

## Registration Responsibilities (Chapter 8.54.200)

If registration information changes, such as a change in property management, then the information change must be made in the City's registry within 10 days from the change.

If there is a change in property status, for example it goes from NOD occupied to NOD vacant, then the status change must be made in the City's registry within 30 days from the change. Once vacant or REO, a fee will become due and the final statement of registration will provide instructions for payment. If a registration fee was already paid for a property within the previous 12 months, a status change would not trigger a new fee payment requirement.

| <b>PROPERTY STATUS</b>   | <b>REGISTRATION REQUIRED?</b> | <b>FEE REQUIRED?</b> |
|--------------------------|-------------------------------|----------------------|
| NOD, Vacant or Abandoned | Yes                           | Yes                  |
| NOD, Occupied            | Yes                           | No                   |
| REO, Vacant              | Yes                           | Yes                  |
| REO, Occupied            | Yes                           | Yes                  |

### **At Recordation of Notice of Default (NOD), Vacant and Occupied:**

Within 30 days Responsible Party shall:

- **Inspect the property** according to Chapter 8.54.310 through the program website: [oaklandnet.com/foreclosure](http://oaklandnet.com/foreclosure);
- Comply with Article IV. Inspection, Maintenance and Security Requirements;
- **Register the property within 30 days of the initial inspection** up to a maximum of 60 days from the initial recorded Notice of Default. See Chapter 8.54 Article III for Registration requirements. The registration fee of \$568 dollars is waived for Occupied NOD properties. Continue monthly inspections until NOD is withdrawn or rescinded.
- If property
  - **is Occupied and becomes Vacant**, update property registration as such and pay the registration fee to the City of Oakland;
  - **is or becomes Vacant and Abandoned<sup>1</sup>**, the Responsible Party shall invoke the abandonment (or similar) clause of the Deed of Trust to assume possession or control of the property, register the property, and pay the registration fee to the City of Oakland.

<sup>1</sup> "Abandoned" means any building, structure or real property that (1) the Owner of Record has notified a Responsible Party or the City that the Owner of Record has abandoned the property, or (2) shows either Evidence of Vacancy or occupancy by a person or persons without a legal right of occupancy, and the Owner of Record failed to respond within a reasonable time to a notice or notices sent by a Responsible Party or the City that require a response or other action by the Owner of Record, including, but not limited to notices regarding maintenance or security issues; or (3) other criteria of abandonment as may be set out in the Deed of Trust for the property, or set out in any regulations developed pursuant to Oakland Municipal Code Chapter 8.54. A determination that a property is abandoned may be made by a Responsible Party or the Building Official or designee.

- **is lawfully occupied with tenants**, provide those tenants with:
  - a **written statement** that you are a new owner/beneficiary/trustee, and
  - the **tenant's rights handout** that can be found at the Program website.
- All management must comply with all applicable Oakland and California landlord-tenant laws. Refer to the **City of Oakland's Rent Adjustment Website** for more information: <http://www2.oaklandnet.com/Government/o/hcd/o/RentAdjustment/index.htm>

### **At Recordation of Real Estate-Owned Property (REO), Vacant and Occupied:**

Within 30 days Responsible Party shall:

- Inspect and register the property.
- See 8.54 Article III for Registration Requirements and
- 8.54 Article IV for Inspection, Maintenance and Security Requirements.
- Ensure that utilities are not terminated if properties are legally occupied,
- Comply with Article IV. Inspection, Maintenance and Security Requirements,
- If property is lawfully occupied with tenants, you must:
  - provide those tenants with a written statement that you are a new owner/beneficiary/trustee and the **tenant's rights handout** that can be found at the Program website.
  - Comply with all applicable Oakland and California landlord-tenant laws. Refer to the **City of Oakland's Rent Adjustment Website** for more information: <http://www2.oaklandnet.com/Government/o/hcd/o/RentAdjustment/index.htm>.
  - Update the registration status from "occupied" to "vacant" within 30 days of vacancy if tenants move out. There will be no additional cost if still within the year-long active registration period.

### **Deregistration: Notice of Default Cured Or At Point of Sale of the Property:**

Once a registered property becomes no longer subject to registration, it must be de-registered through the program website within 30 days. Please see the FAQ available at the website for deregistration instructions.

- **Notice of default cured:** Responsible Party shall provide information about how the default was cured (i.e. refinance, loan modification, principal reduction). S instructions.
- **Property Sold to a non-bank entity:** Responsible Party shall provide the following information about the sale:
  - Information on the property purchaser, including name, address, and whether an owner-occupant or an investor.
  - Information on the conditions of the property at the point of sale.
  - Information on whether a First Look or other program promoting owner-occupant purchase was considered as part of the marketing and sales process.

## Local and/or Certified Property Management Requirements

- **Local Property Management** is required in the case of an Out-Of-Area Property Owner or Beneficiary/Trustee, defined as such when:
- 1) The owner of the property acquired through a Foreclosure sale or through a Deed in Lieu of Foreclosure resides or has a principal place of business or headquarters that is located Out-of-Area (>20 miles from the Oakland City limits), or
  - 2) Both the Beneficiary and trustee of a property upon which a Notice of Default has been recorded, reside, have a principal place of business, or headquarters that is located Out-of-Area (>20 miles from the Oakland City limits).

### Local Property Management shall:

- 1) Be licensed to do business in the City of Oakland (note that Property Management Company business tax classification = "M" for Residential Rental Property:  
[http://www.oaklandnet.com/government/fwawebiste/revenue/revenue\\_biztaxreq.htm](http://www.oaklandnet.com/government/fwawebiste/revenue/revenue_biztaxreq.htm))
  - 2) Post property management name and a 24-hour contact telephone number (posting not required if NOD Occupied).
  - 3) Be empowered to:
    - a. comply with City Code Enforcement orders issues and
    - b. provide a trespass authorization upon request of local law enforcement authorities if the property is unlawfully occupied.
- **Certified Property Management** is required for Occupied REO Properties. The manager can be certified with one of the following licenses,
- 1) California Certified Residential Manager: [http://www.caanet.org/Education\\_Events.aspx](http://www.caanet.org/Education_Events.aspx)
  - 2) Certified Property Manager with the Institute of Real Estate Management:  
<http://www.irem.org/sec1ins.cfm?sec=joinirem&con=cpm.cfm&par=>
  - 3) Other similar certification or credentials reviewed and approved by the building official.