
TENANT PACKET



*Rent Adjustment Program
250 Frank H. Ogawa Plaza
Suite 5313
Oakland, CA 94612*

*Phone (510) 238-3721
Fax (510) 238-6181
www.oaklandca.gov/rap*

Rent Adjustment Service Hours:

Mon: 9:30 am to 1:00 pm

Tues through Thurs: 9:30 am to 4:30 pm

Fri: Closed*

*(Document drop off available 9:00 am - 4:30 pm)

**WE SUPPORT SPANISH, CANTONESE, AND
MANDARIN. CONTACT US FOR SUPPORT IN
OTHER LANGUAGES.**



Rent Adjustment Program

Upcoming 2019 Workshops

EVENT	DATE AND TIME
Small Property Owners Workshop - Owner Occupied Duplex/Triplex City of Oakland 250 Frank H. Ogawa Plaza, Byrd Conference Room, Oakland	Tuesday, March 26 5:30 – 7:00 pm
2019 OBAR Member Luncheon Presentation w/ K. Qian & U. Fernandez OBAR 2855 Telegraph Avenue, Suite 104, Oakland	Wednesday, March 27 12:00 noon – 2:00 pm
Landlord 101 Workshop Oakland Library, Main Branch 125 14 th Street, Oakland	Tuesday, May 14 5:30 – 7:00 pm
Tenant Rights Workshop Oakland City Hall, Hearing Room 2 1 Frank H. Ogawa Plaza, Oakland	Tuesday, June 4 5:30 – 7:00 pm
Small Property Owners Workshop - Owner Occupied Duplex/Triplex Oakland Library, Rockridge Branch 5366 College Avenue, Oakland	Wednesday, June 12 5:30 – 7:00 pm
Tenant Rights Workshop Oakland City Hall, Hearing Room 1 1 Frank H. Ogawa Plaza, Oakland	Tuesday, July 9 5:30 – 7:00 pm
Evictions in Oakland: A Workshop for Oakland Property Owners Oakland Library, Main Branch 125 14 th Street, Oakland	Tuesday, July 30 5:30 – 7:00 pm
Tenant Rights Workshop Oakland Library, Main Branch 125 14 th Street, Oakland	Tuesday, September 10 5:30 – 7:00 pm
Small Property Owner's Workshop Oakland City Hall, Hearing Room 1 1 Frank H. Ogawa Plaza, Oakland	Tuesday, September 24 5:30 – 7:00 pm
Taller de Derechos del Inquilino (español/Spanish) Spanish Speaking Citizens Foundation 1470 Fruitvale Ave, Oakland	Tuesday, October 8 5:30 – 7:00 pm
Landlord and Tenant Rights and Responsibilities - Security Deposits Oakland Library, Main Branch 125 14 th Street, Oakland	Tuesday, October 22 5:30 – 7:00 pm



Local Resources for Property Owners & Tenants

Local Organizations Providing Assistance to Tenants

Causa Justa :: Just Cause

Main office: 3344 International Blvd., Oakland, CA 94601

Housing Clinic location: 1419 34th Ave #203 Oakland, CA 94601

(NOTE: drop-in hours temporarily suspended as of 6/7/19)

Tenant Hotline: 510-836-2687, general: 510-763-5877

Website: <https://cjjc.org>

Email: info@cjjc.org

A nonprofit organization dedicated to defending and advancing the rights of California tenants for safe, decent, and affordable housing.

Centro Legal de la Raza

3022 International Blvd., Suite 410, Oakland, CA 94601

Office hours: Mon-Thurs 9:00 am-12:00pm, 1:00-5:00; Fri 9:00am-12:00pm

Phone: 510-437-1554

Website: <https://centrolegal.org>

Email: info@centrolegal.org

Drop in Clinics:

- Every Tuesday, 9:00 AM
3022 International Blvd. Suite 410, Oakland, CA 94601
- Every 2nd Thursday, 9 – 11 am
Eastmont Library
7200 Bancroft Ave #211, Oakland, CA 94605
- Every 3rd Thursday, 10 am – 12 noon
West Oakland Library
1801 Adeline St, Oakland, CA 94607

Centro Legal de la Raza is a legal services agency protecting and advancing the rights of low-income, immigrant, and Latino communities through bilingual legal representation, education, and advocacy. By combining quality legal services with know-your-rights education and youth development, Centro Legal ensures access to justice for thousands of individuals throughout Northern and Central California.

East Bay Community Law Center

1950 University Ave., Ste 200, Berkeley, CA 94703

2921 Adeline St., Berkeley, CA 94703 (between Ashby and Russell St)

Phone: 510-548-4040

Hours: Monday-Friday 9:00am-5:00pm

Website: <https://ebclc.org>

Email: info@ebclc.org

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CITY OF OAKLAND

Rent Adjustment Program



Counseling and assistance in filing legal paperwork (for low-income tenants only). Free community workshops for low-income tenants who have disputes with their property owners.

Eviction Defense Center

350 Frank Ogawa Plaza, Suite 703, Oakland, CA 94612

Phone: 510-452-4541

Hotline: 510-693-2775 (accepts text messages & after hours)

Hours: Mon/Tues/Thurs 9:00am-5:00pm

Wed/Fri 9:00am-4:00pm; Closed 12:00-2:00pm Daily

Website: <https://www.evictiondefensecenteroakland.org>

Nonprofit provides low-cost legal services to tenants facing eviction in Alameda County and the city of Richmond. All services are offered on a sliding scale basis.

Oakland Tenants Union

P.O. Box 10573, Oakland, CA 94601

Phone: 510-704-5276 (leave a voicemail)

Website: <https://oakandtenantsunion.org>

Email: help@oaklandtenantsunion.org

Drop-in hours: 1st and 3rd Sunday 3-5pm, Oakland Public Library, Main Branch

A volunteer referral and resource organization of housing activists dedicated to protecting tenants' rights and interests. Because it is volunteer run, your call may not be returned right away.

Tenants Together

474 Valencia St #156, San Francisco, CA 94103 (no drop-in services)

Tenants' Rights Hotline: 888-495-8020

Website: www.tenantstogether.org

Email: info@tenantstogether.org

A nonprofit organization dedicated to defending and advancing the rights of California tenants for safe, decent, and affordable housing.

Bay Area Legal Aid-Alameda County Office

1735 Telegraph Ave, Oakland, CA 94612 (No walk-ins)

Phone: 510-663-4755 | Legal Advice Line: 800-551-5554

Tenants' Rights Legal Advice Line: 888-382-3405

M, Th, F: 9:30-12:30

T & W: 1:00-4:00pm

Website: <http://baylegal.org>

Provides legal information and help to low-income people. Tenants may receive assistance in the following areas: Evictions, Housing Discrimination, Terminations, Disputes, unsafe or unhealthy housing conditions, lock-outs and utility shut-offs, and tenants of foreclosed properties.

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Alameda County Social Services Agency

Housing and Homeless Services

Website: https://alamedasocialservices.org/public/services/housing_and_homeless/housing_and_homeless.cfm

The Alameda County Social Services Agency provides cash aid or housing voucher assistance to families and single adults who are homeless or at-risk of becoming homeless in the county. For emergency shelter, contact Eden Information and Referrals: 510-537-2552

Season of Sharing (SOS)

Phone: 510-272-3700

Website:

https://www.alamedasocialservices.org/public/services/community/season_of_sharing.cfm

The county's SOS program is a private fund providing one-time crisis based assistance for housing and critical family needs to Alameda County residents. Grants are based not only for criteria being met but also on merit and the greatest need. Assistance is not guaranteed. For more information, call the automated pre-screening phone number or visit the program website.

Local Organizations Providing Assistance to Seniors

Berkeley East Bay Gray Panthers

Phone: 510-842-6224

Hours: Wednesday 1:30pm-4:00pm

Website: <https://www.facebook.com/berkeleygraypanthers/>

Email: graypanthersberk@aol.com

East Bay Gray Panthers have always been involved in progressive politics demonstrating for justice, civil rights, for the homeless, housing affordability, climate change, the environment and against war. Serves Berkeley, Albany, Emeryville, Oakland, Richmond, El Cerrito, Alameda, San Leandro, and nearby areas.

Legal Assistance for Seniors

333 Hegenberger Rd, Suite 850, Oakland, CA 94621

Phone: 510-832-3040

Hours: Monday-Friday 9:00am-5:00pm (call for an appointment)

Website: <https://www.lashicap.org>

Email: las@lashicap.org

Local Organizations Providing Assistance to Property Owners

Alameda County Bar Association

Legal Access Alameda

1000 Broadway, Suite 290, Oakland, CA 94607

Phone: 510-302-2222. Option 4

Phone hours: 8:30am-12:00pm and 1:00pm-3:00pm

Website: <http://legalaccess.org/>

Email: amarilis@acbanet.org

Low-income Landlord Eviction Assistance clinic is offered weekly by appointment.

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East Bay Rental Housing Association

3664 Grand Ave, Suite B, Oakland, CA 94610

Phone: 510-893-9873

Hours: Monday-Friday 9:00am-5:00pm (closed for lunch from 12:30pm-1:30pm)

Website: <https://www.ebrha.com>

Email: news@ebrha.com

EBRHA is a full-service nonprofit organization dedicated to promoting fair, safe and well-maintained residential rental housing that is compliant with local ordinances and state/federal laws. We offer our rental property owner and manager members city-specific and timely education, one-on-one property management advice, free rental forms, networking opportunities, and advocacy at the state and local level. EBRHA supports our members, neighbors and local businesses with community improvement and sustainability initiatives.

Local Organizations Providing Assistance to Property Owners and Tenants

SEEDS Community Resolution Center

2530 San Pablo Ave, Suite A, Berkeley, CA 94702

Phone: 510-548-2377

Fax: 510-548-4051

Website: www.seedscrc.org

Email: casedeveloper@seedscrc.org

Hours: Monday-Thursday 9:00am-5:00pm

Provides mediation, facilitation and training. Can schedule a mediation session within 10 to 14 business days after all parties involved go through an intake process by phone. \$75 per party involved, per mediation session (sliding scale available; no one is turned away for lack of funds).

Housing and Economic Rights Advocates (HERA)

1814 Franklin St, Suite 1040, Oakland, CA 94612

Mailing Address: P.O. Box 29435, Oakland, CA 94604

Phone: 510-271-8443 (No drop-ins)

Fax: 510-868-4521

Drop-in hours for landlords: Tuesdays and Thursdays 9:30am- 1:00pm at RAP

Website: <http://www.heraca.org>

Email: inquiries@heraca.org

Promotes affordable and fair credit access, asset building and preservation. Fights abusive mortgage servicing, problems with homeowner associations, foreclosure, escrow and other homeowner problem, predatory lending of all kinds, and discrimination in financial services and consumer transactions. Provides financial counseling to individuals and community education workshops. Trains service providers and other professionals. Translates clients' experiences and needs into policy work. Collaborates with many different partners across the state and country and creates positive solutions for vulnerable residents.

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Checklist for New Renters

- ✓ **Carefully Research Options:** Avoid potential scams on Craigslist and elsewhere (try word of mouth and Facebook groups). If you are told to send in the deposit without actually seeing the unit or confirming whom the property owner is, be aware that it could be a scam.
- ✓ **Be aware** that if joining or in an existing group with the last original tenant departing, your rent can be increased to “market rate rent” (often \$500 -\$1000 more a month).
- ✓ **Have information ready** for application: Including credit score or info for credit check, co-signers, letters of reference, screening fee, and security deposit.
- ✓ **Carefully Read** anything that you sign. Application and lease must have included that the screening fee is refundable if not spent, with list of ways that the fee was used.
- ✓ **Ensure security deposit** does not exceed twice the rent (for unfurnished units) or three times the rent (for furnished units).
- ✓ **Conduct a thorough walkthrough** in the apartment before moving in. Note any damage or lack of cleanliness, confirm in writing to property owner and save pictures or video.
- ✓ **Consider buying** a Renters’ Insurance policy (many policies are less than \$20 a month).
- ✓ **Oakland law:** (1) Restricts rent increases to a cost of living increase (the CPI) for most tenancies and (2) Provides eviction protections (property owner must have at least one of eleven Just Causes to evict). It is NOT just cause to evict if your property owner wants to sell the property, or if the lease expires.

Come talk to a Rent Adjustment Program Housing Counselor for more information on your rights. You can reach us in person or by phone at (510) 238-3721.

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Allowable Annual Rent Increase

(O.M.C. 8.22.070 et seq.)

The Oakland Rent Adjustment Ordinance and Rent Adjustment Program Regulations provide a framework for rent increases in covered rental units. The following is a summary only. For complete information, please consult the Ordinance and Regulations.

Tenants can be given only one rent increase in any 12-month period. An increase cannot happen earlier than 12 months after a tenant's move-in date or 12 months after the last rent increase.

The Oakland Rent Adjustment Ordinance provides for an Allowable Annual Rent Increase based on the regional Consumer Price Index ("CPI"). A new CPI rate takes effect each July 1, and remains in effect for rent increases through June 30 of the following calendar year.

The annual CPI rate for rent increases effective July 1, 2019 through June 30, 2020, is 3.5%. The rate cannot be applied to rent increases that take effect earlier than July 1, 2019.

A property owner can raise the rent above the CPI rate, based on "justifications" listed in the in the Ordinance and Regulations. One justification is "banking." "Banking" refers to deferred annual CPI rent increases that an owner can carry forward, subject to limitations (See *Regs.-Appendix A, 10-5*). **An increase based on banking cannot be higher than 3X the current year's CPI.** The Ordinance also has noticing requirements for giving a rent increase. California law requires that tenants be provided with written advance notice of a rent increase of 30 days (for increases 10% or less) or 60 days (for increases greater than 10%) before the effective date of the increase. NOTE: Oakland rent law prohibits rent increases higher than 10%.

July 1, 2019: 3.5%

July 1, 2018: 3.4%

July 1, 2017: 2.3%

July 1, 2016: 2.0%

July 1, 2015: 1.7%

July 1, 2014: 1.9%

July 1, 2013: 2.1%

July 1, 2012: 3.0%

July 1, 2011: 2.0%

July 1, 2010: 2.7%

July 1, 2009: 0.7%

July 1, 2008: 3.2%

July 1, 2007: 3.3%

May 1, 2006: 3.3%

May 1, 2005: 1.9%

May 1, 2004: 0.7%

May 1, 2003: 3.6%

July 1, 2002: 0.6%

March 1, 1995 - June 30, 2002: 3% per year

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Just Cause is Required for Eviction

(O.M.C. Section 8.22.300 et seq.)

NOTE: The expiration of a rental agreement, the sale of a property (including transfers due to FORECLOSURE), conversion to condominium, or changes in the federal Section 8 status of a unit are not “good causes” for eviction under Oakland law.

ATTENTION: EVICTIONS CAN BE COMPLICATED. IF YOU GET AN EVICTION NOTICE OR ARE CONTEMPLATING SERVING A NOTICE ON YOUR TENANT CALL A RAP HOUSING COUNSELOR AT 510-238-3721 AS SOON AS POSSIBLE.

In Oakland, a property owner can only terminate a tenancy or evict a tenant for JUST CAUSE. A Notice to Terminate or Evict must specify one of the following eleven Just Causes:

1. Failure to pay rent.
2. Material violation of rental agreement after written notice to stop.
3. Refusal to sign a new lease with substantially the same terms as the old lease.
4. Causing substantial damage to the unit.
5. Tenant continues to disturb the peace and quiet enjoyment of other tenants after written notice to stop.
6. Engaging in unlawful activity on the premises.
7. Refusing to allow property owner access to make repairs, after receiving proper written notice.
8. The unit is the property owner’s principal residence and the property owner wants to move back into the unit, as provided in a rental agreement with the current tenants.
9. Property owner wants to use the rental unit as a principal residence for property owner of record or owner’s spouse, domestic partner, child, parent or grandparent.
10. Property owner withdraws unit from the rental market under state law (Ellis Act).
11. Property owner seeks to make substantial repairs that cannot be made while the unit is occupied, and which affect the health and safety of tenants in the building.

THE NOTICE TO TERMINATE A TENANCY IS THE FIRST STEP IN AN EVICTION ACTION. TO SUCCEED, A PROPERTY OWNER MUST PROVIDE THE TENANT WITH THE CORRECT LEGAL NOTICE. A TENANT MAY HAVE GROUNDS TO CHALLENGE THE NOTICE AND THE SUBSEQUENT EVICTION ACTION.

All eviction notices must include grounds for eviction, and a statement that advice regarding eviction is available from the Rent Adjustment Program. Specific language is found in the Just Cause Regulations. A copy of every eviction notice **must** be filed with the Rent Adjustment Program **within 10 days** after it is served on the tenant. A property owner’s failure to file this notice is a defense to any resulting Unlawful Detainer action. The Rent Adjustment Program keeps these notices for one (1) year.

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Notice of Tenant Protection Ordinance

(O.M.C. 8.22.600 et seq.)

On November 5, 2014, the Oakland City Council adopted the Tenant Protection Ordinance (TPO), which prohibits various harassing behaviors by owners against tenants – thereby bolstering existing laws and leases that protect tenants. The TPO creates remedies that could be enforced by private civil rights of action.

Among other things, the Tenant Protection Ordinance prohibits conduct that may coerce a tenant to vacate a rental unit involuntarily. The following is only a summary of the illegal conduct, for a complete list, you are advised to review the attached copy of the Tenant Protection Ordinance or review Oakland Municipal Code 8.22.600.

Property owners must not, in bad faith, engage in any of the following conduct:

1. Disruption of services to the rental unit.
2. Fail to perform repairs and maintenance.
3. Failing to perform due diligence when completing repairs.
4. Abuse the owner's right of access to the rental unit.
5. Remove personal property, furnishings, or any other items without the prior written consent of the tenant.
6. Threats regarding immigration status.
7. Offer payments to a tenant to vacate more than once in six (6) months.
8. Threaten the tenant, by word or gesture, with physical harm.
9. Interfere with a tenant's right to quiet use and enjoyment of the rental unit.
10. Refuse to accept or acknowledge receipt of a tenant's lawful rent payment.
11. Refuse to cash a rent check for over thirty (30) days unless a written receipt for payment has been provided to the tenant.
12. Interfere with a tenant's right to privacy.

Note: A tenant aggrieved by violations of the Tenant Protection Ordinance may bring a civil action in court against the property owners. Violators may be held liable for damages including emotional distress. For violations related to repairs, tenants must first provide fifteen (15) days' notice of violation.

The TPO requires owners to post a notice of the TPO in rental units located in a building with an interior common area. The notice must be placed in at least one such common area in the building using the form prescribed by the City Staff.

If you are experiencing any of the conduct detailed above, you may contact the Rent Adjustment Program for more information, at (510) 238-3721.

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Property Owner's Rights and Responsibilities

Before the unit is rented, the property owner has the right to:

1. Offer and advertise vacant units for rent.
2. Screen potential tenants.
3. Select the tenant who is to reside in the rental unit.
4. Collect first month's rent and security deposit.

After the rental unit has been rented, the property owner has the right to:

1. Request mediation with the Rent Adjustment Program for issues with the tenant(s).
2. Petition for additional rent increases or exemption from the Rent Adjustment Program.
3. Enter the rental unit under the following circumstances:
 1. In an emergency.
 2. To make necessary or agreed upon repairs, decorations, alterations, or improvements, supply necessary services or show the unit to prospective buyers, tenants or workers.
 3. When a tenant has abandoned or given up the premises.
 4. As a result of a court order.
4. Initiate eviction proceedings under the Just Cause Ordinance, which include:
 1. Non-payment of rent.
 2. Failure to comply with a material term of the lease.
 3. Tenant causes or allows damage to the unit and refuses to pay for the damage.
 4. Tenant refuses to sign a new lease which is substantially the same as the old lease.



Tenant's Rights and Responsibilities

Under California Law (Civil Code 1941.1), the tenant has the right to:

1. Roofs and walls must not leak.
2. Doors and windows must not be broken.
3. Plumbing and gas must work properly.
4. Hot and cold water must be provided.
5. Heater must work and be safe.
6. Lights and wiring must work and be safe.
7. Enough cans and bins be provided for trash.
8. Floors, stairways and railings must be maintained and safe.
9. The rental unit must be clean, with no trash, rodents or other pests.
10. Sewer and septic system must be connected and working properly.

Also under California Health and Safety Code (Sections 17900 through 17995), the tenant has a right to:

1. A working toilet, wash basin, and bathtub or shower.
2. The toilet, and bathtub or shower, must be in a room which is ventilated and allows for privacy.
3. A kitchen sink, which cannot be made of an absorbent material such as wood.
4. Natural lighting in every room through windows or skylights (which should be able to open at least halfway for ventilation, unless a fan provides mechanical ventilation).

Under Oakland Rent Adjustment Ordinance (O.M.C., Section 8.22.010):

1. Tenant may request a mediation to discuss issues with the property owner.
2. Tenant may file a petition for an increase above CPI or decrease in service within the unit.

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Property Owner's Right to Enter & Tenant's Right to Privacy

(Ca. Civ. Code Section 1954)

A property owner may enter the dwelling unit only in the following cases:

1. In case of emergency
2. To make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors or to make an inspection pursuant to subdivision (f) of Section 1950.5.
3. When the tenant has abandoned or surrendered the premises.
4. Pursuant to court order.

Note: Except in cases of emergency or when the tenant has abandoned or surrendered the premises, entry may not be made during other than normal business hours unless the tenant consents to an entry during other than normal business hours at the time of entry.

A property owner may not abuse the right of access or use it to harass the tenant.

The property owner must:

1. Give the tenant reasonable notice in writing of his or her intent to enter during normal business hours. The notice shall include the date, approximate time, and purpose of the entry.
2. Twenty-four (24) hours shall be presumed to be reasonable notice in absence of evidence to the contrary. Mailing of the notice at least six (6) days prior to an intended entry is presumed reasonable notice in the absence of evidence to the contrary.
3. Personally deliver notice to the tenant, leave notice with someone of a suitable age and discretion at the premises, or leave on, near or under the usual entry door of the premises in a manner in which a reasonable person would discover the notice.

Unless:

1. The purpose of entry is to show the unit to prospective or actual purchasers, then the notice may be given orally, in person, by telephone or in writing within 120 days of the oral notice that the property is for sale.
2. The tenant and the property owner agree orally to an entry to make agreed repairs or supply agreed services. The agreement shall include the date and approximate time of entry (within one (1) week of agreement).

Note: No notice of entry is required under this section if (1) in response to an emergency, (2) the tenant is present and consents to the entry at that time, or (3) the tenant has abandoned or surrendered the unit.



Rent Levels and Rent Regulation

Every residential rental unit in Oakland that is not exempt from the provisions of the Oakland Rent Adjustment Ordinance has a **lawful rent ceiling**, which is the maximum amount of rent that a property owner may lawfully charge for the use or occupancy of the unit and any associated housing services, such as furnishings, parking or laundry facilities. Rent is not limited to money and includes the fair market value of any goods or services that are rendered to a property owner in lieu of money.

Under the Costa Hawkins Rental Housing Act, a property owner may set the initial rent and associated housing services for new tenancies beginning on or after January 1, 1996. The initial rent becomes the new rent ceiling, which may be changed only by allowable increases under the Rent Ordinance. Any change in housing services from that provided at the beginning of the tenancy may be grounds for an adjustment of the lawful rent ceiling.

A property owner is **NOT** eligible to implement a vacancy increase for a unit that was cited by a governmental agency for serious health, safety, fire, or building code violations (except those caused by disasters) that remained uncorrected for more than 60 days before vacancy.

RENT CEILING INCREASES

Rent ceilings may be increased by the **annual consumer price index (CPI)** rent increase without seeking approval from the Rent Adjustment Program. Every March, the RAP publishes the CPI for the next fiscal year which runs from July 1 through June 30.

An owner can increase the rent on a covered unit only once in a 12 month period. The first increase cannot be effective any earlier than 12-months after the tenant moved into the unit. No rent increase can be imposed until at least six months after the tenant was first served with the RAP Notice.

If an owner does not increase the rent, or increases it less than the allowable CPI, the owner is entitled to “bank” the unused rent increase for the future. However,

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the total rent increase that can be imposed in any one rent increase may not exceed the total of three times the then allowable CPI increase and may not be greater than 10%. No rent increase may be banked more than ten (10) years after it accrues.

A property owner must give a tenant at least 30-days' written notice of the increase. If the tenant has a fixed-term lease, unless the lease allows the increase, the property owner will have to wait until the expiration of the lease term to implement the CPI increase.

Property Owner Petitions for Rent Adjustments

Property owners may petition the RAP for rent ceiling increases, although with vacancy decontrol in effect, there is less need for such petitions. Grounds for filing a property owner petition are as follows:

- **Capital Improvements:** Costs paid by the owner for improvements to the unit or the building that materially add to the value of the property, appreciably prolong its useful life, and primarily benefit the tenants. An owner is entitled to pass through 70% of the allowable costs for expenditures made within 24 months of having filed the petition.
- **Uninsured Repair Costs:** These costs are expenditures made to repair damage resulting from fire, earthquake, or natural disaster, to the extent such repair is not reimbursed by insurance proceeds.
- **Increased Housing Service Costs:** An owner can also file a petition for a rent increase based on increased housing service costs to cover increased costs related to insurance, utilities, heat, water, and other services provided by the owner related to the use or occupancy of the unit.
- **Fair Return:** An owner can also file a petition for a rent increase based on fair return. Fair return is measured by a calculation to determine if the owner is maintaining the net operating income produced by the property in a base year, subject to CPI related adjustments.

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Tenants may petition the RAP for reductions in the rent ceiling, and do so most commonly because of housing code violations, habitability problems, or a decrease in living space or housing services. The petition process can be used to obtain rent reductions to compensate for such problems and to motivate a property owner to correct physical defects or restore space or services. Other grounds for filing a tenant petition are:

- **Illegally High Rent:** A rent increase that exceeds the CPI rent increase or a rent increase that is greater than 10% in one year or greater than 30% over a 5-year period (except for fair return).
- **No RAP Notice:** A rent increase notice was served without a RAP Notice.
- **Expiration** of capital improvement amortization period.
- **Improper Service** of the rent increase notice.

HEARINGS

After a tenant or a property owner files a petition, the opposing party has a right to object to the petition. If no objection is filed or if the petitioner does not request a hearing, and a hearing officer determines that a decision can be rendered without testimony, the petition will be decided administratively, that is, without a hearing. Otherwise, a hearing will be held, in which an impartial hearing officer takes testimony and receives written evidence on the issues raised by the petition. In either case, unless the parties enter into a settlement agreement, the hearing officer will issue a written decision granting or denying the requested rent ceiling increases or decreases. A hearing officer's decision may be appealed to the seven-member Rent Board.



Tenant Move-Out Agreement Ordinance

(O.M.C. 8.22.700 et seq.)

Effective May 1, 2018, the Oakland City Council passed the Tenant Move-Out Ordinance (TMOO) which affords protections to tenants who are offered buyout agreements by their property owners. These protections apply where a tenant accepts payments in exchange for an agreement to vacate a rental unit protected by the Just Cause for Eviction provisions in Oakland Municipal Code Section 8.22.300. The vast majority of rental units are covered by the Just Cause for Eviction provisions, including some units that are not rent controlled.

Under TMOO, a tenant has the following rights when considering whether to accept a property owner's buyout offer:

- **The right NOT to enter into a buyout agreement:**
The tenant may refuse any buyout offer and the property owner is prohibited from retaliating for refusing the offer.
- **A twenty-five (25) day right to rescind:**
The tenant may rescind the buyout agreement within twenty-five (25) days after it is fully executed.
- **The right to consult an attorney:**
The tenant has the right to consult with an attorney before deciding whether to accept a buyout offer.

The City of Oakland requires that property owners make relocation payments to their tenants under certain circumstances in which the tenants are displaced or evicted through no fault of their own. These legally mandated relocation payments are not buyout agreements and do not limit the scope or applicability of a buyout agreement in any way. Tenants and property owners with questions about whether a relocation payment might be required by law and what amount is mandatory may contact the Rent Adjustment program for more information.

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Uniform Residential Tenant Relocation Ordinance

(O.M.C. 8.22.800 et seq.)

On January 16, 2018, the City of Oakland passed the Uniform Residential Tenant Relocation Ordinance (Ord. No. 13468) to establish a uniform schedule of relocation payments which are now extended to tenants evicted when the owner or qualifying relative moves in and for other “no tenant fault” evictions.

The Uniform Relocation Ordinance (“Ordinance”) requires owners to provide relocation payments to tenants displaced by code compliance activities, owner or relative move-ins, Ellis Act, and condominium conversions. Except for temporary code compliance displacements, which require the payment of actual temporary housing expenses, the payment amounts set forth in the ordinance depend on the size of the unit, and adjust for inflation annually on July 1st. The base payment amounts until June 30, 2020 are:

- \$7,116.23 per studio/one bedroom unit
- \$8,758.44 per two-bedroom unit
- \$10,811.20 per three or more-bedroom unit

Tenant households in rental units that include lower income, elderly or disabled tenants, and/or minor children are entitled to a single additional relocation payment of two thousand five hundred dollars (\$2,500) per unit from the owner.

Termination notices served after January 25, 2018 for evictions where the new relocation requirement applies, must include a statement informing tenants of their right to relocation payments.

Mold or Moisture in My Home: What Do I Do?

Updated October 2016 (formerly *Mold in My Home—What Do I Do*)

This factsheet provides information about mold and moisture, health problems from mold or moisture, finding and cleaning up moldy or wet areas and materials, and how to keep mold from growing in your home.



Breathing in the air in places that are moldy or damp can harm your health. This includes places with:

- Visible mold
- Moldy or musty smells
- Materials or surfaces that stay damp or get damp often
- Water damage

Damp, moldy places allow mold spores and other tiny pieces of mold to get into the air, which can cause breathing problems and other health problems. Moist materials allow mold and bacteria to grow, and may also allow chemicals from building materials to get into the air.

Unless mold is controlled, it can damage floors, walls, ceilings, and other structures in your home. Mold can damage your furnishings, such as carpets, chairs and sofas. Clothes and shoes in damp closets can become stained and start to fall apart. **The longer that mold grows, the more damage it can cause.**

The best way to fix a mold problem is to:

- find where the damp areas and mold are
- fix any leaks or other moisture problems (such as condensation on windows or walls, garden sprinklers too close to your home, or blocked gutters)
- quickly dry out any damp areas or replace any damp materials
- quickly and safely clean up mold and remove any materials that are moldy

The most important thing you can do is get rid of mold and dampness as quickly and safely as possible. Mold problems will not go away unless moisture problems are fixed.

It is *not important* to have someone measure how much mold there is or to find out what kind of mold it is.

For the CDPH statement on dampness and mold, see www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/CDPH%20Document%20Library/MoldDampStatement2017_ENG.pdf

Dealing with Wet or Moldy Materials in Your Home

★ ALWAYS IDENTIFY AND FIX MOISTURE SOURCES ★

NON-POROUS MATERIALS

Such as metal, plastic, glass, tile, laminate, solid or sealed wood

Dry material as soon as possible and clean off any mold

POROUS MATERIALS

Such as carpet, drywall, ceiling tile, fabric, foam, cardboard, paper, particle board

WET
but no mold
or moldy smell

Dry material
as soon as
possible

If mold grows or
moldy smell develops,
THROW OUT

LOOKS OR
SMELLS
MOLDY

REMOVE OR
THROW OUT

* Do not keep materials that have been soaked in water containing sewage, oil, or chemicals.

What is mold?



Mold is a kind of microscopic organism. Molds, like mushrooms and yeasts, are fungi and are important because they help break down dead plant and animal material and recycle nutrients in the environment. There are many kinds of mold and they can be found almost everywhere, indoors and outdoors. Mold growing on surfaces can look like a stain, or can be fuzzy or slimy. It is usually white, gray, brown, or black, but can also be green or red or other colors.

How are mold and moisture related?

To grow and reproduce, mold only needs food—any organic matter, such as leaves, wood, paper, or even dust—and moisture. Organic matter is almost always around, so whether mold grows depends mostly on whether or not there is moisture. **By fixing moisture problems, you can keep mold from growing in your home.**

Mold and Your Health

How am I exposed to indoor mold?

You can get exposed to mold by breathing in mold spores or tiny pieces of mold. Mold spores are like seeds. Spores can be on materials like walls, floors, or furniture, or float in the air. It is common to find spores in the air inside homes. Everyone breathes in some mold every day.

Most mold spores found in indoor air come from outside, but when there is moisture inside buildings, mold can grow quickly and release many spores into the air inside.



Can mold affect your health?

Molds can cause health problems through allergy, inflammation, or, less often, infection.

- **Allergic reactions** (often called *hay fever*), such as sneezing, runny nose, red eyes, and skin rash, can happen if a person who is allergic to mold breathes in mold.
- Moisture and mold can cause **asthma**, trigger asthma attacks, and make asthma symptoms, like wheezing and coughing, worse.
- If you have a mold or moisture problem in your home, you may be more likely to get **respiratory infections**, like colds or flu. In a very small number of people with weakened immune systems, mold can cause fungal infections.

Larger problems with indoor mold and moisture are more likely to cause health problems than smaller problems.

Even if you don't think mold is affecting you, **indoor mold and moisture are bad for your health**. If you can see or smell mold or have moisture or moisture damage, you should find where the moisture is coming from, fix any problems as soon as possible, and cleanup and remove the mold (see *Cleaning Up Mold*).

If you have a health problem you think is caused by mold or moisture, talk to your health care provider.

How much mold or moisture does it take to make me sick?

Some people are more sensitive and more likely to have health problems from mold or moisture. Sensitive people might have health problems even with exposure to small amounts of mold or moisture. Other people might only have health problems if they are exposed to more, or are exposed for a longer time.

People who are especially likely to have problems from smaller exposures to mold or moisture are:

- **People who already have respiratory conditions**, such as allergies or asthma, or are sensitive to other things in the air.
- **People with weakened immune systems** (such as HIV-infected persons or cancer patients who are getting chemotherapy).
- **Infants and young children, and seniors.**

Does it matter what kind of mold is in my home?

No one knows for sure whether some kinds of mold are more harmful than others. Also, mold affects different people in different ways. The best information we have says that it is not helpful to find out which kinds of mold are in your house. Some businesses offer to test the mold in your home and tell you what molds are there or how much mold there is, but you do not need these tests to know if you have a mold or moisture problem.

Mold and Moisture Problems in Your Home

How do I know if I have mold or moisture problems?

Mold growth may be visible, or it may be hidden underneath water-damaged surfaces (for example, wallpaper), behind furniture, along and behind baseboards, or inside walls, floors, or ceilings.

Signs of a mold or moisture problem in your home are:

- areas on floors ceilings, walls, woodwork or furniture that look stained or discolored, or have mold on them
- an earthy or musty smell
- damp areas or surfaces
- water stains on walls or ceilings
- water damage, such as warped floors, peeling or bubbling paint, or soft, rotting wood



You might also have a mold problem if people who are sensitive or allergic to mold have symptoms when they are in your home. Condensation on windows or walls also is an important sign of a moisture problem. **Because condensation also can be caused by a problem with a gas stove, heater, or dryer, inspect fuel-burning appliances every year, and contact your local utility or a professional heating contractor if you have questions.**



How can I avoid mold and moisture problems?

The best way to avoid mold and moisture problems is to watch for common sources of moisture inside and outside your home and then to get rid of any moisture as soon as possible.

- **Make sure you have good air flow whenever moisture is being produced**, for example:
 - vent clothes driers to the outside,
 - when showering or bathing, use an exhaust fan or open a window (and keep it running for 20-30 minutes after), and
 - when cooking, use an exhaust fan vented to the outside or open a window.
- **Don't hang wet clothes indoors** unless you can open windows to let moisture out.
- **Check crawlspaces and basements for dampness** and seal any leaks or cracks.
- **Run dehumidifiers** to remove excess moisture from damp indoor places, like basements.
- **Make sure your roof is in good condition** and fix leaks as soon as possible.
- **Aim garden sprinkler sprays away from the house.**
- **Be sure gutters and downspouts are clear**, and drain water away from your home.
- **Be sure the ground outside, all around the house, slopes away from your house.**
- **If you have a leak or flooding, take care of moisture immediately:**
 - Stop the source of the leak or flooding.
 - Remove excess water with mops or a wet vacuum or a pump.
 - Move wet items to a dry, well-ventilated area or place them outdoors to speed drying.
 - Move rugs and pull up wet carpet as soon as possible.
 - Open closet and cabinet doors and move furniture away from walls to increase airflow.
 - Where walls have gotten wet, remove drywall and baseboards, or pry open wall paneling, if necessary, to allow the area to dry thoroughly. (For more specific information, see additional resources listed under *Flood Cleanup*).
 - Run portable fans to increase air flow (but not if mold has already started to grow, as this could spread mold).
 - Do NOT use your home's central furnace or air-conditioning system if it or any of the ducts were flooded because this could blow mold all around your home.
- If you have a moisture problem in your home that you cannot fix yourself, **consider hiring a contractor or building expert to help.**

Moisture and Mold in Rental Homes

In California, tenants and landlords each have a part in keeping a home free from moisture and mold. Generally, the landlord must provide a unit that is fit for occupation and follows the building and health codes. The California Housing Code, as of January 1, 2016, says that if there is enough dampness or visible mold (or certain other conditions) in a dwelling that it is a danger to the health of occupants, the dwelling is substandard and must be remedied by the owner. Tell your landlord if you have this kind of problem and ask them to fix it. If the problem is not adequately fixed, you can contact your city or county code enforcement agency to ask for an inspection.

California Department of Consumer Affairs

California Tenants: A Guide to Residential Tenants' and Landlords' Rights and Responsibilities, Pages 36-47. Revised July, 2012.

www.dca.ca.gov/publications/landlordbook/catenant.pdf

U.S. Department of Housing and Urban Development

Tenant Rights, Laws and Protections: California

www.hud.gov/states/california/renting/tenantrights

- Do not depend on particle-removing air filters or air cleaners to solve a mold problem. It is important to identify and fix the underlying moisture problem, and to remove or clean moldy materials. Air cleaners should only be used for a short time to reduce mold in the air. Odor-removing air cleaners will not reduce mold in the air.
- Ozone-producing air cleaners are not effective in controlling indoor molds, even though they are sometimes sold with this claim. In addition, ozone from some air cleaners can irritate and permanently damage your lungs. Ozone can also damage materials such as rubber and plastic items in the home. CDPH strongly recommends that you NOT use an ozone-producing air cleaner. For more information, see Hazardous Ozone-Generating "Air Purifiers" at www.arb.ca.gov/research/indoor/ozone.htm.

Cleaning Up Mold in Your Home

Cleaning up mold quickly and safely is important, but **unless you find and fix the source of moisture in your home, your mold problems will return.**

Protect yourself and others from mold and chemicals

If you are susceptible to mold, or have a history of mold health effects, or the amount of mold is large, consider having another person or a professional do the work.

Cleaning up mold can expose you to a lot of mold (10 to 1000 times more than usual), and also to irritating detergents or disinfectants. Even though you (or your building manager) can clean up small mold problems—total area less than 10 square feet (about 3 feet by 3 feet)—you may want to try cleaning a small area first to make sure it does not affect your health. For large mold problems—more than 100 square feet (10 feet by 10 feet)—it might be better to hire an experienced contractor (see *Hiring a Contractor*). For medium-size mold problems, make sure you are able to clean up the mold safely and that your health will not be affected, or hire a contractor.

- **Keep others out of the work area** during clean-up
- **Use personal protective equipment**
 - Waterproof gloves
 - Goggles or protective glasses
 - N-95 respirator (available at hardware stores) to keep you from breathing in mold. An N-95 respirator has two straps and has a NIOSH approval number printed on it. Make sure the respirator fits tightly around your face.

Do not wear a “dust mask”. It will not protect you from mold.



- **Wear clothing that covers as much of your body as possible** (including covering hair and shoes) and that can be washed in hot water or thrown out.
- **Work for short time periods** and rest where you can breathe fresh air.
- **Air out your home well during and after the work.**

Respirators that protect you from mold spores will not protect you from chemical fumes from disinfectants. Make sure the work area has good air flow.

Never use a gasoline engine indoors (like a gas-powered water pump, pressure washer, or generator). You could expose yourself and your family to toxic carbon monoxide.

Do I Need to Disinfect?

We do not recommend using bleach, or products that contain bleach, to disinfect for mold. They are too hazardous, and not any more effective than safer methods. Using bleach can harm your health. Bleach can irritate the skin, eyes, nose, and throat, and cause breathing problems (like asthma) and injuries. Bleach can also damage clothing, shoes, and other materials. Bleach will not kill mold unless you have cleaned the area first and removed the mold, and then bleach is not necessary. Bleach does not keep mold from growing back.

You cannot completely disinfect porous materials that are moldy, such as carpets, fabric, or drywall (gypsum board). You must remove them. (However, you can reuse washable items like clothing if all mold and staining can be removed.) For smooth nonporous surfaces, scrubbing with detergents and other recommended cleaners will remove mold, without the need to disinfect. (Using bleach to disinfect is only recommended when there is a concern about infection, such as when there is a sewage spill.)

If you are thinking of using bleach despite these warnings:

- **Only use bleach or disinfectants on nonporous materials and only AFTER cleaning with soap or detergent.**
- **Never mix bleach with ammonia or anything other than water (unless product label allows for mixing) because this may produce toxic fumes.**
- It is very difficult to completely protect yourself from fumes and skin contact. Handle bleach with caution. Wear eye protection and gloves made to protect your skin from harsh chemicals. Make sure there is very good air circulation or outdoor air ventilation to reduce the fumes.

How to remove mold

- **First, fix the moisture problem and remove any excess water**—a wet/dry vacuum cleaner may help remove water and clean the area.
- Close off the work area to keep dust and spores from spreading to other areas.
 - Close the door or use plastic sheets to separate the room.
 - Set up a fan to pull the air out through a window or door to the outside.
 - Scrub the entire moldy area with a non-ammonia soap or detergent, or a commercial cleaner, in hot water, using sponges or rags, until all mold is gone.
 - Use a stiff brush or cleaning pad on cement-block walls and other uneven surfaces.
 - Rinse cleaned items with water and dry thoroughly.

For detailed information on cleaning up mold, go to www.epa.gov/mold/mold-cleanup-your-home.

What can I keep?

- **Keep items and materials that do not absorb water** (made of glass, plastic, metal, or ceramics) and can be cleaned of mold.
- **Keep items that do not have mold on them and do not smell moldy.**
- Some washable moldy items like clothing and bedding may be cleaned well enough to keep, so it may be worth trying.

What should I throw out?

Mold can grow quickly on porous materials (like fabric, carpet, carpet pads, and foam cushions) that have gotten wet. It's important to dry them as quickly as possible, before mold growth starts. A common rule of thumb is to discard porous materials if they are wet for more than 24-48 hours because they are likely to grow mold. However, if they look or smell moldy even before that, you should discard them. Because spores are more easily released into the air after moldy materials have dried out, remove moldy items as soon as possible.

Remove and throw out:

- **Wet materials that absorb water and look or smell moldy**, like drywall or gypsum board, ceiling tiles, drapes, upholstered furniture, and products made from particleboard.
- **Materials that have dried but look or smell moldy.**

Moldy wall-to-wall carpet can be hard to clean well. Throw out if the carpet, backing, or padding is moldy or has a moldy smell. Keep throw rugs that have gotten wet only if they can be thoroughly washed and do not smell moldy once they dry.

If there has been flooding, remove drywall/gypsum board to a level above the high-water mark. Look inside the wall space and throw out any material, like insulation, that is wet, moldy, or has a moldy smell.

If tightly bagged or enclosed, moldy items can be put in the household trash. Materials that have lead or asbestos in them must be taken to a household hazardous waste program. Some materials that might have lead or asbestos are:

- Ceiling tiles
- Vinyl floor tiles
- Painted wood, plaster, or drywall/gypsum board in homes built before 1978

Hiring a Contractor to Remove Mold

If you decide to hire someone to remove mold from your home:

- Make sure to hire a licensed contractor or other professional with experience and specific training in mold remediation or “mold abatement.”
- Although there is no license or certification by the State of California specifically for fixing moisture or mold problems, you can find professionals who are certified for mold abatement by national professional organizations and trade groups. Here are two examples.
- To find a contractor trained in mold remediation through the Institute of Inspection, Cleaning, and Restoration (IICRC), go to www.iicrc.org/locate-a-certified-professional/ and search for “mold remediation” services in your area.
- Go to the website of the Indoor Air Quality Association (IAQA) at www.iaqa.org/find-a-pro/ or call them at 844-802-4103 to find professionals trained in mold remediation.

When choosing a contractor, ask questions about their specific training and experience, ask if they have a license or certification for mold remediation, make sure they have insurance, and ask for references. Also, ask the contractor to explain the exact work they will do to solve your mold and moisture problem.

Additional Information

Your city or county health department may be able to answer questions or help you deal with mold problems. To find your health departments, go to www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/Local-Health-Department.aspx.

If you rent your home, tell your landlord that the moisture or mold problem needs to be fixed. (Mold or moisture problems that are bad enough to cause health problems for tenants are both listed in the California Housing Code as conditions that make a home “substandard.” Painting over mold is not good enough—the moisture problem must be fixed and any moldy materials cleaned or removed. If your landlord does not fix the problem, you can contact your county or city health inspector. The California Department of Consumer Affairs offers *A Guide to Residential Tenants’ and Landlords’ Rights and Responsibilities* at www.dca.ca.gov/publications/landlordbook/.

More Information About Mold in Buildings

U.S. Environmental Protection Agency

The Key to Mold Control is Moisture Control

www.epa.gov/mold/index.html

U.S. Centers for Disease Control and Prevention

Mold Information. Information on mold and health; an inventory of state indoor air quality programs; advice on assessment, cleanup efforts, and prevention of mold growth; and links to resources.

www.cdc.gov/mold/default.htm

Health Canada

Residential Indoor Air Quality Guidelines: Moulds (2007). Information on the Physical and Chemical Properties, Causes of Mold Growth, Health Effects, and the Canadian Guideline.

www.healthunit.org/hazards/documents/moulds.pdf

Cleanup Guidance for Mold

U.S. Environmental Protection Agency

Mold Cleanup in Your Home

www.epa.gov/mold/mold-cleanup-your-home

New York City Department of Health

Guidelines on Assessment and Remediation of Fungi in Indoor Environments

www1.nyc.gov/assets/doh/downloads/pdf/epi/epi-mold-guidelines.pdf

Advice for Tenants and Landlord

California Department of Consumer Affairs

California Tenants: A Guide to Residential Tenants' and Landlords' Rights and Responsibilities, Pages 36-47. Revised July, 2012

www.dca.ca.gov/publications/landlordbook/catenant.pdf

U.S. Department of Housing and Urban Development

Tenant Rights, Laws and Protections: California

www.hud.gov/states/california/renting/tenantrights

Flood Cleanup

American Red Cross/Federal Emergency Management Agency

Repairing Your Flooded Home. Guidance for recovery after flooding disasters addressing technical and logistical issues...

www.redcross.org/images/MEDIA_CustomProductCatalog/m4540081_repairingFloodedHome.pdf

Federal Emergency Management Agency

Initial Restoration for Flooded Buildings

www.ct.gov/dph/lib/dph/environmental_health/eoha/pdf/fema_initialrestorationfloodbldg.pdf

Technical information on Dampness and Mold in Buildings

U.S. Centers for Disease Control and Prevention

Prevention and Remediation Strategies for the Control and Removal of Fungal Growth

www.cdc.gov/mold/strats_fungal_growth.htm

NIOSH

Preventing Occupational Respiratory Disease from Exposures Caused by Dampness in Office Buildings

www.cdc.gov/niosh/docs/2013-102/

IAQ Program Information

CDPH Indoor Air Quality Section

850 Marina Bay Parkway (EHLB)

Richmond, CA 94804-6403.

Contact: iaq@cdph.ca.gov