



COUNCIL PRESIDENT NIKKI FORTUNATO BAS, DISTRICT 2  
(510) 238-7002 • Fax: (510) 238-6129 • nfbas@oaklandca.gov  
City Hall • 1 Frank H. Ogawa Plaza • Oakland, California 94612  
[www.oaklandca.gov/officials/nikki-fortunato-bas](http://www.oaklandca.gov/officials/nikki-fortunato-bas) \* @nikki4oakland

---

**FOR IMMEDIATE RELEASE:** Wednesday, March 22, 2023

## **Legislation To Phase Out Oakland COVID-19 Eviction Moratorium To Be Scheduled Thursday by Council President Bas & Councilmember Kalb**

**Contact:** Cinthya Muñoz Ramos, Chief of Staff  
Office of Council President Nikki Fortunato Bas  
[CMunozRamos@OaklandCA.Gov](mailto:CMunozRamos@OaklandCA.Gov)

**OAKLAND, CA** – At the [March 23, 2023 Rules & Legislation Committee meeting](#) of the Oakland City Council, Council President Bas & Councilmember Kalb plan to schedule legislation to phase out the COVID-19 eviction moratorium. The legislation would be heard at the April 11 meeting of the Community & Economic Development Committee, which could forward it to the full Council for a first reading on April 18, and a second and final reading on May 2, 2023.

In 2020, the Councilmembers authored and passed the residential eviction moratorium in response to the COVID-19 pandemic to promote housing stability, encourage compliance with shelter-in-place orders, prevent transmission of COVID-19, and avoid unnecessary displacement and increased homelessness.

Oakland's eviction moratorium is one of the strongest in the state and helped to achieve these goals of housing stability, while other measures provided emergency rental assistance, legal services, and other support.

This proposed ordinance would establish a timeline for gradually ending the moratorium, rather than leaving the expiration date tied to the end of the Local COVID-19 Emergency. This proposal will revoke the eviction moratorium in phases in order to help avoid a surge of evictions leading to an increase in homelessness, and allowing property owners to proceed with urgent evictions. If approved, the timeline would be as follows:

- May 1 - August 31, 2023 transition period - certain evictions allowed, as described below
- September 1, 2023 - eviction moratorium ends
- July 1, 2024 - rent increase moratorium ends

### **BACKGROUND**

#### **Current Oakland Eviction Moratorium (in effect):**

- Applies to all properties covered by the Oakland Just Cause for Eviction Ordinance, Measure EE.
- **Major exemptions:**

- The landlord lives in the unit with the tenant and shares a bathroom or kitchen; or
- Property was built in the last 10 years
- **Current causes for eviction:**
  - The tenant created an imminent health/safety threat at the property; or
  - The landlord is removing the unit(s) from the rental market for at least 10 years (Ellis Act)
- **Late fees:**
  - Unless there is a lease provision to the contrary, no late fees for unpaid rent
- **Current rent restrictions (rent increase moratorium):**
  - For rent-controlled properties, the landlord can raise the rent, but not above the cap of 3%
  - No pass-through increases or banking are allowed
- **Current end date**
  - When City Council ends the Oakland COVID-19 State of Emergency.

### **Proposed Phase Out of Moratorium**

#### **May 1, 2023**

- **All prior provisions remain in effect, except:**
  - Evictions for **nonpayment of rent** where tenant cannot show COVID-19 nexus with inability to pay
    - Applies only to rent covering the month of May 1, 2023 and later.
    - Landlords are allowed to serve 3-day notices to pay rent.
  - **Owner-move in evictions** are allowed (landlord or their qualified relative will move in) if they only own one unit in Oakland

#### **September 1, 2023: Eviction moratorium ends**

#### **July 1, 2024: Rent increase moratorium ends**

- Existing rent increase moratorium is a 3% cap with no pass throughs or banking. After July 1, 2024, only the 3% cap will continue.

### **Just Cause Ordinance**

#### **These Permanent Tenant Protections would be added:**

- For evictions based on non-payment of rent that accrued prior to September 1, 2023, tenant will have a defense if the rent was unpaid due to financial hardship caused by the COVID-19 pandemic.
- In order to evict a tenant for breach of lease, the landlord must prove that the breach of lease caused the landlord substantial damage and is based on a term that the tenant accepted in writing
- Tenant cannot be evicted for owing less than 1 month of HUD fair market rent
- Tenant cannot be evicted if they were a tenant at the property prior to becoming the tenant manager
- Conform occupancy limitations to State Law

###