Article IV of this Chapter may be issued an administrative citation. Administrative citations shall be issued in accordance with O.M.C Chapter 1.12 (Administrative Citations). The specified sections of this ~~Chapter~~Article and Article IV that may be enforced by administrative citation shall be set out in the regulations.
2. Administrative Assessment of Civil Penalties. Anyone who violates specified provisions of Article I and Article IV of this Chapter may be administratively assessed a civil penalty. Civil penalties for violations are assessed in accordance with O.M.C Chapter 1.08 (Administrative Assessment of Civil Penalties) as a major violation under that Chapter 1.08. Specified sections of this ~~Chapter~~Article and Article IV that may be enforced with civil penalties shall be set out in the regulations.
3. The City ~~Manager~~Administrator shall designate staff authorized to issue administrative citation and civil penalties.
4. Each and every day or any portion of a day during which a violation of any provision of Article I or Article IV of this Chapter is committed, continued, or permitted is a separate violation and shall be punishable accordingly.

C. General Civil Remedies.

1. Article I.

- a. Action by Tenant. An aggrieved tenant party or the City Attorney, on behalf of such party, may bring a civil action for injunctive relief or damages, or both, together with reasonable attorney's fees and the recovery of costs as determined by the court, for any violation of the provisions of Article I of this Chapter, its regulations, or an order or decision issued by a Hearing Officer or the Board. Damages for violation of this Article shall be treble actual damages or the amount demanded or retained in excess of lawful rent due, whichever is greater. The court may award punitive damages in a proper case as set out in Civil Code Section 3294 and pursuant to the standards set forth in that Code Section or any successor thereto, but may not award both punitive damages and treble damages.
- b. Action by City Attorney. The City Attorney may bring a civil action for equitable relief, restitution, and/or enforcement of administrative remedies, together with reasonable attorney's fees and the recovery of costs as determined by the court, for any violation of provisions of Article I of this Chapter, its regulations, or an order or decision issued by a Hearing Officer or the Board.

2. Article IV. An aggrieved party may bring a civil action for injunctive relief or actual damages, or both, for any violation of the provisions of Article IV of this Chapter or its regulations. The City Attorney may bring a civil action for injunctive relief for any violation of the provisions of Article IV of this Chapter or its regulations

SECTION 5. Grandparenting. The time limit changes herein from the amendment to Oakland Municipal Code Section 8.22.090 do not apply to (1) rent increase violations alleged to have occurred more than 180 days prior to the effective date of the ordinance and (2) decreased housing services alleged to have occurred more than 90 days prior to the effective date of the ordinance.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 7. Effective Date. 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 8. CEQA Compliance. This action is exempt from the California Environmental Quality Act ("CEQA") pursuant to the following sections of the CEQA Guidelines: Section 15378 (regulatory actions), Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment), and Section 15061(b)(3) (no significant environmental impact), which taken individually and collectively, represent a basis for CEQA clearance. The legislation contains no provisions modifying the physical design, development, or construction of residential or nonresidential structures and is purely regulatory in nature. Accordingly, it can be seen with certainty that there is no possibility that it: (1) may have a significant effect on the environment and/or (2) would result in any physical changes to the environment.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

3435457v7 / OL

NOTICE AND DIGEST

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 RAP 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

This ordinance would amend the Rent Adjustment Ordinance (RAO) to (A) eliminate deadlines for tenant petitions to the Rent Adjustment Program (RAP), (B), require residential rental property owners who have not previously provided various owner regulatory compliance information required for owner petitions and responses filed with the RAP, including evidence of possession of a business tax certificate, payment of or exemption from the RAP service fee, service of written notice of the RAP to affected tenants, and registration with the RAP, to provide the compliance information in order to file an appeal or response to an appeal of a RAP decision, and (C) make changes to the remedies section including increasing the damages remedy in civil actions against residential rental property owners, allowing for recovery of fees and costs, permitting enforcement of RAO regulations, provision of a three-year Statute of Limitations, and clean up. The City Council relies on several CEQA exemptions when taking the action.