



Housing and Community Development Department  
RENT ADJUSTMENT PROGRAM  
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## HOW TO COMPLY WITH ELLIS ACT REQUIREMENTS PURSUANT TO OAKLAND CITY ORDINANCE

ELLIS ACT ORDINANCE (Oakland Municipal Code § 8.22.400, et seq.)

1. Owner serves Tenants in all affected Rental Units with **Notice of Termination of Tenancy**.<sup>1</sup> Owner must pay half of the relocation payment as provided for in Section 8.22.450 (A), and attach four (4) Tenant Forms to this Notice: a) **Notice of Tenant Rights (Form 2)**; b) **Notice of Interest in Re-renting Unit (Form 3)**; c) **Notice of Entitlement to Extension Based on Disability or Age (Form 6)**; and d) **Notice of Entitlement to Relocation Benefit Payment (Form 12)**.
2. Tenants have thirty (30) days from the day of displacement to notify the Owner, in writing, that Tenants would be interested in re-renting the unit if it is re-offered for rent at a future time (**Form 3**). Tenants may use **Notice of Interest in Re-renting Unit (Form 3)** for this purpose.
3. Owner prepares **Notice to Rent Adjustment Program of Intent to Withdraw Rental Unit From Rental Market (Form 4)** (which will be filed with Rent Adjustment Program along with the other documents shown below).
4. Owner prepares and files **Certificate and Memorandum (Form 5)** and files this with the Alameda County Recorder.
5. Owner files with Rent Adjustment Program:
  - a. **Notice to Rent Adjustment Program of Intent to Withdraw Rental Unit From Rental Market (Form 4)**;
  - b. **Copy of Certificate and Summary (Form 5) with the Recorder's seal verifying recording**;
  - c. **Filing Fee**
6. Within ninety (90) days after filing a **Notice to Rent Adjustment Program of Intent to Withdraw Rental Unit from Rental Market (Form 4)**, Owner must file with the Rent Adjustment Program a **Notice to Rent Adjustment Program of Constraints on Real Property (Form 17)**, **including a legal description**. The Rent Adjustment Program records a **Notice of Constraints on Real**

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<sup>1</sup> The City of Oakland Rent Adjustment Programs provides **Form 1** to property owners for optional use. **Form 1** is provided to identify language for a termination notice required under the Oakland Municipal Code Ellis Act Ordinance. An owner, using this form, may consult an attorney to determine if California state laws impose additional requirements on notices terminating tenancy.

**Property (Form 18).** When the constraints under this Ordinance have been satisfied, the Owner may file a **Request for Expungement of Notice of Constraints on Real Property (Form 19)** with the Rent Adjustment Program.

7. Owner serves on Tenants a copy of **Notice to Rent Adjustment Program of Intent to Withdraw Rental Unit From Rental Market (Form 4)** and files a copy of **Proof of Service (Form 11)** with the Rent Adjustment Program within 90 days of filing Form 4 with the Rent Adjustment Program.

8. Within sixty (60) days of filing **Notice to Rent Adjustment Program of Intent to Withdraw Rental Unit From Rental Market (Form 4)**, any Tenant who is sixty-two (62) years of age or older or who is disabled may serve the Owner with his or her **Notice of Entitlement to Extension Based on Disability or Age (Form 6)**.

9. Within thirty (30) days after Owner receives **Notice of Entitlement to Extension Based on Disability or Age (Form 6)** from Tenant, Owner must file with the Rent Adjustment Program an **Owner Notice to Rent Adjustment Program of Tenant Claim for Extension Due to Disability or Age (Form 7)**.

10. Within fifteen (15) days after Owner receives **Notice of Entitlement to Extension Based on Disability or Age (Form 6)**, Owner may serve Tenant with his or her **Owner Request for Information to Tenant Concerning Claim for Extension Due to Disability or Age (Form 8)**.

11. Within thirty (30) days after being served by Owner with an **Owner Request for Information to Tenant Concerning Claim for Extension Due to Disability or Age (Form 8)**, Tenant must serve Owner with his or her **Tenant Response to Owner Request for Information Concerning Claim for Extension Due to Disability or Age (Form 9)**.

12. Within ninety (90) days after filing his or her **Notice to Rent Adjustment Program of Intent to Withdraw Rental Unit From Rental Market (Form 4)**, and after receiving **Notice of Entitlement to Extension Based on Disability or Age (Form 6)**, Owner may elect to extend the withdrawal of other rental units in the same building for a period of up to one (1) year by filing a **Notice to Tenant and Rent Adjustment Program of Extension of Date of Withdrawal of Rental Unit from Rental Market (Form 10)** with the Rent Adjustment Program and by serving this on all the affected Tenants.

13. Within sixty (60) days of filing **Notice to Rent Adjustment Program of Intent to Withdraw Rental Unit From Rental Market (Form 4)**, Tenant may give Owner a **Notice of Entitlement to Relocation Benefits Payment (Form 12)**.

14. Within fifteen (15) days after Tenant files a **Notice to Owner of Entitlement to Relocation Benefits (Form 12)**, Owner who reasonably and in good faith believes that a Tenant does not qualify for additional \$2,500.00 relocation benefits may serve the Tenant with an **Owner Request for Documentation to Tenant Concerning Relocation Benefits Claim (Form 13)**.

15. Within thirty (30) days after receiving an **Owner Request for Documentation to Tenant Concerning Relocation Benefits Claim (Form 13)**, Tenant must serve Owner with his or her

**Response to Owner Request for Documentation to Tenant Concerning Relocation Benefits Claim (Form 14).**

16. After receiving the **Notice of Entitlement to Relocation Benefits (Form 12)** or **Response to Owner Request for Documentation to Tenant Concerning Relocation Benefits Claim (Form 14)**, Owner must make the relocation payments and file with the Rent Adjustment Program a **Notice of Payment of Relocation Benefits to Tenant (Form 15) when Tenant vacates the unit**. NOTE: Owner is not required to make second half of the relocation payment unless Tenant has agreed, in checking the appropriate box on **Form 12, Notice of Entitlement to Relocation Benefit**, not to contest an unlawful detainer action based on the **Notice to Terminate Tenancy (Form 1)**. If Tenant has not so agreed, then the relocation payment is not due unless the Owner prevails in the unlawful detainer action.

17. **Owner has certain obligations in the event the withdrawn rental units are re-offered as rental units.**

- a. Within thirty (30) days prior to re-offering a withdrawn rental unit for rent, Owner must file with the Rent Adjustment Program **Form 16, Notice to Rent Adjustment Program of Intent to Re-offer Withdrawn Rental Units for Rent**.
- b. Owner must offer the withdrawn rental unit to the displaced Tenant if that Tenant has provided Owner with a **Notice of Interest in Re-renting Unit (Form 3)** within thirty (30) days after Tenant was displaced from the rental unit. Owner notifies Tenant, by certified or registered mail, by sending Tenant an offer to reinstitute a Rental Agreement, on the terms permitted by law and O.M.C. § 8.22.460. (The amount of rent may not exceed the same rent as of the date of withdrawal. No form is provided for this offer).
- c. Within thirty (30) days from deposit in the mail of the offer to reinstitute a Rental Agreement, Tenants desiring to renew the tenancy must notify the Owner either by personal delivery or by certified or registered mail of their acceptance of said offer. (No form is provided for this acceptance).
- d. The owner must offer new Tenant 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.

18. If Owner wishes to rescind the withdrawal of rental units from the rental market, he or she may only do so if no vacancy has or will occur on account of the initial filing. To do this, Owner must file **Notice to Rent Adjustment Program of Rescission of Notice to Rent Adjustment Program of Intent to Withdraw Rental Unit From Rental Market (Form 20)**.