

OAKLAND MUNICIPAL CODE SECTION 8.23

Nuisance Eviction Ordinance

- Oakland Municipal Code section 8.23 et seq imposes a mandatory obligation on landlords to not allow their properties to be used or maintained for any illegal drug activity, illegal possession, sale, or use of weapon, violent crime, threat of violent crime or gang-related crime.
- This section also requires the landlord not to permit a tenant to occupy the premises if the tenant commits, permits, maintains or is involved in any illegal drug activity, drug-related nuisance, illegal possession, sale, or use of weapon, violent crime, threat of violent crime or gang-related crime on the premises or for drug related crimes occurring within a close proximity to the premises.
- This section further provides that a landlord can bring an action to evict a tenant if the tenant is engaging in any of the following activities:
 - (1) the tenant is committing or permitting to exist any illegal drug activity, illegal possession, sale, or use of weapon, violent crime, threat of violent crime, gang-related crime or drug-related nuisance on the premises or for drug related crimes occurring within a close proximity to the premises; *or*
 - (2) the tenant has been convicted of a crime wherein the underlying offense involves illegal drug activity, illegal possession, sale, or use of weapon, violent crime or threat of violent crime, drug-related nuisance activity or a gang-related crime on the premises.
 - (3) the tenant, tenant's agent, or tenant's guest is committing or permitting to exist any illegal drug activity, violent crime or threat of violent crime, gang-related crime, or illegal sale, use, possession of a weapon on the premises or for sales of drugs within a close proximity to the boundary line of the property
- Oakland Municipal Code section 8.23 creates a new obligation for landlords, i.e. to take action to evict tenants who are engaging in drug-related activity, illegal possession, sale, or use of weapon, violent crime, threatening violent crime or gang-related crimes.
- When the City Administrators Nuisance Abatement Division (NAD) is notified of an arrest that fits within the provisions of Oakland Municipal Code section 8.23, the NAD will advise the landlord of the provisions of Oakland Municipal Code section 8.23 and also of the activity that occurred. Non-compliance with 8.23 is punishable by civil penalties.
- If the landlord fails to comply, the City Attorney's Office will make a decision whether to file a civil action.

For further information, please contact Assistant to the City Administrator, Arturo M. Sanchez at (510) 238-7542.

