



## Emergency Moratorium on Rent Increases and Evictions

On March 9, 2020 the Oakland City Administrator issued a proclamation of Local Emergency, which was ratified by the Oakland City Council on March 12, 2020, due to the Novel Coronavirus COVID-19 pandemic. On March 27, 2020, the Oakland City Council adopted an ordinance imposing a moratorium on residential evictions and rent increases, and prohibiting late fees during the Local Emergency. The Ordinance also prohibits evictions based on nonpayment of rent that became due during the Local Emergency when the tenant suffered a substantial reduction of income or substantial increase of expenses due to COVID-19.

*The Emergency Moratorium on Rent Increases and Evictions **only** applies to tenancies regulated under the Oakland Just Cause for Eviction Ordinance and the Oakland Rent Adjustment Ordinance. **The following is a summary.** For complete information, please consult the full text of the Ordinance at <https://bit.ly/2UQI52b>. Commercial tenants with questions about the eviction moratorium should send an e-mail to [busdev@oaklandca.gov](mailto:busdev@oaklandca.gov).*

This emergency ordinance establishes moratoriums on:

### **Most Evictions**

Most evictions are banned until the end of the Local Emergency. Evictions where the tenant poses an imminent threat to the health or safety of other occupants and Ellis Act evictions are exceptions.

### **Evictions for nonpayment of rent that became due during the Local Emergency**

A property owner cannot evict a tenant for failure to pay rent during the Local Emergency if the rent was unpaid due to a substantial loss of income or an increase in expenses resulting from the coronavirus pandemic. This includes, but is not limited to the following:

- the tenant suffered a loss of employment or a reduction in hours;
- the tenant was unable to work because their children were out of school;
- the tenant was unable to work because they were sick with COVID-19 or caring for a household or family member who was sick with COVID19; or
- the tenant incurred substantial out of pocket medical expenses.

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# CITY OF OAKLAND

## Rent Adjustment Program

Department of Housing and Community Development



**The tenant is still obligated to pay rent owed during the Local Emergency. The emergency moratorium on evictions does not relieve the tenant of liability for unpaid rent.**

### **Residential Late Fees**

For residential tenancies, no late fees may be imposed for unpaid rent that became due during the Local Emergency if the rent was late for reasons resulting from the COVID-19 pandemic.

### **Rent Increases**

The moratorium prohibits rent increases above 2.7% (the Consumer Price Index, or CPI) unless required to provide a fair return. Property owners contemplating a rent increase during the Local Emergency should contact the Rent Program and speak with a housing counselor.

### **Additional Provisions**

#### **Good Samaritan Temporary Rent Decrease**

A property owner and tenant may agree in writing to a temporary rent reduction without the owner losing the right to raise the rent back to the rate established before the temporary rent reductions. Owners must still comply with all noticing requirements for rent increases, unless the agreement specifically states when the rent will return to the original rent amount.

#### **Notice Requirements**

The emergency ordinance has very specific noticing requirements. For notices required for evictions and rent increases during the moratorium, please see the [Ordinance](#) for specific language.

**Residential tenants and property owners may contact the Rent Adjustment Program with questions by calling (510) 238-3721 or sending an e-mail to [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov). Rent Adjustment Program information is also online at <https://www.oaklandca.gov/rap>.**

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