



Just Cause is Required for Eviction

(Oakland Municipal Code, Section 8.22.300)

NOTE: The expiration of a rental agreement, the sale of a property (including transfers due to FORECLOSURE), conversion to condominium, or changes in the federal Section 8 status of a unit are not “good causes” for eviction under Oakland law.

ATTENTION: EVICTIONS CAN BE COMPLICATED. IF YOU GET AN EVICTION NOTICE OR ARE CONTEMPLATING SERVING A NOTICE ON YOUR TENANT CALL A RAP HOUSING COUNSELOR AT 510-238-3721 AS SOON AS POSSIBLE.

In Oakland, a property owner can only terminate a tenancy or evict a tenant for JUST CAUSE. A Notice to Terminate or Evict must specify one of the following eleven Just Causes:

1. Failure to pay rent.
2. Material violation of rental agreement after written notice to stop.
3. Refusal to sign a new lease with substantially the same terms as the old lease.
4. Causing substantial damage to the unit.
5. Tenant continues to disturb the peace and quiet enjoyment of other tenants after written notice to stop.
6. Engaging in unlawful activity on the premises.
7. Refusing to allow property owner access to make repairs, after receiving proper written notice.
8. The unit is the property owner’s principal residence and the property owner wants to move back into the unit, as provided in a rental agreement with the current tenants.
9. Property owner wants to use the rental unit as a principal residence for property owner of record or owner’s spouse, domestic partner, child, parent or grandparent.
10. Property owner withdraws unit from the rental market under state law (Ellis Act).
11. Property owner seeks to make substantial repairs that cannot be made while the unit is occupied, and which affect the health and safety of tenants in the building.

THE NOTICE TO TERMINATE A TENANCY IS THE FIRST STEP IN AN EVICTION ACTION. TO SUCCEED, A PROPERTY OWNER MUST PROVIDE THE TENANT WITH THE CORRECT LEGAL NOTICE. A TENANT MAY HAVE GROUNDS TO CHALLENGE THE NOTICE AND THE SUBSEQUENT EVICTION ACTION.

All eviction notices must include grounds for eviction, and a statement that advice regarding eviction is available from the Rent Adjustment Program. Specific language is found in the Just Cause Regulations. A copy of every eviction notice **must** be filed with the Rent Adjustment Program **within 10 days** after it is served on the tenant. A property owner’s failure to file this notice is a defense to any resulting Unlawful Detainer action. The Rent Adjustment Program keeps these notices for one (1) year.

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