



Emergency Moratorium on Rent Increases and Evictions Frequently Asked Questions (FAQ)

California's Eviction Moratorium expired on September 30, 2021. However, Oakland's Emergency Moratorium will continue to prohibit most evictions, rent increases beyond the CPI, and late fees on covered units until the City Council lifts the local emergency.

For questions about how the end of the State's moratorium might affect you, contact a RAP Housing Counselor at 510-238-3721 or rap@oaklandca.gov. Commercial tenants with questions about the eviction moratorium should email busdev@oaklandca.gov.

What are the dates when the moratorium is in effect?

The Oakland City Council passed this moratorium on Friday, March 27, 2020, effective immediately. The moratorium will be in effect until the City Council lifts the local declaration of emergency due to COVID-19.

Are tenants required to notify the property owner in writing that they can't pay rent due to COVID-19?

No. While there is no requirement that tenants notify the Owner that they cannot pay rent due to COVID-19, the Rent Adjustment Program (RAP) encourages tenants to be as communicative as possible about an inability to pay rent due and to keep accurate records and notes of the communication.

Are tenants required to provide proof to the property owner that their income was reduced because of COVID-19?

No. Under Oakland's Emergency Ordinance, a property owner cannot require a tenant to provide proof that their income is reduced because of COVID-19. However, there may be additional requirements from the State. RAP encourages property owners and tenants to work together during the moratorium.

Are tenants still required to pay rent during the moratorium?

Yes. While the tenant cannot be evicted for non-payment of rent due to loss of income related to the coronavirus pandemic, the emergency ordinance does not relieve a tenant of the obligation to pay back rent that was due during the moratorium.

Can I raise my tenant's rent during the moratorium?

Yes. The maximum allowable rent increase for covered rent-controlled units in the City of Oakland is **3%**. The CPI remains in effect **from August 1, 2022, to July 31, 2023**. This increase applies to units that are subject to the City of Oakland's Rent Ordinance. A

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property owner contemplating a rent increase during the Local Emergency should call the Rent Adjustment Program to speak with a Housing Counselor.

What happens if the tenant’s lease expires during the moratorium?

Termination of a lease is never just cause to evict a tenant. A diagnosis of coronavirus, the sale of a property, and foreclosure are also not grounds for evictions under the Just Cause for Eviction Ordinance.

What happens when the moratorium is over?

When the moratorium is over, Oakland laws on evictions and rent control still apply. Rent that has not been paid is still due. While a property owner may not evict for unpaid rent due to a loss of income because of the coronavirus pandemic, a property owner may file a small claims action to recover the back rent owed.

How does the new state COVID-19 tenant relief law affect the moratorium?

The COVID-19 Tenant Relief Act of 2020 (AB 3088) will not significantly affect the moratorium. Oakland’s eviction moratorium will continue to protect Oakland renters from evictions during the COVID-19 emergency. However, tenants living in units not covered by the eviction moratorium, i.e. non-Just Cause units, will have additional protections under AB 3088.

How does the CDC order affect the moratorium?

The CDC order does not apply in state or local areas with the same or greater level of protections. Because Oakland’s eviction moratorium provides more protections to tenants, the local moratorium will continue to protect Oakland rents from evictions during the COVID-19 emergency.

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