



Housing and Community Development Department
RENT ADJUSTMENT PROGRAM
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Frequently Asked Questions: Ellis Act Ordinance

FORMS AND NOTICES

1. I want to withdraw my tenant-occupied units from the rental market as allowed by the Ellis Ordinance. Does RAP provide a form for the Notice of Termination?

Owners must provide their own Notice of Termination of tenancy. RAP does not provide a form or template for this. Owners are strongly advised to contact an attorney before serving a Notice of Termination on their tenants.

2. An Ellis Act Notice of Termination is 120 days (or 365 days if extended). When does the withdrawal notice period start?

The withdrawal notice period starts the date that RAP receives a complete initial Ellis filing, and the withdrawal is not effective until that date plus 120 days (or 365 days if extended). A complete initial Ellis filing comprises 1) the Notice of Intent (Form 1), 2) the \$250-per-unit filing fee, and 3) the Certificate and Summary (Form 2). Once RAP has received all three of these items, the official 120-day withdrawal notice period will begin – even if the Notice of Termination was served on the tenant at an earlier date.

3. Can I file Certificate and Summary (Form 2) with RAP along with the Notice of Intent (Form 1)?

Yes, these should be filed together if possible, as the initial Ellis filing will not be considered complete without Form 2 or the filing fee (see Question #2).

4. Is the \$250 filing fee due for the whole building, or for each unit?

The \$250 filing fee is assessed for **each** unit on the property, whether or not it is occupied by a tenant.

5. Where can I find the information about my property that is asked for in the Notice of Intent (Form 1)?

Owners can contact the Alameda County Assessor's Office for this information.

6. The Notice of Intent (Form 1) asks for the new use of the property. I am planning on selling the property; I will not know how the new owner will use the property. Should I still answer the question?

Owners who intend to sell the property can state their intent to sell in the Notice of Intent.

7. Can I file the Notice of Termination with RAP using the online RAP Evictions Portal?

Owners can file the Notice of Termination using RAP's online [Evictions Portal](#), but all other documents must be filed with RAP in person or via First Class mail, as required by the Ellis Act Ordinance. Please note that the withdrawal notice period for the tenant to move out starts from the date that RAP receives a complete initial Ellis filing (see Question #2).

8. Can I file the Notice of Intent (Form 1) with RAP along with the Notice of Termination?

Yes, owners can file Form 1 and the filing fee along with the Notice of Termination, provided that they are submitted to RAP within 10 days of the date that the Notice of Termination was served on the tenant. The Notice of Termination MUST be submitted to RAP within 10 days of service upon the tenant.

9. Does RAP file the Notice of Constraints (Form 4) with the Alameda County Recorder's office after the owner has submitted Form 4 to RAP?

Yes. Form 4 must be filed within 90 days after a complete initial filing. After receipt of the Form 4 from the owner, RAP will file the form with the County Recorder.

10. How are the dates of constraints calculated?

The dates of constraints are in effect two, five and ten years from the date of withdrawal, which is 120 days (or one year in case of extended withdrawal)

from the date the owner files a complete initial Ellis filing with RAP (see Question #2). **Note:** If the Notice of Intent is withdrawn, rent restrictions will remain in effect five years from the date that the owner files the Notice of Intent (Form 1) with RAP.

11. If the property has multiple units, and only one unit is entitled to the one-year extension, when are the vacated rental units deemed to be taken off the market? Is the entire property only deemed off the rental market when the ALL units are vacated?

Rental units are withdrawn from the rental market upon the expiration of the 120-day withdrawal notice or one-year extended withdrawal notice (eligible elderly or disabled tenants, or voluntarily extended withdrawal notices). Consequently, the property as a whole is withdrawn from the market upon the expiration of all withdrawal notices.

12. The Ellis Act Ordinance states that the tenant must give the Notice of Entitlement to Extension (Form 5) to the owner. Should the tenant file Form 5 directly with RAP as well?

The tenant is not required to provide RAP with a copy of their extension claim notice, although they may do so. The owner is required to file the Notice of Entitlement with RAP.

13. What are the consequences if the owner does not provide notice to RAP of the tenant's claim to Entitlement to Extension (Form 5) within 30 days of receiving it from the tenant?

Failure to comply with all of the Ellis Ordinance requirements including providing RAP with a tenant's claim to Entitlement to Extension is a defense in an unlawful detainer action (eviction lawsuit.)

14. What are the rules around the Notice of Interest in Re-Renting the Unit (Form 3)?

Tenants must submit Form 3 both to the owner AND to RAP within 30 days of vacating the unit. This will ensure RAP is informed of the tenant's right to re-rent the unit. However, it is strongly recommended that tenants submit this form prior to vacating the unit.

RELOCATION PAYMENTS

15. Do I have to provide relocation payments to the tenants?

Relocation payments must be provided for any tenant household who must relocate as a result of the owner's withdrawal of the unit from the rental market. The owner must pay half of the relocation payment to the tenant at the time of serving the Notice of Termination; the owner must provide the other half when the tenant vacates. Some tenants are eligible for an additional \$2,500 in relocation assistance; they must request this additional assistance within 60 days of receiving the Notice of Termination.

16. What are the Ellis relocation payment amounts?

Relocation payment information is available [here](#). Please note that the payment amounts are updated annually as of July 1.

AFTER TENANT MOVEOUT

17. Does the owner need to file any documents with RAP after the tenant moves out pursuant to an Ellis Act eviction?

Yes, the owner must file the Certificate of No-Fault Eviction (NFE-01) with RAP within 30 days after the tenant moves out. This form is available [here](#).

18. Can the owner sell the property after a tenant has vacated pursuant to an Ellis Act eviction?

Yes, the owner can sell the property, but the new owner will be subject to the Ellis-withdrawn property restrictions, including being subject to actual and punitive damages as well as being required to offer the rental units to those tenants displaced by the Ellis withdrawal if the units are reoffered for rent within ten years from the date that the Notice of Withdrawal was filed with RAP.

19. I withdrew my property from the rental market less than five years ago under the Ellis Act. What do I need to do if I want to rent it out again?

The owner must a) provide written notice of the intent to re-offer a Withdrawn Unit to the Rent Adjustment Program (Form 7) not less than thirty (30) days prior to re-offering a Withdrawn Unit for rent; and b) offer each Withdrawn Unit at an amount of rent not in excess of the same rent as of the date of withdrawal plus any CPI Rent Adjustments that could have applied had the Units not been withdrawn. Also, owners must offer units to

any displaced tenants who filed the Notice of Interest in Re-Renting within 30 days of vacating the unit.

20. I withdrew my property from the rental market 10 years ago under the Ellis Act. What do I need to do if I want to rent it out again?

The owner must a) provide written notice of the intention to re-offer a Withdrawn Unit to the Rent Adjustment Program not less than thirty (30) days prior to re-offering a Withdrawn Unit for rent; and b) offer units to any displaced tenant who requests that offer in writing within 30 days of the date that the owner notified the RAP of their intent to re-offer the unit.

ELLIS ACT RESCISSION

21. I want to rescind my Notice of Intent to withdraw units under the Ellis Act. What do I need to do?

The owner must file Notice of Rescission (Form 6) with RAP. In the Notice of Intent is withdrawn, rent restrictions will be in effect five years from the date that the owner files the Notice of Intent (Form 1) with RAP.