



Emergency Moratorium on Rent Increases and Evictions

On March 27, 2020, the Oakland City Council adopted an ordinance due to the Covid-19 pandemic imposing a moratorium on residential evictions and prohibiting late fees during the moratorium period. It also prohibits certain rent increases. The moratorium period began March 9, 2020, and will end on July 14, 2023.

The Ordinance also prohibits evictions based on nonpayment of rent that became due during the moratorium period when the tenant suffered a substantial reduction of income or substantial increase of expenses due to Covid-19. This defense will still be available for rent due during the moratorium period even after the moratorium has ended.

The Emergency Ordinance prohibits:

Most Evictions

Most types of evictions are banned until the end of the moratorium on July 15, 2023. The exceptions are evictions where the tenant poses an imminent threat to the health or safety of other occupants and Ellis Act evictions (evictions to remove the property from the rental market.)

Evictions for nonpayment of rent that became due during the moratorium period

After the moratorium has ended, a property owner cannot evict a tenant for failure to pay rent due March 9, 2020, through July 14, 2023, if the tenant could not pay due to a substantial loss of income or an increase in expenses resulting from the Covid-19 pandemic. This includes, but is not limited to the following situations:

- 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 Covid-19; or
- The tenant incurred substantial out of pocket medical expenses.

This defense does not mean that a tenant does not need to respond to a lawsuit. Tenants who are served eviction lawsuits (unlawful detainers) typically need to respond within 5 days and should contact a legal services organization immediately.

The tenant is still required to pay rent owed. The emergency moratorium on evictions does not relieve the tenant of liability for unpaid rent.

CITY OF OAKLAND

Rent Adjustment Program

Department of Housing and Community Development



Residential Late Fees

For residential tenancies, landlords may not charge late fees for unpaid rent that became due March 9, 2020, through July 14, 2023, if the rent was late for reasons resulting from the Covid-19 pandemic.

Rent Increases

For tenants whose units are covered by the Oakland Rent Adjustment Ordinance (Oakland rent control), the moratorium prohibits rent increases above the Consumer Price Index (CPI) amount unless required to provide a fair return (following a petition and approval from the Rent Adjustment Program). This provision will remain in effect until June 30, 2024. From August 1, 2023, to July 31, 2024, the CPI amount is 2.5%. From August 1, 2022, to July 31, 2023, the CPI amount is 3%. Property owners contemplating a rent increase during the Local Emergency should contact the Rent Adjustment 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. Notices that do not comply with these requirements are void. For notices required for evictions and rent increases during the moratorium, please see the Ordinance for specific language.

*The Emergency Moratorium on Evictions **only** applies to tenancies covered by the Oakland Just Cause for Eviction Ordinance. The Emergency Moratorium on Rent Increases **only** applies to tenancies covered by the Oakland Rent Adjustment Ordinance. **The above is a summary.** For complete information, please read 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.*

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. Rent Adjustment Program information is also online at <https://www.oaklandca.gov/rap>.

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