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Community and Economic Development Agency
Rent Adjustment Program

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JUST CAUSE FOR EVICTION ORDINANCE (MEASURE EE)

This measure provides that landlords of specified residential properties may evict tenants only for reasons specified in the measure. Landlords may not evict tenants in covered units except for the following reasons:

1. Failure to pay rent;

2. Material violation of rental agreement;

Subletting is not a grounds for termination if the landlord unreasonably withheld the right to sublet after a written request by the tenant if the tenant continues to reside in the unit and the sublet constitutes a one-for-one replacement of the departing tenant(s). Failure to respond to a tenant's request to sublet within 14 days is deemed an approval

Nuisance, includes causes number 4 causing substantial damage, 5 disorderly conduct, or 6 using premises for illegal purpose. The landlord can follow the requirements of those sections instead of section 2. Nuisance also includes conduct by the tenant occurring on the property that substantially interferes with the use and enjoyment of neighboring properties that rises to the level of a nuisance under Code of Civil Procedures § 1161 (4).

Waste, is defined by State law. Termination of tenancy for any conduct that falls under 4 causing substantial damage and might also be considered waste can follow the requirements of section 4 instead of this section

3. Nonrenewal

Refusal to execute written extension or renewal with terms similar to those in prior agreements after a written request by landlord;

4. Substantial Damage

Tenant must have opportunity to pay reasonable costs of repair of damage;

5. Disorderly Conduct;

6. Illegal Purpose;

7. Denial of Access to Unit

Landlord must provide written notice to cease denying access before eviction;

8. Landlord previously occupied the unit and has a written agreement with the tenant allowing re-occupancy and landlord seeks unit as a residence;

9. Landlord seeks unit as a residence for landlord or spouse, domestic partner, child, parent or grandparent;

The landlord may not recover possession for landlord or relative occupancy if the tenant has lived in the unit 5 years or longer, and is

(1) 60 years or older;

(2) disabled or;

(2) catastrophically ill

unless the landlord or landlord's relative is also 60 years or older, disabled or catastrophically ill and the landlord has no other unit

Landlord may only recover possession of a unit once in a 36 month period under this section.

Landlord must give tenant notice of all property owned by the intended occupant, the real property address, if any, on which the intended occupant claims a homeowner's property tax exemption, and a statement regarding the possibility of the tenant occupying a "replacement unit".

Once the unit has been repossessed by the landlord no other unit on the property can be used for landlord or relative occupancy.

10. Landlord withdraws unit from rental market under state law (Ellis Act). The owner must file an application with the City, pay fees and give the tenant an extended notice period. The property remains subject to restrictions on re-renting.

11. Landlord seeks to make code compliance and repairs that cannot be made while the unit is occupied:

Special Procedures:

(1) Landlord must obtain building permit before commencing eviction;

(2) Landlord must include statement of tenants' right to payment under the Oakland Relocation Ordinance, the right to re-occupy the unit under conditions specified by the Ordinance and estimate of time required to complete repairs and expected date unit will be ready for habitation;

(3) Tenant is not required to vacate for more than 3 months; however time may be extended on application by landlord.

The "Just Cause" Eviction Ordinance applies to all residential rental units except:

(1) hotels, motels and other places used for transient occupancy

(2) hospitals and certain other health facilities;

- (3) non profit facilities for temporary living for homeless persons;
- (4) nonprofit substance abuse treatment facilities;
- (5) Newly constructed units completed and first offered for rent after October 1980;
- (6) Parcels with 3 units or less if one unit is owner occupied;
- (7) Units in trust for the developmentally disabled;
- (8) Owner-occupied units sharing a kitchen or bath with tenants

Notice in General

All notices to terminate must include grounds for eviction, and a statement that advice regarding termination is available from the Rent Board. Specific language is found in the Just Cause Regulations.

A copy of the notice must be filed with the Rent Adjustment Program within 10 days of service on the tenant. Copies of the notice are maintained by the Rent Adjustment Program for one year. Failure to file this notice is a defense to any resulting unlawful detainer. Certified copies of notices filed are available from the Rent Adjustment Program.

Remedies for violation of eviction controls

Tenants may have remedies at law for violation of the Just Cause for Eviction Ordinance.

City Attorney has authority to enforce the Ordinance