

Learning Your Legal Obligations

- Do **tenant protections** apply to your ADU?
→ <https://www.oaklandca.gov/resources/rent-adjustment-program-guide-and-information-sheets>
- Are you complying with **fair housing laws**?
→ <https://www.housing.org/landlords>
- Do you know that you must rent your ADU for **30 days or longer**? Local and State regulations do not allow ADUs to be used as short-term rentals.
→ <https://www.oaklandca.gov/topics/short-term-residential-rental-regulations>
- How much are you allowed to collect for a **security deposit**?
→ <https://www.nolo.com/legal-encyclopedia/california-security-deposits-36199.html>
- What are your other **legal responsibilities**?
→ <https://www.nolo.com/legal-encyclopedia/landlord-liability>

See reverse for more information on rent control and the Just Cause for Eviction ordinance.

Selecting a tenant

- How should you **advertise the unit**?
→ <https://www.housing.org/landlords>
- What should you include in the **rental application**?
→ <https://www.nolo.com/legal-encyclopedia/how-screen-select-tenants-faq.html#answer-1739523>
- What should be included in the **lease**?
→ <https://www.nolo.com/legal-encyclopedia/terms-lease-rental-agreement-29776.html>
- What factors should you consider in your **tenant selection**?
→ <https://www.nolo.com/legal-encyclopedia/rental-applications-and-tenant-screening>
- How much should you charge for rent?** Consider what other units are going for, your location, and your ADU's amenities.

Getting Ready to Lease

- Is your **ADU insured**?
→ <https://www.zillow.com/mortgage-learning/homeowners-insurance/>
- Do you have your **utilities set up and a plan on how to share the costs**?
→ <https://www.reluctantlandlord.net/3-ways-landlord-can-split-utilities/>
- Do you have a **financial plan for maintenance and other costs**?
→ <https://www.thebalance.com/home-maintenance-budget-453820>
- Have you obtained an **Oakland business license**?
→ <https://www.oaklandca.gov/services/business-tax-applications-1#:~:text=The%20%2495%20registration%20fee%20must,month%20beyond%20the%2030%20days>
- Have you paid the applicable **Oakland Rent Adjustment Program (RAP) fee** if your ADU is subject to rent control or just cause for eviction tenant protections?
→ <https://www.oaklandca.gov/services/rent-adjustment-program-fee#:~:text=Each%20year%20property%20owners%20are,The%20fee%20is%20currently%20%24101>
- Should you hire a property manager**?
→ <https://www.thebalancesmb.com/should-you-hire-a-property-manager-2124811>

Property Managers

If you're worried about being a rental property owner, a property manager can be a good investment. For a portion of the rent, property managers can take care of pretty much everything on the rest of this page, including market the unit, screen and select tenants, collect rent, handle maintenance and repairs, and manage tenant complaints.

Renting your ADU?

Here's what you need to know.

Living Together

- Do you have a **plan for unit upkeep and maintenance**?
→ <https://www.nolo.com/legal-encyclopedia/repairs-maintenance-entry-rented-premises-29739.html>
- How will you **address potential issues**?
→ <https://www.housing.org/dispute-resolution>
- Do you need to establish **rules for shared spaces, quiet hours, or privacy**, such as ground rules related to using the backyard or sharing laundry facilities?
→ <https://www.thebalancesmb.com/live-in-landlord-tips-4778873>
- How can you go above and beyond to **welcome your tenant(s) to the neighborhood**?
→ <https://www.baymgmtgroup.com/blog/create-perfect-welcome-package-new-tenants/>
- What are the **rules on increasing the rent, entering the unit, and evictions**?
→ <https://www.oaklandca.gov/resources/rent-adjustment-program-guide-and-information-sheets>

The Oakland Rent Adjustment Program provides services to property owners and tenants, including educational workshops, counseling hours, and mediation, as well as information packets and handouts on local and State rules and regulations. Visit <https://www.oaklandca.gov/topics/rent-adjustment-program#resources-416850> or call (510) 238-3721 for more information.



Does rent control apply to my ADU?

Does rent control apply to the main house after adding an ADU?

If you add an ADU and then rent out the existing house, it will trigger rent control on the previously existing main residence if it was constructed before 1983.

ADU Type	ADU Created Before 1983	ADU Created After 1983
Within a Main House		
from non-habitable space (i.e., unfinished attics, basements, garages)	Applies	Exempt
from habitable space	Applies	Applies
Attached to a Main House		
using new square footage	Applies	Exempt
Within an Existing Accessory Building		
from non-habitable space (i.e., unfinished attics, basements, garages)	Applies	Exempt
from habitable space (bedroom)	Applies	Applies
Freestanding Dwelling Unit	Applies	Exempt

Does the Just Cause for Eviction Ordinance apply to my ADU?

ADU Type	ADU Created Before 1995	ADU Created After 1995
Within a Main House		
from non-habitable space (i.e., unfinished attics, basements, garages)	Applies	Applies
from habitable space	Applies	Applies
Attached to a Main House		
using new square footage	Applies	Exempt
Within an Existing Accessory Building		
from non-habitable space (i.e., unfinished attics, basements, garages)	Applies	Applies
from habitable space	Applies	Applies
Freestanding Dwelling Unit	Applies	Exempt

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