
PROPERTY OWNER PACKET



*Rent Adjustment Program
250 Frank Ogawa H. Plaza
Suite 5313
Oakland, CA 94612*

*Phone (510) 238 - 3721
Fax (510) 238 - 6181
www.oaklandca.gov/rap*

Rent Adjustment Service Hours:

Mon through Thurs: 9:30 am to 4:30 pm

Fri: Closed*

*(Document drop off available 9:00 am - 4:30 pm)

WE SUPPORT SPANISH, CANTONESE, AND
MANDARIN. CONTACT US FOR SUPPORT IN
OTHER LANGUAGES.



Upcoming 2021 Workshops

All workshops will be conducted by Zoom.
Please register at www.oaklandca.gov/RAP

EVENT	DATE AND TIME
Local and State Eviction Moratorium Workshop (Tenant Focused)	Tuesday, February 16 5:30 – 7:00 pm
Local and State Eviction Moratorium Workshop (Property Owner Focused)	Wednesday, February 17 5:30 – 7:00 pm
Fair Chance Ordinance Workshop (Property Owner Focused)	Wednesday, February 24 12:30 – 2:00pm
Tenant Rights Workshop	Wednesday, March 3 5:30 – 7:00 pm
Small Property Owner Workshop	Wednesday, March 10 5:30 – 7:00 pm
Tenant Rights Workshop	Wednesday, April 14 5:30 – 7:00 pm
Security Deposits (Property Owner Focused)	Wednesday, May 12 5:30 – 7:00 pm
Taller de Derechos del Inquilino (Español/Spanish)	Wednesday, June 9 12:30 – 2:00 pm
Small Property Owner Workshop	Wednesday, July 14 5:30 – 7:00 pm
屋東與租客講座 - 奧克蘭市政府租金管制及驅逐條例 (廣東話和普通話)	Wednesday, August 11 12:30 – 2:00 pm
Tenant Rights Workshop	Wednesday, September 15, 5:30 – 7:00 pm
Security Deposits	Wednesday, October 13 12:30 – 2:00 pm



Local Resources for Property Owners & Tenants

***Please note: Although the City of Oakland strives to provide the most current information, these organizations may have changed their contact information or hours of service. Please contact these organizations to confirm.**

Local Organizations Providing Assistance to Tenants

East Bay Community Law Center

1950 University Ave., Ste 200, Berkeley, CA 94703

2921 Adeline St., Berkeley, CA 94703 (between Ashby and Russell St)

Telephone: 510-548-4040

Hours: Monday-Friday 9:00am-5:00pm

Website: <https://ebclc.org>

Email: info@ebclc.org

Counseling and assistance in filing legal paperwork (for low-income tenants only). FREE community workshops for (low-income) tenants who have disputes with their landlords.

Eviction Defense Center

350 Frank Ogawa Plaza, Suite 703, Oakland, CA 94612

Telephone: 510-452-4541

Hotline: 510-693-2775 (Accepts TEXT messages & After Hours)

Hours: Mon/Tues/Thurs 9:00am-5:00pm & Wed/Fri 9:00am-4:00pm; Closed 12:00pm-2:00pm Daily

Website: <https://www.evictiondefensecenteroakland.org>

Nonprofit provides low-cost legal services to tenants facing eviction in Alameda County and the city of Richmond. All services are offered on a sliding scale basis.

Tenants Together

474 Valencia St #156, San Francisco, CA 94103 (No Drop-in Services)

Telephone: 415-495-8100

Website: www.tenantstogether.org

Email: info@tenantstogether.org

A nonprofit organization dedicated to defending and advancing the rights of California tenants for safe, decent, and affordable housing.

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Causa Justa

1419 34th Ave #203, Oakland, CA 94601 Telephone: 510-763-5877

Website: <https://cjjc.org>

Email: info@cjjc.org

A nonprofit organization dedicated to defending and advancing the rights of California tenants for safe, decent, and affordable housing.

Oakland Tenants Union

P.O. Box 10573, Oakland, CA 94601

Telephone: 510-704-5276

Website: <https://oaklandtenantsunion.org>

Email: help@oaklandtenantsunion.org

A volunteer referral and resource organization of housing activists dedicated to protecting tenants' rights and interests.

Asian Pacific Islander Legal Outreach

1121 Mission Street, San Francisco, CA 94103 and 310 8th Street, Suite 308, Oakland, CA 94607

Telephone: (415) 567-6255 and (510) 251-2846

Website: <https://www.apilegaloutreach.org/>

Asian Pacific Islander Legal Outreach was founded to promote the development, empowerment, and self-reliance of the community through the provision of culturally competent and linguistically appropriate legal, social, and educational services to those with extraordinary needs. Through these community-based services, API Legal Outreach works to break the cycle of violence against women, youth and seniors, to advocate for the rights of immigrants and those with disabilities, to promote the dignity and independence of seniors and advocate for the basic rights such as affordable housing and the rights of tenants.

Centro Legal de la Raza

3400 E 12th Street, Oakland, CA 94601

Telephone: 510-738-3906

Website: <https://www.centrolegal.org/>

Email: tenantsrights@centrolegal.org

Founded in 1969, Centro Legal de la Raza is a legal services agency protecting and advancing the rights of low-income, immigrant, Black, and Latinx communities through bilingual legal representation, education, and advocacy. By combining quality legal services with know-your-rights education and youth development, Centro Legal de la Raza ensures access to justice for thousands of individuals throughout Northern and Central California.

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Rent Adjustment Program

Alameda County Social Services Agency

Housing and Homeless Services

Website:

https://alamedasocialservices.org/public/services/housing_and_homeless/housing_and_homeless.cfm

The Alameda County Social Services Agency provides cash aid or housing voucher assistance to families and single adults who are homeless or at-risk of becoming homeless in the county.

Season of Sharing (SOS)

Telephone: 510-272-3700

Website:

https://www.alamedasocialservices.org/public/services/community/season_of_sharing.cfm

The county's SOS program is a private fund providing one-time crisis-based assistance for housing and critical family needs to Alameda County residents. Grants are based not only for criteria being met but also on merit and the greatest need. Assistance is not guaranteed. For more information, call the automated pre-screening phone number provided above or visit the program website.

Bay Area Legal Aid-Alameda County Office

1735 Telegraph Ave, Oakland, CA 94612

Telephone: 510-663-4755 | Legal Advice Line: 800-551-5554

Hours: Monday-Friday 9:00am-5:00pm; Closed 12:00pm-1:00pm

Website: <http://baylegal.org>

Provides legal information and help to low-income people. Tenants may receive assistance in the following areas: Evictions, Housing Discrimination, Terminations, Disputes, Unsafe or unhealthy housing conditions, Lock-outs and Utility shut-offs, and tenants of foreclosed properties.

Local Organizations Providing Assistance to Seniors

Legal Assistance for Seniors

333 Hegenberger Rd, Suite 850, Oakland, CA 94621

Telephone: 510-832-3040

Hours: Monday-Friday 9:00am-5:00pm (Call for an Appointment)

Website: <https://www.lashicap.org>

Email: las@lashicap.org

The mission of Legal Assistance for Seniors is to ensure the independence and dignity of seniors by protecting their legal rights through education, counseling, and advocacy. Their vision is for all seniors to live in dignity with the greatest possible independence, regardless of social or economic circumstances.

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Rent Adjustment Program

Berkeley East Bay Gray Panthers

Telephone: 510-842-6224

Hours: Wednesday 1:30pm-4:00pm

Website: <https://www.eastbaygraypanthers.org/>

Email: graypanthersberk@aol.com

East Bay Gray Panthers have always been involved in progressive politics demonstrating for justice, civil rights, for the homeless, housing affordability, climate change, the environment and against war, age and youth in action.



Local Organizations Providing Assistance to Property Owners

Alameda County Bar Association

Volunteer Legal Services Corporation (VLSC)

1000 Broadway, Suite 290, Oakland, CA 94607

Telephone: 510-302-2222. Option 4

Website: <https://www.acbanet.org/pro-bono-legal-services>

Email: membershipassistant@acbanet.org

The low-income Landlord Eviction Assistance clinic is the only free legal clinic in Alameda County that is dedicated only to landlords.

East Bay Rental Housing Association

3664 Grand Ave, Suite B, Oakland, CA 94610

Telephone: 510-893-9873

Hours: Monday-Friday 9:00am-5:00pm (Closed for lunch from 12:30pm-1:30pm)

Website: <https://www.ebrha.com>

Email: news@ebrha.com

EBRHA is a full-service nonprofit organization dedicated to promoting fair, safe and well-maintained residential rental housing that is compliant with local ordinances and state/federal laws. EBRHA offers rental property owner and manager members city-specific and timely education, one-on-one property management advice, free rental forms, networking opportunities, and advocacy at the state and local level. EBRHA supports members, neighbors and local businesses with community improvement and sustainability initiatives.

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CITY OF OAKLAND

Rent Adjustment Program

Housing and Economic Rights Advocates (HERA)

1814 Franklin St, Suite 1040, Oakland, CA 94612

Mailing Address: P.O. Box 29435, Oakland, CA 94604

Telephone: 510-271-8443 (Appointment Only)

Fax: 510-868-4521

Website: <http://www.heraca.org>

Email: inquiries@heraca.org

HERA is a California statewide, not-for-profit legal service and advocacy organization dedicated to helping Californians — particularly those most vulnerable — build a safe, sound financial future, free of discrimination and economic abuses, in all aspects of household financial concerns. HERA provides free legal services, consumer workshops, training for professionals and community organizing support, creates innovative solutions and engages in policy work locally, statewide and nationally.

Local Organizations Providing Assistance to Property Owners and Tenants

SEEDS Community Resolution Center

2530 San Pablo Ave, Suite A, Berkeley, CA 94702

Telephone: 510-548-2377

Fax: 510-548-4051

Website: www.seedscrc.org

Email: casedeveloper@seedscrc.org

Hours: Monday-Thursday 9:00am-5:00pm

Provides Mediation, facilitation and training. Can schedule a mediation session within 10 to 14 business days after all parties involved go through an intake process by phone. \$75 per party involved, per mediation session, (Sliding scale available. No one is turned away for lack of funds.)

Other Resources

Asian Pacific Environmental Network

426 17th St #500, Oakland, CA 94612 and 1200 Harrison St, Oakland, CA 94607

Telephone: (510) 834-8920 and (510) 593-2283

Website: www.apen4ej.org

Email: apen@apen4ej.org

Through building an organized movement, APEN strives to bring fundamental changes to economic and social institutions that will prioritize public good over profits and promote the right of every person to a decent, safe, affordable quality of life, and the right to participate in decisions affecting our lives. APEN holds this vision of environmental justice for all people. APEN's work focuses on Asian immigrant and refugee communities.

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Security Deposits

A security deposit is any payment, fee, deposit, or charge that is imposed at the beginning of tenancy as an advance payment of rent, repairing damages caused by the tenant or cleaning, or to be used for recovering rent defaults.

Money paid as first month's rent is not considered a security deposit.

Before Moving In

Security deposits should not exceed twice the monthly rent for an unfurnished unit or three times the monthly rent for a furnished unit. Security deposits in Oakland do not collect interest.

During Tenancy

During tenancy the property owner may use the tenant's security deposit to cover certain expenses.

Money from your security deposit may be used to:

- Cover rent defaults;
- Repair damages a tenant or a tenant's guest caused other than normal wear and tear;
- Do necessary cleaning; and
- If allowed by the lease, cover the cost of restoring or replacing personal property, furniture, or keys, excluding ordinary wear and tear.

Ending the Tenancy

If the tenant plans on vacating the unit, they must provide 30-days' notice to the property owner.

Within the last two weeks of tenancy, the property owner must notify the tenant in writing of their right to request an inspection of the unit to identify any necessary cleaning to avoid deductions to their security deposit.

If the total deductions from repairs or cleaning exceed \$125, the property owner must itemize the deductions and present the list to the tenant.

Within 21 days of the tenant completely vacating the property, the property owner must either:

- Return the full security deposit, or
- Return the remaining security deposit with list of deductions.

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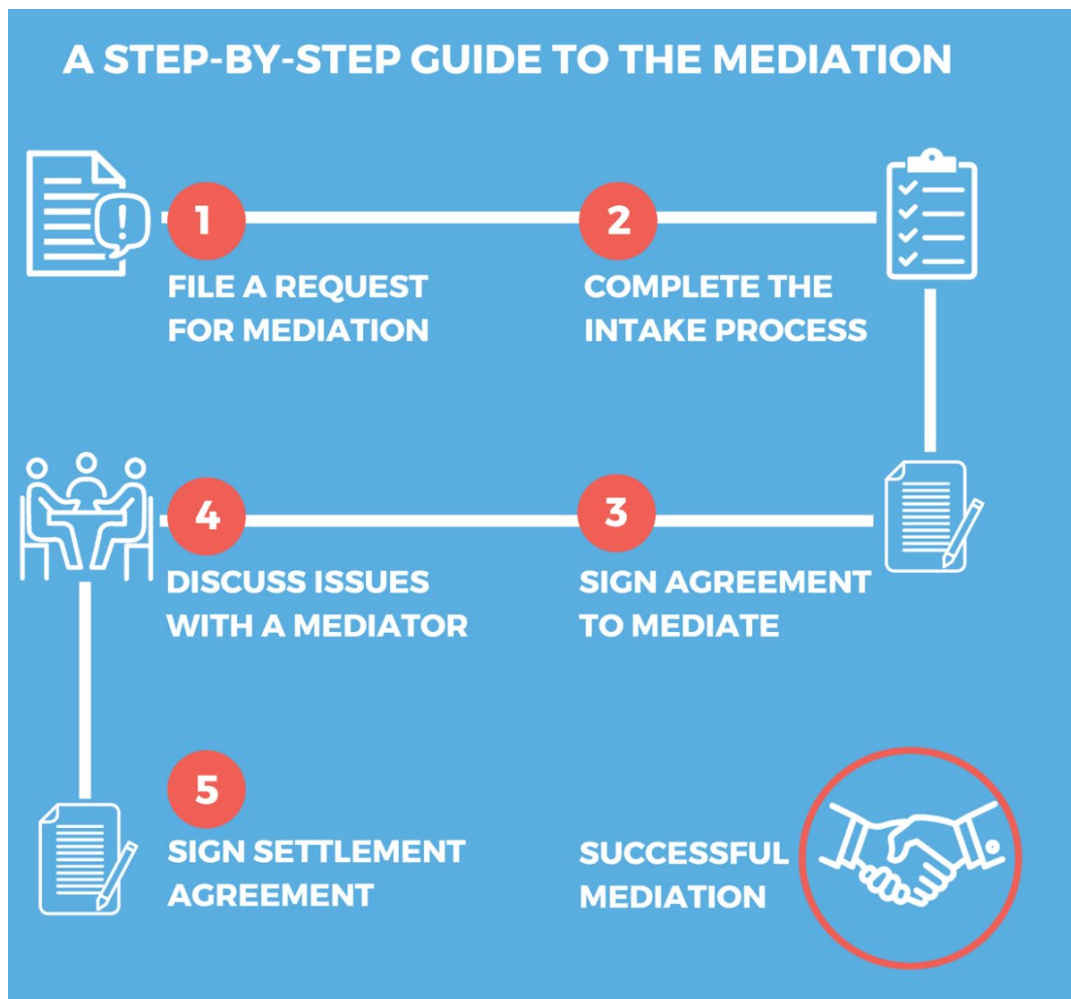
Disputes

If the property owner fails to return the security deposit or itemized statement with deductions within 21 days of the tenant vacating the property, the tenant can write a letter requesting either the deductions or the security deposit.

If the property owner does not comply, the tenant may sue for the amount in Small Claims Court (if the amount is less than \$10,000), and up to twice the amount of the deposit if the property owner withheld the deposit in bad faith.

Alternatively, a tenant may also utilize RAP's mediation services to resolve disputes related to the failure to return a security deposit.

RAP Mediation Process



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Allowable Annual Rent Increase

(O.M.C. 8.22.070 et seq.)

The Oakland Rent Adjustment Ordinance and Rent Adjustment Program Regulations provide a framework for rent increases in covered rental units. The following is a summary only. For complete information, please consult the Ordinance and Regulations.

Tenants can be given only one rent increase in any 12-month period. An increase cannot happen earlier than 12 months after a tenant's move-in date or 12 months after the last rent increase.

The Oakland Rent Adjustment Ordinance provides for an Allowable Annual Rent Increase based on the regional Consumer Price Index ("CPI"). A new CPI rate takes effect each July 1 and remains in effect for rent increases through June 30 of the following calendar year.

The annual CPI rate for rent increases effective July 1, 2021, through June 30, 2022, is 1.9%. The rate cannot be applied to rent increases that take effect earlier than July 1, 2021.

A property owner can raise the rent above the CPI rate, based on 'justifications' listed in the in the Ordinance and Regulations. One justification is 'banking.' 'Banking' refers to deferred annual CPI rent increases that an owner can carry forward, subject to limitations (See *Regs.-Appendix A, 10-5*). **An increase based on banking cannot be higher than 3X the current year's CPI.** The Ordinance also has noticing requirements for giving a rent increase. California law requires that tenants be provided with written advance notice of a rent increase of 30 days (for increases 10% or less) or 60 days (for increases greater than 10%) before the effective date of the increase. **NOTE: Oakland rent law prohibits rent increases higher than 10%.**

July 1, 2021: 1.9%

July 1, 2020: 2.7%	July 1, 2010: 2.7%
July 1, 2019: 3.5%	July 1, 2009: 0.7%
July 1, 2018: 3.4%	July 1, 2008: 3.2%
July 1, 2017: 2.3%	July 1, 2007: 3.3%
July 1, 2016: 2.0%	May 1, 2006: 3.3%
July 1, 2015: 1.7%	May 1, 2005: 1.9%
July 1, 2014: 1.9%	May 1, 2004: 0.7%
July 1, 2013: 2.1%	May 1, 2003: 3.6%

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

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Rent Adjustment Program



July 1, 2012: 3.0%
July 1, 2011: 2.0%

July 1, 2002: 0.6%
March 1, 1995 – June 30, 2002: 3% per
year

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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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Oakland, CA 94612
(510) 238-3721



Notice of Tenant Protection Ordinance

(O.M.C. 8.22.600 et seq.)

On November 5, 2014, the Oakland City Council adopted the Tenant Protection Ordinance (TPO), which prohibits various harassing behaviors against tenants by owners and their agents (for example, property managers and contractors) – thereby bolstering existing laws and leases that protect tenants. The TPO creates remedies that can be enforced by private civil rights of action.

Among other things, the Tenant Protection Ordinance prohibits conduct that may coerce a tenant to vacate a rental unit involuntarily. The following is only a summary of the illegal conduct; for a complete list, you are advised to review the attached copy of the Tenant Protection Ordinance or review Oakland Municipal Code 8.22.600.

Property owners and their agents must not, in bad faith, engage in any of the following conduct:

1. Disruption of services to the rental unit.
2. Fail to perform repairs and maintenance.
3. Fail to exercise due diligence when completing repairs (ex. unreasonable delays) or follow appropriate industry protocol.
4. Abuse the owner's right of access to the rental unit.
5. Remove personal property, furnishings, or any other items without the prior written consent of the tenant, except when authorized by law.
6. Threaten to report a tenant or their known associates to law enforcement based on their perceived or actual immigration status.
7. Influence a tenant to vacate through fraud, intimidation, or coercion.
8. Offer payments to a tenant to vacate more than once in six (6) months if the tenant has stated in writing that they don't want to receive such offers
9. Try to intimidate a tenant into accepting a buyout.

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721



10. Threaten the tenant or their guests, by word or gesture, with physical harm.
11. Interfere with a tenant's right to quiet use and enjoyment of the rental unit.
12. Refuse to accept or acknowledge receipt of a tenant's lawful rent payment.
13. Refuse to cash a rent check for over thirty (30) days unless a written receipt for payment has been provided to the tenant.
14. Interfere with a tenant's right to privacy, including unnecessarily inquiring into a tenant's immigration status.
15. Unilaterally impose new material terms of tenancy.
16. Remove a housing service for purpose of causing the tenant to vacate.
17. Commit violations of certain state laws, including discrimination prohibited under the Unruh Civil Rights Act and illegal lockouts and utility shutoffs prohibited by other laws.
18. Misrepresent to a tenant that they are required to vacate their unit.

Note: A tenant who has experienced violations of the Tenant Protection Ordinance may bring a civil action in court against the property owners. Elderly, disabled, and/or catastrophically ill tenants have heightened protections under the TPO. Violators may be held liable for treble (three times) damages, including emotional distress. For violations related to repairs, tenants must first provide fifteen (15) days' notice of violation.

The TPO requires owners to post a notice of the TPO in rental units located in a building with an interior common area. The notice must be placed in at least one such common area in the building using the form prescribed by the City Staff.

If you are experiencing any of the conduct detailed above, you may contact the Rent Adjustment Program for more information, at (510) 238-3721 or rap@oaklandca.gov.

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721



Property Owner's Rights and Responsibilities

Before the unit is rented, the property owner has the right to:

1. Offer and advertise vacant units for rent.
2. Screen potential tenants.
3. Select the tenant who is to reside in the rental unit.
4. Collect first month's rent and security deposit.

After the rental unit has been rented, the property owner has the right to:

1. Request mediation with the Rent Adjustment Program for issues with the tenant(s).
2. Petition for additional rent increases or exemption from the Rent Adjustment Program.
3. Enter the rental unit under the following circumstances:
 1. In an emergency.
 2. To make necessary or agreed upon repairs, decorations, alterations, or improvements, supply necessary services or show the unit to perspective buyers, tenants or workers.
 3. When a tenant has abandoned or given up the premises.
 4. As a result of a court order.
4. Initiate eviction proceedings under the Just Cause Ordinance, which include:
 1. Non-payment of rent.
 2. Failure to comply with a material term of the lease.
 3. Tenant causes or allows damage to the unit and refuses to pay for the damage.
 4. Tenant refuses to sign a new lease which is substantially the same as the old lease.

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721



Tenant's Rights and Responsibilities

Under California Law (Civil Code 1941.1), the tenant has the right to:

1. Roofs and walls must not leak.
2. Doors and windows must not be broken.
3. Plumbing and gas must work properly.
4. Hot and cold water must be provided.
5. Heater must work and be safe.
6. Lights and wiring must work and be safe.
7. Enough cans and bins be provided for trash.
8. Floors, stairways and railings must be maintained and safe.
9. The rental unit must be clean, with no trash, rodents or other pests.
10. Sewer and septic system must be connected and working properly.

Also under California Health and Safety Code (Sections 17900 through 17995), the tenant has a right to:

1. A working toilet, wash basin, and bathtub or shower.
2. The toilet, and bathtub or shower, must be in a room which is ventilated and allows for privacy.
3. A kitchen sink, which cannot be made of an absorbent material such as wood.
4. Natural lighting in every room through windows or skylights (which should be able to open at least halfway for ventilation, unless a fan provides mechanical ventilation).

Under Oakland Rent Adjustment Ordinance (O.M.C., Section 8.22.010):

1. Tenant may request a mediation to discuss issues with the property owner.
2. Tenant may file a petition for an increase above CPI or decrease in service within the unit.

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Oakland, CA 94612
(510) 238-3721



Property Owner's Right to Enter & Tenant's Right to Privacy

(California Civil Code – Section 1954)

A property owner may enter the dwelling unit only in the following cases:

1. In case of emergency
2. To make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors or to make an inspection pursuant to subdivision (f) of Section 1950.5.
3. When the tenant has abandoned or surrendered the premises.
4. Pursuant to court order.

Note: Except in cases of emergency or when the tenant has abandoned or surrendered the premises, entry may not be made during other than normal business hours unless the tenant consents to an entry during other than normal business hours at the time of entry.

A property owner may not abuse the right of access or use it to harass the tenant.

The property owner must:

1. Give the tenant reasonable notice in writing of his or her intent to enter during normal business hours. The notice shall include the date, approximate time, and purpose of the entry.
2. Twenty-four (24) hours shall be presumed to be reasonable notice in absence of evidence to the contrary. Mailing of the notice at least six (6) days prior to an intended entry is presumed reasonable notice in the absence of evidence to the contrary.
3. Personally deliver notice to the tenant, leave notice with someone of a suitable age and discretion at the premises, or leave on, near or under the usual entry door of the premises in a manner in which a reasonable person would discover the notice.

Unless:

1. The purpose of entry is to show the unit to prospective or actual purchasers, then the notice may be given orally, in person, by telephone or in writing within 120 days of the oral notice that the property is for sale.
2. The tenant and the property owner agree orally to an entry to make agreed repairs or supply agreed services. The agreement shall include the date and approximate time of entry (within one (1) week of agreement).

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CITY OF OAKLAND

Rent Adjustment Program



Note: No notice of entry is required under this section if (1) in response to an emergency, (2) the tenant is present and consents to the entry at that time, or (3) the tenant has abandoned or surrendered the unit.

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721



Rent Levels and Rent Regulation

(O.M.C. 8.22.070 et seq.)

Every residential rental unit in Oakland that is not exempt from the provisions of the Oakland Rent Adjustment Ordinance has a **lawful rent ceiling**, which is the maximum amount of rent that a property owner may lawfully charge for the use or occupancy of the unit and any associated housing services, such as furnishings, parking or laundry facilities. Rent is not limited to money and includes the fair market value of any goods or services that are rendered to a property owner in lieu of money.

Under the Costa Hawkins Rental Housing Act, a property owner may set the initial rent and associated housing services for new tenancies beginning on or after January 1, 1996. The initial rent becomes the new rent ceiling, which may be changed only by allowable increases under the Rent Ordinance. Any change in housing services from that provided at the beginning of the tenancy may be grounds for an adjustment of the lawful rent ceiling.

A property owner is **NOT** eligible to implement a vacancy increase for a unit that was cited by a governmental agency for serious health, safety, fire, or building code violations (except those caused by disasters) that remained uncorrected for more than 60 days before the vacancy.

RENT CEILING INCREASES

Rent ceilings may be increased by the **annual consumer price index (CPI)** rent increase without seeking approval from the Rent Adjustment Program. Every March, the RAP publishes the CPI for the next fiscal year which runs from July 1 through June 30.

An owner can increase the rent on a covered unit only once in a 12-month period. The first increase cannot be effective any earlier than 12 months after the tenant moved into the unit. No rent increase can be imposed until at least six (6) months after the tenant was first served with the RAP Notice.

If an owner does not increase the rent, or increases it less than the allowable CPI, the owner is entitled to “bank” the unused rent increase for the future. However,

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(510) 238-3721



the total rent increase that can be imposed in any one banking increase may not exceed the total of three times the then allowable CPI increase and may not be greater than the lower of 10% or 5% plus the percent change in cost of living (set by State of California). For July 2021 to July 2022 that amount is 8.8% (the state rent limitation runs on a different calendar from the City CPI calendar). No rent increase may be banked more than ten (10) years after it accrues.

A property owner must give a tenant at least 30 days' written notice of the increase. If the tenant has a fixed-term lease, unless the lease allows the increase, the property owner will have to wait until the expiration of the lease term to implement the CPI increase.

Property Owner Petitions for Rent Adjustments

Property owners may petition the RAP for rent ceiling increases, although with vacancy decontrol in effect, there is less need for such petitions. Grounds for filing a property owner petition are as follows:

- **Capital Improvements:** Costs paid by the owner for improvements to the unit or the building that materially add to the value of the property, appreciably prolong its useful life, and primarily benefit the tenants. An owner is entitled to pass through 70% of the allowable costs for expenditures made within 24 months of having filed the petition.
- **Uninsured Repair Costs:** These costs are expenditures made to repair damage resulting from fire, earthquake, or natural disaster, to the extent such repair is not reimbursed by insurance proceeds.
- **Increased Housing Service Costs:** An owner can also file a petition for a rent increase based on increased housing service costs to cover increased costs related to insurance, utilities, heat, water, and other services provided by the owner related to the use or occupancy of the unit.
- **Fair Return:** An owner can also file a petition for a rent increase based on fair return. Fair return is measured by a calculation to determine if the owner is maintaining the net operating income produced by the property in a base year, subject to CPI-related adjustments.

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721



Tenant Petitions for Rent Adjustments

Tenants may petition the RAP for reductions in the rent ceiling, and do so most commonly because of housing code violations, habitability problems, or a decrease in living space or housing services. The petition process can be used to obtain rent reductions to compensate for such problems and to motivate a property owner to correct physical defects or restore space or services. Other grounds for filing a tenant petition are:

- **Unlawful Rent Increase:** A rent increase that exceeds the CPI rent increase or a rent increase that is greater than 5% plus the percent change in cost of living. For July 2021 to July 2022 that amount is 8.8% in one year or greater than 30% over a 5-year period (except for fair return).
- **No RAP Notice:** A rent increase notice was served without a RAP Notice.
- **Expiration** of capital improvement amortization period.
- **Improper Service** of the rent increase notice.

HEARINGS

After a tenant or a property owner files a petition, the opposing party has a right to object to the petition. If no objection is filed or if the petitioner does not request a hearing, and a hearing officer determines that a decision can be rendered without testimony, the petition will be decided administratively, that is, without a hearing. Otherwise, a hearing will be held, in which an impartial hearing officer takes testimony and receives written evidence on the issues raised by the petition. In either case, unless the parties enter into a settlement agreement, the hearing officer will issue a written decision granting or denying the requested rent ceiling increases or decreases. A hearing officer's decision may be appealed to the seven-member Rent Board.

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721



Tenant Move-Out Agreement Ordinance

(O.M.C. 8.22.700 et seq.)

Effective May 1, 2018, the Oakland City Council passed the Tenant Move-Out Ordinance (TMOO) which affords protections to tenants who are offered buyout agreements by their property owners. These protections apply where a tenant accepts payments in exchange for an agreement to vacate a rental unit protected by the Just Cause for Eviction provisions in Oakland Municipal Code Section 8.22.300. The vast majority of rental units are covered by the Just Cause for Eviction provisions, including some units that are not rent controlled.

Under TMOO, a tenant has the following rights when considering whether to accept a property owner's buyout offer:

- **The right NOT to enter into a buyout agreement:**
The tenant may refuse any buyout offer and the property owner is prohibited from retaliating for refusing the offer.
- **A twenty-five (25) day right to rescind:**
The tenant may rescind the buyout agreement within twenty-five (25) days after it is fully executed.
- **The right to consult an attorney:**
The tenant has the right to consult with an attorney before deciding whether to accept a buyout offer.

The City of Oakland requires that property owners make relocation payments to their tenants under certain circumstances in which the tenants are displaced or evicted through no fault of their own. These legally mandated relocation payments are not buyout agreements and do not limit the scope or applicability of a buyout agreement in any way. Tenants and property owners with questions about whether a relocation payment might be required by law and what amount is mandatory may contact the Rent Adjustment program for more information.

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Oakland, CA 94612
(510) 238-3721



Uniform Residential Tenant Relocation Ordinance

(O.M.C. 8.22.800 et seq.)

On January 16, 2018, the City of Oakland passed the Uniform Residential Tenant Relocation Ordinance (Ord. No. 13468) to establish a uniform schedule of relocation payments which are now extended to tenants evicted when the owner or qualifying relative moves in and for other “no tenant fault” evictions.

The Uniform Relocation Ordinance (“Ordinance”) requires owners to provide relocation payments to tenants displaced by code compliance activities, owner or relative move-ins, Ellis Act, and condominium conversions. Except for temporary code compliance displacements, which require the payment of actual temporary housing expenses, the payment amounts set forth in the ordinance depend on the size of the unit and adjust for inflation annually on July 1st. The base payment amounts until June 30, 2022 are:

- \$7,443.23 per studio/one bedroom unit
- \$9,165.82 per two-bedroom unit
- \$11,314.06 per three or more-bedroom unit

Tenant households in rental units that include lower income, elderly or disabled tenants, and/or minor children are entitled to a single additional relocation payment of two thousand five hundred dollars (\$2,500) per unit from the owner.

Termination notices served after January 25, 2018 for evictions where the new relocation requirement applies, must include a statement informing tenants of their right to relocation payments.

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
(510) 238-3721

CITY OF OAKLAND



250 Frank Ogawa Plaza, Suite 5313, Oakland, CA 94612-2034
Department of Housing and Community Development
Rent Adjustment Program

TEL (510) 238-3721
FAX (510) 238-6181
CA Relay Service 711

NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM

- Oakland has a Rent Adjustment Program (“RAP”) that limits rent increases (Chapter 8.22 of the Oakland Municipal Code) and covers most residential rental units built before 1983. For more information on which units are covered, contact the RAP office.
- Starting on February 1, 2017, an owner must petition the RAP for any rent increase that is more than the annual general rent increase (“CPI increase”) or allowed “banked” rent increases. These include capital improvements and operating expense increases. For these types of rent increases, the owner may raise your rent only after a hearing officer has approved the increase. No annual rent increase may exceed 10%. You have a right to contest the proposed rent increase by responding to the owner’s petition. You do not have to file your own petition.
- **Contesting a Rent Increase:** You can file a petition with the RAP to contest unlawful rent increases or decreased housing services. To contest a rent increase, you must file a petition (1) within ninety (90) days of the notice of rent increase if the owner also provided this Notice to Tenants with the notice of rent increase; or (2) within 120 days of the notice of rent increase if this Notice to Tenants was not given with the notice of rent increase. If the owner did not give this Notice to Tenants at the beginning of your tenancy, you must file a petition within ninety (90) days of first receiving this Notice to Tenants. Information and the petition forms are available from the RAP drop-in office at the Housing Assistance Center: 250 Frank H. Ogawa Plaza, 6th Floor, Oakland and at:
<http://www2.oaklandnet.com/Government/o/hcd/o/RentAdjustment>.
- If you contest a rent increase, you must pay your rent with the contested increase until you file a petition. If the increase is approved and you did not pay the increase, you will owe the amount of the increase retroactive to the effective date of increase.
- Oakland has eviction controls (the Just Cause for Eviction Ordinance and Regulations, O.M.C. 8.22) which limit the grounds for evictions in covered units. For more information contact the RAP office.
- Oakland charges owners a Rent Program Service Fee per unit per year. If the fee is paid on time, the owner is entitled to get half of the fee from you. Tenants in subsidized units are not required to pay the tenant portion of the fee.
- Oakland has a Tenant Protection Ordinance (“TPO”) to deter harassing behaviors by landlords and to give tenants legal recourse in instances where they are subjected to harassing behavior by landlords (O.M.C. 8.22.600). (City Council Ordinance No. 13265 C.M.S.)
- The owner ____ is ____ is not permitted to set the initial rent on this unit without limitations (such as pursuant to the Costa-Hawkins Act). If the owner is not permitted to set the initial rent without limitation, the rent in effect when the prior tenant vacated was _____.

TENANTS’ SMOKING POLICY DISCLOSURE

- Smoking (circle one) IS or IS NOT permitted in Unit _____, the unit you intend to rent.
- Smoking (circle one) IS or IS NOT permitted in other units of your building. (If both smoking and non-smoking units exist in tenant’s building, attach a list of units in which smoking is permitted.)
- There (circle one) IS or IS NOT a designated outdoor smoking area. It is located at _____.

I received a copy of this notice on _____
(Date) (Tenant’s signature)

此份屋崙 (奧克蘭) 市租客權利通知書附有中文版本。請致電 (510) 238-3721 索取副本。

La Notificación del Derecho del Inquilino está disponible en español. Si desea una copia, llame al (510) 238-3721.



250 Frank Ogawa Plaza, Suite 5313, OAKLAND, CA 94612-2034

房屋與社區發展部 (Department of Housing and Community Development)

租金調整計劃 (Rent Adjustment Program)

電話 (510) 238-3721

傳真 (510) 238-6181

CA Relay Service 711

住宅租金調整計劃的租客通知書

- 屋崙(奧克蘭)市的租金調整計劃(RAP)旨在限制租金調漲(屋崙(奧克蘭)市政法規 8.22 章),且主要是針對建於 1983 年以前大多數的出租住宅單位。若要了解哪些單位在本計劃限制範圍內,請聯絡 RAP 辦事處。
- 從 2017 年 2 月 1 日起,如果租金調漲幅度超出一般租金年漲幅(「CPI 漲幅」)或允許的「調整存放」漲幅,業主就必須向 RAP 陳情。調漲原因可包括固定資產整修和營運支出增加。對於這些類型的租金調漲方案,業主必須在聽證官同意調漲後才能提高您的租金。任何租金年漲幅不得超過 10%。如果不同意建議的租金調幅,您有權對業主的陳情提出抗辯,但您不需要自己提出陳情。
- **對租金調漲提出抗辯:** 您可以租金調漲違法或者住房服務縮為由,向 RAP 陳情抗辯。如果您要對租金調漲提出抗辯,(1)且業主隨同這份「租客通知」一併提供租金調漲通知,則您必須在收到租金調漲通知後九十(90)天內提出陳情;(2)但業主未隨這份「租客通知」提供租金調漲通知,則您必須在收到租金調整通知後的 120 天內提出陳情。如果業主在租期一開始時沒有提供這份租客通知,您就必須在第一次收到這份租客通知後的九十(90)天內提出請願。如需相關資訊並索取請願書,請前往房屋協助中心(Housing Assistance Center)的租金調整計劃(RAP)中心親自索取:250 Frank H. Ogawa Plaza, 6th Floor, Oakland and at:
<http://www2.oaklandnet.com/Government/o/hcd/o/RentAdjustment>。
- 如果您對租金調漲有異議,在提出陳情之前,您仍必須支付所要抗辯的調漲租金。若調漲金額獲准但您並未支付,您將積欠從調漲生效日期算起的調漲金額。
- 屋崙(奧克蘭)市的驅逐管制規則(屋崙(奧克蘭)市政法規 8.22 中的「驅逐正當理由」)對所管制單位的驅逐理由設有限制。若要瞭解更多資訊,請聯絡 RAP 辦公室。
- 屋崙(奧克蘭)市政府每年會向業主收取每個出租單位的「租金計劃服務費」(Rent Program Service Fee)。若業主準時支付這筆費用,就有權向您收取一半費用。受補助單位的租客無需支付該費用的租客部分。
- 屋崙(奧克蘭)市的租客保護法令(Tenant Protection Ordinance, TPO)旨在遏阻房東的騷擾行為,並且在租客受房東騷擾的情況下賦予租客法律追索權(屋崙(奧克蘭)市政法規 8.22.600)。(市議會條例 13265 號 C.M.S.)
- 業主 ___ 得以 ___ 不得對本單位設下毫無限制的起租租金(例如根據 Costa-Hawkins 法案規定)。如果業主不得設下毫無限制的起租租金,則前任房客遷出後生效的租金是 _____。

針對租客的吸煙政策聲明

- 住房單位 _____ (您有意承租的單位)「允許」或「不允許」吸煙(圈選一項)。
- 您所住建築物中的其他單位「允許」或「不允許」吸煙(圈選一項)。(若租客所住的建築物中同時包含可吸煙和不可吸煙的單位,應附上一張可吸煙單位列表。)
- 本建築物「有」或「沒有」指定的戶外吸煙區(圈選一項)。該吸煙區位於 _____。

我於 _____ 收到本通知書

(日期)

(租客簽名)

此份屋崙(奧克蘭)市租客權利通知書附有中文版本。請致電 (510) 238-3721 索取副本。

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250 Frank Ogawa Plaza, Suite 5313, OAKLAND, CA 94612-2034
Departamento de Desarrollo Comunitario y Vivienda
Programa de Ajustes en el Alquiler

TEL.(510) 238-3721
FAX (510) 238-6181
CA Relay 711

AVISO A LOS INQUILINOS DEL PROGRAMA DE AJUSTES EN EL ALQUILER RESIDENCIAL

- Oakland tiene un Programa de Ajustes en el Alquiler (Rent Adjustment Program, RAP) que limita los aumentos en el alquiler (Capítulo 8.22 del Código Municipal de Oakland) y cubre a la mayoría de las unidades residenciales en alquiler construidas antes de 1983. Para más información sobre las viviendas cubiertas, contacte a la oficina del RAP.
- A partir del 1° de febrero de 2017, un propietario debe presentar una petición ante el RAP para todo aumento en el alquiler que sea mayor que el aumento general anual en el alquiler (“aumento CPI”) o permitido que los aumentos en el alquiler sean “invertidos”. Estos incluyen mejoras de capital y aumentos en los gastos operativos. En lo que respecta a este tipo de aumentos, el propietario puede aumentar su alquiler sólo después de que un funcionario de audiencia haya autorizado el incremento. Ningún aumento anual en el alquiler podrá exceder el 10%. Usted tiene derecho a disputar el aumento en el alquiler propuesto respondiendo a la petición del propietario. No es indispensable que usted presente su propia petición.
- **Cómo disputar un aumento en el alquiler:** Puede presentar una petición ante el RAP para disputar aumentos ilícitos en el alquiler o la disminución de servicios en la vivienda. Para disputar el aumento en el alquiler, debe presentar una petición (1) en un plazo de (90) días a partir de la fecha del aviso de aumento en el alquiler si el propietario también proporcionó este Aviso a los Inquilinos con la notificación del aumento en el alquiler; o (2) en un plazo de 120 días a partir de la fecha de recepción del aviso de aumento en el alquiler si este Aviso a los Inquilinos no fue entregado con la notificación de aumento en el alquiler. Si el propietario no entregó este Aviso a los Inquilinos al inicio del periodo de arrendamiento, deberá presentar una solicitud en un plazo de (90) días a partir de la fecha en que recibió por primera vez este Aviso a los Inquilinos. Encontrará información y formularios disponibles en la oficina del RAP en el Centro de Asistencia de Vivienda: 250 Frank H. Ogawa Plaza, 6° Piso, Oakland; también puede visitar: <http://www2.oaklandnet.com/Government/o/hcd/o/RentAdjustment>.
- Si usted disputa un aumento en el alquiler, debe pagar su alquiler con el aumento disputado hasta que presente la petición. Si el aumento es aprobado y usted no lo pagó, adeudará la suma del incremento retroactivo a la fecha de inicio de vigencia del aumento.
- Oakland tiene controles de desalojo (Ordenanza de Desalojo por Causa Justa y Reglamentos, O.M.C. 8.22) que limitan los motivos de desalojo en las viviendas cubiertas. Para más información contacte la oficina RAP.
- Oakland les cobra a los propietarios una Tarifa de Servicio del Programa de Alquiler (Rent Program Service Fee) por vivienda al año. Si la tarifa se paga a tiempo, el propietario tiene derecho a cobrar la mitad del costo de esta tarifa al inquilino. No se requiere que los inquilinos de viviendas subsidiadas paguen la porción del inquilino de la tarifa.
- Oakland posee una Ordenanza de Protección al Inquilino (Tenant Protection Ordinance, TPO) para impedir el comportamiento abusivo por parte de propietarios y para ofrecerles a los inquilinos recursos legales en instancias donde han sido víctimas de comportamiento abusivo por parte de propietarios (O.M.C. 8.22.600). (Ordenanza del Concejo Municipal No. 13265 C.M.S.)
- El propietario ____ tiene ____ no tiene permitido establecer el alquiler inicial de esta vivienda sin limitaciones (por ejemplo, de conformidad con la Ley Costa-Hawkins). Si el propietario no tiene permitido establecer el alquiler inicial sin limitaciones, el alquiler vigente cuando el inquilino anterior desalojó la vivienda era de _____.

INFORMACIÓN A LOS INQUILINOS SOBRE LAS POLÍTICAS PARA FUMADORES

- Fumar (encierre en un círculo) ESTÁ o NO ESTÁ permitido en la Vivienda_____, la vivienda que usted pretende alquilar.
- Fumar (encierre en un círculo) ESTÁ o NO ESTÁ permitido en otras viviendas de su edificio. (Si hay disponibilidad de ambas viviendas, fumador y no fumador, en el edificio del inquilino, adjunte una lista de las viviendas en donde se permite fumar.)
- (Encierre en un círculo), HAY o NO HAY un área designada al aire libre para fumar. Se encuentra en _____.

Recibí una copia de este aviso el _____
(Fecha) (Firma del inquilino)

此份屋崙 (奧克蘭) 市租客權利通知書附有中文版本。請致電 (510) 238-3721 索取副本。

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Your Guidebook to Oakland ADUs



What is an ADU?

ADU stands for Accessory Dwelling Unit. ADUs are self-contained residential units on the same property as a single-family home or multi-family building. ADUs must have a kitchen (or efficiency kitchen), bathroom, place to sleep, and a separate entrance from the main property. You can use an ADU to house friends or family, lease to a rent-paying tenant, or keep as a bonus room like an art studio or home office.



Photo courtesy of Carrie Shores.

State law makes it easy to build an ADU that is:

- 800 square feet or less
- 16 feet in height or less
- Setback from side and rear property lines by 4 feet

Some local regulations are waived for ADUs meeting these dimensions.

Another option allowed under State law is to build an ADU in the same location and to the same dimensions as an existing secondary structure.

What are the types of ADUs?

ADUs can be built within or on the same lot as multi-family buildings or single-family homes. This guide focuses on single-family ADUs. Single-family ADUs can take different forms, such as a first floor or basement that has been converted to an apartment; a freestanding backyard cottage; or a garage that has been turned into an apartment.

The City of Oakland categorizes single-family ADUs based on whether you are converting existing space or creating new space. See Category One and Category Two definitions under “Learning the Lingo” in this guide.

Why build an ADU? It's a Win-Win Solution.

ADUs have benefits for homeowners, renters, and community!

		HOMEOWNERS	TENANTS	COMMUNITY
GREATER DISPOSABLE INCOME	• Generate income for homeowners who rent out the unit	✓	✓	✓
NEIGHBORHOOD STABILITY	• House family or friends at risk of displacement • Generate income to help pay mortgage • Facilitate aging in place	✓	✓	✓
DECREASED ENVIRONMENTAL IMPACTS	• Leverage existing infrastructure • Decrease commute traffic and emissions by housing people closer to jobs and transit • Reduce home's environmental footprint through small-scale living	✓	✓	✓
FLEXIBLE LIVING	• Create extra space that can evolve to serve different functions • House adult children, aging parents, or caregivers	✓	✓	
INCREASED HOUSING SUPPLY	• Built faster and cheaper than any other form of housing • Alleviate our region's housing crisis without changing the neighborhood character • Typically rent at more affordable rates			✓
NEIGHBORHOOD CHARACTER AND DIVERSITY	• Remove barriers for other races, ethnicities, and incomes to become a part of neighborhoods • Gently fill in neighborhoods with additional residential units while respecting neighborhood look and feel • Add more eyes on the street at different times of the night and day	✓	✓	✓

Exploration:
Go or No?

1 Is an ADU right for you? H

Take time to reflect on your options: How will you use the ADU? How will you finance construction? Should you hire an ADU advisor to help think through the tradeoffs? Think about how the ADU could affect noise, privacy, and open space on your property. Deciding to do an ADU is an investment and requires planning. The type of ADU you select will determine your next steps.

2 What can you build? H

Go to the City's Online Zoning Map (<https://www.oaklandca.gov/resources/zoning-map>) to identify your zoning district. Different requirements will apply depending on your zoning and the type of ADU you want, such as how big your ADU can be or whether you need to provide parking. Check out the City's Zoning Handout for a great overview. If you really want to dig in, all zoning regulations can be found in the Planning Code (<https://www.oakland-ca.gov/resources/planning-code>).

Project
Development

3 Hire your team. H

Building an ADU is complicated, but with good planning and/or help, you can do it! Although not required, it's advisable to hire a designer, licensed architect, or engineer to design the ADU and a licensed contractor to build it. Some companies provide both services. Contact references and look at the candidate's previous work before making your selection. It is helpful when professionals have worked in Oakland and know the local permitting process. For more tips, visit <https://www.aia.org/resources/162851-working-with-an-aia-architect> and <http://www.cslb.ca.gov/Consumers/>.

4 Prepare and submit permit application. P

The City has a two-step online application process: (1) Planning/Zoning permit approval and (2) Building permit approval. Visit <https://www.oaklandca.gov/topics/secondary-units> to download the application. Your professional team can complete or help you complete your applications. Everything on the City's submittal checklist needs to be included and the application completely filled out. There are fees associated with both the zoning and building permits.

Planning/Zoning Permit Approval: Focused on issues in the zoning code, such as the ADU location on property, size, height, etc. A zoning approval is required for any project that proposes any work on the exterior or adds a dwelling unit.

Building Permit Approval: Focused on making sure the ADU is designed to meet all Building Code requirements and determining if you need a private sewer lateral. A building permit is required before beginning any construction or demolition activities.

Utilities and
Construction

5 Work out ADU utilities. P

New construction of a separate building (versus conversion of existing building area) requires approval for new water service from EBMUD. Before breaking ground, your team should fill out an online application for new water service at <https://wsa.ebmud.com/>. Depending on whether the ADU appliances are vented appliances, you may also need a separate gas meter for the ADU. Refer to the City's General Building Code Requirements checklist to verify and log on to PG&E's online customer service portal to apply for new electric and/or gas service. Filling out applications and coordinating with utilities goes most smoothly if you have an experienced contractor to manage it.

ADUs are never required by EBMUD to have a separate meter. Instead, the homeowners decide whether they would like a separate meter. The majority of homeowners could provide water service to their ADU based on their existing meter, but opt to install an additional meter. Homeowners doing a Category 2 ADU or converting an existing attached or detached structure that has never had water service must still fill out a water application for EBMUD to verify the existing water system is sufficient.

PG&E typically requires a separate gas meter when ADUs are issued a separate and unique address. However, some exceptions apply. The Fire Marshal requires detached ADUs to have a separate address, so most detached ADUs will require a separate gas meter.

6 Construction P

After getting a building permit, ADU construction can begin. The contractor you hire (see step 3) will lead this step. Construction usually takes 6-12 months, although a much shorter construction time is possible, especially with prefabricated ADUs that are built off-site and then transported to your property.

7 Inspection P

There will be multiple inspections by the City to verify construction is going according to the permitted plans. Your contractor will manage this process. When all the work is complete, a building inspector will conduct a final inspection. Upon approval, you will receive a Certificate of Occupancy, which means your unit is legally suitable for occupancy.

COMPLETE!

8 Move in! H

Congrats on finishing your unit! We hope an Oaklander will call it home soon. If you are renting your unit, be sure to visit <https://www.oaklandca.gov/topics/rent-adjustment-program> to learn more about tenant protections and being a successful rental property owner.

Learning the Lingo

Accessory Structure

A secondary building on the same lot as the main home that is incidental to but associated with the main home. Accessory structures are not intended to be lived in. Detached garages and storage sheds are examples of accessory structures.

Building Code

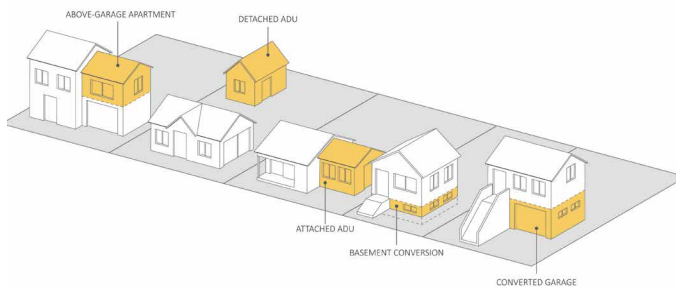
Standards set by the State of California that ensure buildings are built safely. The Building Code is actually made up of many codes (e.g., mechanical code and energy code) that are referred to collectively as the Building Code.

Category One ADU

An ADU created by converting existing space within your single-family home (e.g., basement or attached garage) or by converting or rebuilding an existing accessory structure (e.g., unattached garage) on your property. Go to bit.ly/OaklandADUs for more information and to see how the definition applies to multi-family properties.

Category Two ADU

An ADU created by constructing a new structure, either attached or detached from the main house. This type of ADU adds additional floorspace beyond the footprint of the existing home and accessory structure(s). Go to bit.ly/OaklandADUs for more information and to see how the definition applies to multi-family properties.



Efficiency Kitchen

A room or portion of a room that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of a reasonable size in relation to the size of the unit.

Floor Area Ratio (FAR)

A measure used to regulate how intense development can be on a certain parcel. FAR is calculated by dividing the total square footage of your home or building (i.e., the floor area) by the size of your lot. The size of your ADU may be constrained by the FAR your zoning allows, but State law allows FAR requirements to be waived for certain ADUs. Depending on your zoning, FAR and/or lot coverage requirements may apply to your property.

Junior Accessory Dwelling Unit (JADU)

A small dwelling unit (500 square feet or less) created by converting existing living space (e.g., bedroom, office) within a single-family residence (including an attached garage). They must have an efficiency kitchen and separate entrance but can have either a private bathroom or bathroom shared with the main house. The property must be owner-occupied, i.e., the homeowner must live in either the JADU or the primary dwelling unit. Single-family homeowners may have one JADU and one ADU on their property.

Lot Coverage

A measure used to regulate how intense development can be on a certain parcel. Lot coverage refers to what percentage of your lot is covered by a building. The size of your ADU may be constrained by the lot coverage your zoning allows, but State law allows lot coverage requirements to be waived for certain ADUs. Depending on your zoning, FAR and/or lot coverage requirements may apply to your property.

Setback

The distance a building is located from front, side, or rear property lines. A 4-foot rear setback means there are 4 feet between the building and the rear property line (i.e., where your backyard ends). Different zoning districts have different minimum setback requirements, but ADUs are not required to be more than 4 feet from the rear or side property lines. State law does not specify setbacks from the front property line.

Zoning

City rules about how each parcel of land may be used and what can be built on it. All lots in the city are assigned a zone (e.g., RD-1, a typical zone for single-family homes) and each zone has regulations about the size and type of development that can occur within the zone. ADUs qualify for exceptions to some zoning standards like lot coverage and setbacks. Zoning regulations are found in the Planning Code. You can find out your property's zoning at <http://oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=3676148ea4924fc7b75e7350903c7224>.

Oakland ADU FAQs



How much does it cost to build an ADU?

Costs vary. Where practical, the lowest cost option is conversion of space in an existing home, such as a basement or an attic, with total development costs as little as \$40,000 per unit. Size, condition of existing space, finishes, etc. all contribute to varying costs. Construction of a new detached unit ranges from \$120,000 to \$600,000, but detached modular ADUs can cost as little as \$70,000. See the table below for estimated development costs.

What financing options are available?

- **Home equity line of credit** allows homeowners with at least 15 to 20 percent equity in their home to borrow against their home equity. Banks will typically loan 90 percent of the equity a person has in their home and you do not start paying interest until the money is used.
- **Cash-out refinancing** uses your existing mortgage to provide cash for ADU construction. This typically incurs fees.
- **Cash savings** or other liquid assets (e.g., stock, retirement savings) or loans from friends or family.
- **Renovation loans** typically require a steady and high salary to qualify.

There are increasing options in private lending, especially through credit unions, local lending institutions, and startups, and the public and non-profit sectors may also have options for homeowners with lower incomes. Regardless of how you finance, consider what debt you are comfortable incurring and how soon you'll see a return on investment.

What are the risks?

Building an ADU has inherent risks. Know it can take longer and cost more than anticipated and understand that there are laws that provide certain rights to tenants.

Will an ADU impact my property taxes?

Yes. If you're adding new square footage or changing the way a property is used (e.g., converting a garage to an ADU), the Alameda County Assessor's office will add value for the assessable new construction. Only the portion of the property that is newly constructed or completely renovated will be reassessed and the existing home will retain its previously established Proposition 13 base year value. New income-producing properties may be assessed differently than other types of home improvements. Visit www.acgov.org/assessor for more information.

How long does it take to go through the permitting process?

This will depend on whether your plans are complete and how quickly you and your project team can respond to City comments, if needed. Arriving at a complete application with all the necessary submittal requirements may be an iterative process. Once you have a complete application, the City has 30 days to issue a planning approval. However, if your application is complete when it is submitted, in most cases, the Planning Department can issue your planning approval over the counter. Building permits typically take another 5-12 weeks to issue.

How much do permit fees cost?

For budgeting purposes, you can assume government permits and fees will be about 2 percent of the construction costs. Planning permits cost \$488.84. Building permits vary, as they are calculated by cost of construction, square footage, design, and number of bedrooms.

Total Development Costs				
ADU Type	LOW PER SF	LOW PER UNIT	HIGH PER SF	HIGH PER UNIT
Conversion of part of existing home	\$50	\$20,000	\$250	\$200,000
Conversion of existing accessory structure	\$300	\$110,000	\$650	\$460,000
Addition to existing home or accessory structure	\$250	\$90,000	\$400	\$360,000
Detached new construction	\$300	\$120,000	\$500	\$600,000
Prefabricated/modular	\$300	\$70,000	\$500	\$600,000

Notes: These data reflect construction costs during the time period from mid-2017 through mid-2019. Cost estimates are reflective of a full kitchen, one bathroom per ADU, standard interior quality fixtures and furnishings, and normal site conditions. See Oakland ADU Initiative Existing Conditions and Barriers Report, 2020 for more information.

Oakland ADU FAQs, continued.

Utility impact fees are only applicable for ADUs that are 750 square feet or more, but all ADUs can be subject to connection fees or capacity charges if the existing water system is not sufficient or if you need new electric and/or gas service. For ADUs that require an increased meter size to provide water service, a \$10,530 capacity fee applies. However, EBMUD reports that most homeowners can provide water service to their ADU based on their existing meter. For new detached units over 500 square feet, you are also subject to school fees, which are charged during the building permit stage for all residential property at \$3.48 per square foot. ADUs are exempt from all other development impact fees.

Based on a 2019 survey of Oakland homeowners with ADUs, the average cost of government permits and fees (including utility hook-ups) was \$13,782. Streamlining measures and new legislation has taken effect since the survey. It is too early to assess the impact of the legislation, but its intent is to make the government permitting process simpler and less expensive.

How long does construction last?

Construction usually takes 6-12 months. If you go with a prefabricated unit (built off-site and transported to your property), the process is much faster. Delivery and installation of prefab units can be as short as 6 to 12 weeks from purchase.



Photo courtesy of Stuart Fishman.

Can I sell my ADU independent of my home?

No, the ADU and main house must be sold together.

Can I rent my ADU as a short-term rental on Airbnb, VRBO, etc.?

No, it is illegal to rent an ADU as a short-term rental. All ADUs that are rented must be rented for 30 consecutive days or more in Oakland.

What tenant protections apply to my ADU?

Rent control and just cause for eviction regulations may apply to your ADU. It depends on a couple of factors. Is the ADU creating new square footage? Converting existing space? If so, when was the space built and was it living space or not? Learn more at <https://www.oaklandca.gov/resources/rent-adjustment-program-guide-and-information-sheets> or [talk to a housing counselor](#).

How do I learn to be a good landlord?

We're glad you asked! Oakland's Rent Adjustment Program offers workshops, guides, and counseling hours for property owners and tenants. You can find them online at www.oaklandca.gov/topics/rent-adjustment-program or at (510)238-3721.

Do I have to live on the property to have an ADU?

No, both the main house and the ADU can be rental units. However, if you build a JADU (see "Learning the Lingo" section), the homeowner is required to live on the parcel (in the mainhouse, an ADU, or a JADU).

Can I legalize an unpermitted unit?

This guide focuses on new construction, but it is an option to legalize an existing rental unit on your property. Talk to City staff to see if special processes apply or if programs are available to help legalize an existing unit.

How do I find a good contractor?

The type of ADU you want to do will influence what contractor you choose, as many have developed specialties (e.g., garage conversions, prefabricated options). Ask friends and family for recommendations. Consider the contractor's previous projects and references. It is also wise to get cost estimates (bids) from multiple contractors to have a range of options to compare.

Do I need to hire a designer?

Strongly recommended, but not a requirement. ADU professionals have learned how to successfully complete projects after years of work, and will be able to provide guidance and counsel that it would be hard for you to learn with one project.

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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Visit <https://www.oaklandca.gov/topics/rent-adjustment-program#resources-416850> or call (510) 238-3721 for more information.



Mold or Moisture in My Home: What Do I Do?

Updated October 2016 (formerly *Mold in My Home—What Do I Do*)

This factsheet provides information about mold and moisture, health problems from mold or moisture, finding and cleaning up moldy or wet areas and materials, and how to keep mold from growing in your home.



Breathing in the air in places that are moldy or damp can harm your health. This includes places with:

- Visible mold
- Moldy or musty smells
- Materials or surfaces that stay damp or get damp often
- Water damage

Damp, moldy places allow mold spores and other tiny pieces of mold to get into the air, which can cause breathing problems and other health problems. Moist materials allow mold and bacteria to grow, and may also allow chemicals from building materials to get into the air.

Unless mold is controlled, it can damage floors, walls, ceilings, and other structures in your home. Mold can damage your furnishings, such as carpets, chairs and sofas. Clothes and shoes in damp closets can become stained and start to fall apart. **The longer that mold grows, the more damage it can cause.**

The best way to fix a mold problem is to:

- find where the damp areas and mold are
- fix any leaks or other moisture problems (such as condensation on windows or walls, garden sprinklers too close to your home, or blocked gutters)
- quickly dry out any damp areas or replace any damp materials
- quickly and safely clean up mold and remove any materials that are moldy

The most important thing you can do is get rid of mold and dampness as quickly and safely as possible. Mold problems will not go away unless moisture problems are fixed.

It is *not important* to have someone measure how much mold there is or to find out what kind of mold it is.

For the CDPH statement on dampness and mold, see www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/CDPH%20Document%20Library/MoldDampStatement2017_ENG.pdf

Dealing with Wet or Moldy Materials in Your Home

★ ALWAYS IDENTIFY AND FIX MOISTURE SOURCES ★

NON-POROUS MATERIALS

Such as metal, plastic, glass, tile, laminate, solid or sealed wood

Dry material as soon as possible and clean off any mold

POROUS MATERIALS

Such as carpet, drywall, ceiling tile, fabric, foam, cardboard, paper, particle board

WET
but no mold
or moldy smell

Dry material
as soon as
possible

If mold grows or
moldy smell develops,
THROW OUT

LOOKS OR
SMELLS
MOLDY

REMOVE OR
THROW OUT

* Do not keep materials that have been soaked in water containing sewage, oil, or chemicals.

What is mold?



Mold is a kind of microscopic organism. Molds, like mushrooms and yeasts, are fungi and are important because they help break down dead plant and animal material and recycle nutrients in the environment. There are many kinds of mold and they can be found almost everywhere, indoors and outdoors. Mold growing on surfaces can look like a stain, or can be fuzzy or slimy. It is usually white, gray, brown, or black, but can also be green or red or other colors.

How are mold and moisture related?

To grow and reproduce, mold only needs food—any organic matter, such as leaves, wood, paper, or even dust—and moisture. Organic matter is almost always around, so whether mold grows depends mostly on whether or not there is moisture. **By fixing moisture problems, you can keep mold from growing in your home.**

Mold and Your Health

How am I exposed to indoor mold?

You can get exposed to mold by breathing in mold spores or tiny pieces of mold. Mold spores are like seeds. Spores can be on materials like walls, floors, or furniture, or float in the air. It is common to find spores in the air inside homes. Everyone breathes in some mold every day.

Most mold spores found in indoor air come from outside, but when there is moisture inside buildings, mold can grow quickly and release many spores into the air inside.



Can mold affect your health?

Molds can cause health problems through allergy, inflammation, or, less often, infection.

- **Allergic reactions** (often called *hay fever*), such as sneezing, runny nose, red eyes, and skin rash, can happen if a person who is allergic to mold breathes in mold.
- Moisture and mold can cause **asthma**, trigger asthma attacks, and make asthma symptoms, like wheezing and coughing, worse.
- If you have a mold or moisture problem in your home, you may be more likely to get **respiratory infections**, like colds or flu. In a very small number of people with weakened immune systems, mold can cause fungal infections.

Larger problems with indoor mold and moisture are more likely to cause health problems than smaller problems.

Even if you don't think mold is affecting you, **indoor mold and moisture are bad for your health**. If you can see or smell mold or have moisture or moisture damage, you should find where the moisture is coming from, fix any problems as soon as possible, and cleanup and remove the mold (see *Cleaning Up Mold*).

If you have a health problem you think is caused by mold or moisture, talk to your health care provider.

How much mold or moisture does it take to make me sick?

Some people are more sensitive and more likely to have health problems from mold or moisture. Sensitive people might have health problems even with exposure to small amounts of mold or moisture. Other people might only have health problems if they are exposed to more, or are exposed for a longer time.

People who are especially likely to have problems from smaller exposures to mold or moisture are:

- **People who already have respiratory conditions**, such as allergies or asthma, or are sensitive to other things in the air.
- **People with weakened immune systems** (such as HIV-infected persons or cancer patients who are getting chemotherapy).
- **Infants and young children, and seniors.**

Does it matter what kind of mold is in my home?

No one knows for sure whether some kinds of mold are more harmful than others. Also, mold affects different people in different ways. The best information we have says that it is not helpful to find out which kinds of mold are in your house. Some businesses offer to test the mold in your home and tell you what molds are there or how much mold there is, but you do not need these tests to know if you have a mold or moisture problem.

Mold and Moisture Problems in Your Home

How do I know if I have mold or moisture problems?

Mold growth may be visible, or it may be hidden underneath water-damaged surfaces (for example, wallpaper), behind furniture, along and behind baseboards, or inside walls, floors, or ceilings.

Signs of a mold or moisture problem in your home are:

- areas on floors ceilings, walls, woodwork or furniture that look stained or discolored, or have mold on them
- an earthy or musty smell
- damp areas or surfaces
- water stains on walls or ceilings
- water damage, such as warped floors, peeling or bubbling paint, or soft, rotting wood



You might also have a mold problem if people who are sensitive or allergic to mold have symptoms when they are in your home. Condensation on windows or walls also is an important sign of a moisture problem. **Because condensation also can be caused by a problem with a gas stove, heater, or dryer, inspect fuel-burning appliances every year, and contact your local utility or a professional heating contractor if you have questions.**



How can I avoid mold and moisture problems?

The best way to avoid mold and moisture problems is to watch for common sources of moisture inside and outside your home and then to get rid of any moisture as soon as possible.

- **Make sure you have good air flow whenever moisture is being produced**, for example:
 - vent clothes driers to the outside,
 - when showering or bathing, use an exhaust fan or open a window (and keep it running for 20-30 minutes after), and
 - when cooking, use an exhaust fan vented to the outside or open a window.
- **Don't hang wet clothes indoors** unless you can open windows to let moisture out.
- **Check crawlspaces and basements for dampness** and seal any leaks or cracks.
- **Run dehumidifiers** to remove excess moisture from damp indoor places, like basements.
- **Make sure your roof is in good condition** and fix leaks as soon as possible.
- **Aim garden sprinkler sprays away from the house.**
- **Be sure gutters and downspouts are clear**, and drain water away from your home.
- **Be sure the ground outside, all around the house, slopes away from your house.**
- **If you have a leak or flooding, take care of moisture immediately:**
 - Stop the source of the leak or flooding.
 - Remove excess water with mops or a wet vacuum or a pump.
 - Move wet items to a dry, well-ventilated area or place them outdoors to speed drying.
 - Move rugs and pull up wet carpet as soon as possible.
 - Open closet and cabinet doors and move furniture away from walls to increase airflow.
 - Where walls have gotten wet, remove drywall and baseboards, or pry open wall paneling, if necessary, to allow the area to dry thoroughly. (For more specific information, see additional resources listed under *Flood Cleanup*).
 - Run portable fans to increase air flow (but not if mold has already started to grow, as this could spread mold).
 - Do NOT use your home's central furnace or air-conditioning system if it or any of the ducts were flooded because this could blow mold all around your home.
- If you have a moisture problem in your home that you cannot fix yourself, **consider hiring a contractor or building expert to help.**

Moisture and Mold in Rental Homes

In California, tenants and landlords each have a part in keeping a home free from moisture and mold. Generally, the landlord must provide a unit that is fit for occupation and follows the building and health codes. The California Housing Code, as of January 1, 2016, says that if there is enough dampness or visible mold (or certain other conditions) in a dwelling that it is a danger to the health of occupants, the dwelling is substandard and must be remedied by the owner. Tell your landlord if you have this kind of problem and ask them to fix it. If the problem is not adequately fixed, you can contact your city or county code enforcement agency to ask for an inspection.

California Department of Consumer Affairs

California Tenants: A Guide to Residential Tenants' and Landlords' Rights and Responsibilities, Pages 36-47. Revised July, 2012.

www.dca.ca.gov/publications/landlordbook/catenant.pdf

U.S. Department of Housing and Urban Development

Tenant Rights, Laws and Protections: California

www.hud.gov/states/california/renting/tenantrights

- Do not depend on particle-removing air filters or air cleaners to solve a mold problem. It is important to identify and fix the underlying moisture problem, and to remove or clean moldy materials. Air cleaners should only be used for a short time to reduce mold in the air. Odor-removing air cleaners will not reduce mold in the air.
- Ozone-producing air cleaners are not effective in controlling indoor molds, even though they are sometimes sold with this claim. In addition, ozone from some air cleaners can irritate and permanently damage your lungs. Ozone can also damage materials such as rubber and plastic items in the home. CDPH strongly recommends that you NOT use an ozone-producing air cleaner. For more information, see Hazardous Ozone-Generating "Air Purifiers" at www.arb.ca.gov/research/indoor/ozone.htm.

Cleaning Up Mold in Your Home

Cleaning up mold quickly and safely is important, but **unless you find and fix the source of moisture in your home, your mold problems will return.**

Protect yourself and others from mold and chemicals

If you are susceptible to mold, or have a history of mold health effects, or the amount of mold is large, consider having another person or a professional do the work.

Cleaning up mold can expose you to a lot of mold (10 to 1000 times more than usual), and also to irritating detergents or disinfectants. Even though you (or your building manager) can clean up small mold problems—total area less than 10 square feet (about 3 feet by 3 feet)—you may want to try cleaning a small area first to make sure it does not affect your health. For large mold problems—more than 100 square feet (10 feet by 10 feet)—it might be better to hire an experienced contractor (see *Hiring a Contractor*). For medium-size mold problems, make sure you are able to clean up the mold safely and that your health will not be affected, or hire a contractor.

- **Keep others out of the work area** during clean-up
- **Use personal protective equipment**
 - Waterproof gloves
 - Goggles or protective glasses
 - N-95 respirator (available at hardware stores) to keep you from breathing in mold. An N-95 respirator has two straps and has a NIOSH approval number printed on it. Make sure the respirator fits tightly around your face.

Do not wear a “dust mask”. It will not protect you from mold.



- **Wear clothing that covers as much of your body as possible** (including covering hair and shoes) and that can be washed in hot water or thrown out.
- **Work for short time periods** and rest where you can breathe fresh air.
- **Air out your home well during and after the work.**

Respirators that protect you from mold spores will not protect you from chemical fumes from disinfectants. Make sure the work area has good air flow.

Never use a gasoline engine indoors (like a gas-powered water pump, pressure washer, or generator). You could expose yourself and your family to toxic carbon monoxide.

Do I Need to Disinfect?

We do not recommend using bleach, or products that contain bleach, to disinfect for mold. They are too hazardous, and not any more effective than safer methods. Using bleach can harm your health. Bleach can irritate the skin, eyes, nose, and throat, and cause breathing problems (like asthma) and injuries. Bleach can also damage clothing, shoes, and other materials. Bleach will not kill mold unless you have cleaned the area first and removed the mold, and then bleach is not necessary. Bleach does not keep mold from growing back.

You cannot completely disinfect porous materials that are moldy, such as carpets, fabric, or drywall (gypsum board). You must remove them. (However, you can reuse washable items like clothing if all mold and staining can be removed.) For smooth nonporous surfaces, scrubbing with detergents and other recommended cleaners will remove mold, without the need to disinfect. (Using bleach to disinfect is only recommended when there is a concern about infection, such as when there is a sewage spill.)

If you are thinking of using bleach despite these warnings:

- **Only use bleach or disinfectants on nonporous materials and only AFTER cleaning with soap or detergent.**
- **Never mix bleach with ammonia or anything other than water (unless product label allows for mixing) because this may produce toxic fumes.**
- It is very difficult to completely protect yourself from fumes and skin contact. Handle bleach with caution. Wear eye protection and gloves made to protect your skin from harsh chemicals. Make sure there is very good air circulation or outdoor air ventilation to reduce the fumes.

How to remove mold

- **First, fix the moisture problem and remove any excess water**—a wet/dry vacuum cleaner may help remove water and clean the area.
- Close off the work area to keep dust and spores from spreading to other areas.
 - Close the door or use plastic sheets to separate the room.
 - Set up a fan to pull the air out through a window or door to the outside.
 - Scrub the entire moldy area with a non-ammonia soap or detergent, or a commercial cleaner, in hot water, using sponges or rags, until all mold is gone.
 - Use a stiff brush or cleaning pad on cement-block walls and other uneven surfaces.
 - Rinse cleaned items with water and dry thoroughly.

For detailed information on cleaning up mold, go to www.epa.gov/mold/mold-cleanup-your-home.

What can I keep?

- **Keep items and materials that do not absorb water** (made of glass, plastic, metal, or ceramics) and can be cleaned of mold.
- **Keep items that do not have mold on them and do not smell moldy.**
- Some washable moldy items like clothing and bedding may be cleaned well enough to keep, so it may be worth trying.

What should I throw out?

Mold can grow quickly on porous materials (like fabric, carpet, carpet pads, and foam cushions) that have gotten wet. It's important to dry them as quickly as possible, before mold growth starts. A common rule of thumb is to discard porous materials if they are wet for more than 24-48 hours because they are likely to grow mold. However, if they look or smell moldy even before that, you should discard them. Because spores are more easily released into the air after moldy materials have dried out, remove moldy items as soon as possible.

Remove and throw out:

- **Wet materials that absorb water and look or smell moldy**, like drywall or gypsum board, ceiling tiles, drapes, upholstered furniture, and products made from particleboard.
- **Materials that have dried but look or smell moldy.**

Moldy wall-to-wall carpet can be hard to clean well. Throw out if the carpet, backing, or padding is moldy or has a moldy smell. Keep throw rugs that have gotten wet only if they can be thoroughly washed and do not smell moldy once they dry.

If there has been flooding, remove drywall/gypsum board to a level above the high-water mark. Look inside the wall space and throw out any material, like insulation, that is wet, moldy, or has a moldy smell.

If tightly bagged or enclosed, moldy items can be put in the household trash. Materials that have lead or asbestos in them must be taken to a household hazardous waste program. Some materials that might have lead or asbestos are:

- Ceiling tiles
- Vinyl floor tiles
- Painted wood, plaster, or drywall/gypsum board in homes built before 1978

Hiring a Contractor to Remove Mold

If you decide to hire someone to remove mold from your home:

- Make sure to hire a licensed contractor or other professional with experience and specific training in mold remediation or “mold abatement.”
- Although there is no license or certification by the State of California specifically for fixing moisture or mold problems, you can find professionals who are certified for mold abatement by national professional organizations and trade groups. Here are two examples.
- To find a contractor trained in mold remediation through the Institute of Inspection, Cleaning, and Restoration (IICRC), go to www.iicrc.org/locate-a-certified-professional/ and search for “mold remediation” services in your area.
- Go to the website of the Indoor Air Quality Association (IAQA) at www.iaqa.org/find-a-pro/ or call them at 844-802-4103 to find professionals trained in mold remediation.

When choosing a contractor, ask questions about their specific training and experience, ask if they have a license or certification for mold remediation, make sure they have insurance, and ask for references. Also, ask the contractor to explain the exact work they will do to solve your mold and moisture problem.

Additional Information

Your city or county health department may be able to answer questions or help you deal with mold problems. To find your health departments, go to www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/Local-Health-Department.aspx.

If you rent your home, tell your landlord that the moisture or mold problem needs to be fixed. (Mold or moisture problems that are bad enough to cause health problems for tenants are both listed in the California Housing Code as conditions that make a home “substandard.” Painting over mold is not good enough—the moisture problem must be fixed and any moldy materials cleaned or removed. If your landlord does not fix the problem, you can contact your county or city health inspector. The California Department of Consumer Affairs offers *A Guide to Residential Tenants’ and Landlords’ Rights and Responsibilities* at www.dca.ca.gov/publications/landlordbook/.

More Information About Mold in Buildings

U.S. Environmental Protection Agency

The Key to Mold Control is Moisture Control

www.epa.gov/mold/index.html

U.S. Centers for Disease Control and Prevention

Mold Information. Information on mold and health; an inventory of state indoor air quality programs; advice on assessment, cleanup efforts, and prevention of mold growth; and links to resources.

www.cdc.gov/mold/default.htm

Health Canada

Residential Indoor Air Quality Guidelines: Moulds (2007). Information on the Physical and Chemical Properties, Causes of Mold Growth, Health Effects, and the Canadian Guideline.

www.healthunit.org/hazards/documents/moulds.pdf

Cleanup Guidance for Mold

U.S. Environmental Protection Agency

Mold Cleanup in Your Home

www.epa.gov/mold/mold-cleanup-your-home

New York City Department of Health

Guidelines on Assessment and Remediation of Fungi in Indoor Environments

www1.nyc.gov/assets/doh/downloads/pdf/epi/epi-mold-guidelines.pdf

Advice for Tenants and Landlord

California Department of Consumer Affairs

California Tenants: A Guide to Residential Tenants' and Landlords' Rights and Responsibilities, Pages 36-47. Revised July, 2012

www.dca.ca.gov/publications/landlordbook/catenant.pdf

U.S. Department of Housing and Urban Development

Tenant Rights, Laws and Protections: California

www.hud.gov/states/california/renting/tenantrights

Flood Cleanup

American Red Cross/Federal Emergency Management Agency

Repairing Your Flooded Home. Guidance for recovery after flooding disasters addressing technical and logistical issues...

www.redcross.org/images/MEDIA_CustomProductCatalog/m4540081_repairingFloodedHome.pdf

Federal Emergency Management Agency

Initial Restoration for Flooded Buildings

www.ct.gov/dph/lib/dph/environmental_health/eoha/pdf/fema_initialrestorationfloodbldg.pdf

Technical information on Dampness and Mold in Buildings

U.S. Centers for Disease Control and Prevention

Prevention and Remediation Strategies for the Control and Removal of Fungal Growth

www.cdc.gov/mold/strats_fungal_growth.htm

NIOSH

Preventing Occupational Respiratory Disease from Exposures Caused by Dampness in Office Buildings

www.cdc.gov/niosh/docs/2013-102/

IAQ Program Information

CDPH Indoor Air Quality Section

850 Marina Bay Parkway (EHLB)

Richmond, CA 94804-6403.

Contact: iaq@cdph.ca.gov



No Cost Lead Paint Repair Funds

FOR PROPERTY OWNERS IN ALAMEDA COUNTY

Grants of up to \$10,000 per housing unit for Lead Paint Repairs Help Prevent Lead Poisoning!

Lead poisoning is a serious disease that causes brain damage and other serious problems for children and adults and can be expensive to repair.

Does your property meet the following criteria?

- ☐ Built before 1978 (priority for built before 1960)
- ☐ Is home to a low-income family*
- ☐ If a unit is a studio it must be home to a child under 6 or a pregnant woman
- ☐ If a unit is occupied by the owner it must either be home to a child under 6, a pregnant woman, or is regularly visited by a child under 6.

Qualified units may receive:

- ☐ Grants up to \$10,000 for lead hazard repairs
- ☐ Additional funds for other safety/housing issues
- ☐ Complete project management services
- ☐ Free Lead Risk Assessment Testing
- ☐ Free clearance testing



How Owners Can Apply:

Call us at (510) 567-8280 for a free consultation

or

Online at www.achhd.org

or

Complete the pre-application on the other side of this form and fax, e-mail, or mail to the Healthy Homes Department

Tenants: Have your landlord contact us at (510) 567-8280 for more information, or email us at Lead.Funds@acgov.org

No. in Household	1	2	3	4	5	6	7	8
* Max Income	\$73,100	\$83,550	\$94,000	\$104,400	\$112,800	\$121,150	\$129,500	\$137,850



ALAMEDA COUNTY | Community Development Agency
HEALTHY HOMES DEPARTMENT

2000 Embarcadero, Suite 300, Oakland, California 94606
Phone 510.567.8280 • fax 510.567.8272 • www.achhd.org

PRE-APPLICATION FOR LEAD HAZARD REPAIR FUNDS

GENERAL INFORMATION									
Property Owner Name(s)									
Contact Name				Phone		Home:			
						Daytime:			
		Email							
Property Address		Street			City			Zip	
Owner's Mailing Address		Street			City			Zip	
<p>Priority for units with a child under six living in or regularly visiting or a pregnant occupant, units built before 1960, home child-cares, and units in the Section 8 program.</p> <p>* A unit must have at least one bedroom except studio units may be eligible if there is a child under six living in the unit.</p> <p>** Owner-occupied units must be home to child under 6, have a pregnant occupant, or be regularly visited by a child under 6 at least 2 times per week, 3 hours each visit.</p> <p>*** Low-income means that to the best of your knowledge the occupants' gross household income is less than the following limits:</p>									
# in household	80% AMI	1	2	3	4	5	6	7	8
Income Limit		\$73,100	\$83,550	\$94,000	\$104,400	\$112,800	\$121,150	\$129,500	\$137,850
Total number of units on the property: _____									
Unit # (ex. "Unit 402" or "Unit C")	Mark "X" if Currently Section 8	# of Bedroom *	Total # of people in household	Is there a child under 6 years old in the home? **	Occupant Name & Phone # (write "vacant" if unoccupied)	Low-income? (chart above)***	Primary Language		
				<input type="checkbox"/> Child under 6 resides <input type="checkbox"/> Child under 6 visits** <input type="checkbox"/> Occupant is pregnant <input type="checkbox"/> Childcare business** <input type="checkbox"/> Don't know		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know	<input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> _____		
				<input type="checkbox"/> Child under 6 resides <input type="checkbox"/> Child under 6 visits** <input type="checkbox"/> Occupant is pregnant <input type="checkbox"/> Childcare business** <input type="checkbox"/> Don't know		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know	<input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> _____		
				<input type="checkbox"/> Child under 6 resides <input type="checkbox"/> Child under 6 visits** <input type="checkbox"/> Occupant is pregnant <input type="checkbox"/> Childcare business** <input type="checkbox"/> Don't know		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know	<input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> _____		
				<input type="checkbox"/> Child under 6 resides <input type="checkbox"/> Child under 6 visits** <input type="checkbox"/> Occupant is pregnant <input type="checkbox"/> Childcare business** <input type="checkbox"/> Don't know		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know	<input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> _____		
How did you hear first about this program? <input type="checkbox"/> Flyer <input type="checkbox"/> Web search <input type="checkbox"/> Presentation <input type="checkbox"/> Community Event <input type="checkbox"/> Other: _____									
I certify that I am the owner or authorized owner's representative and that I am submitting this pre-application for lead hazard repair funds and authorize the Alameda County Healthy Homes Department to perform a lead evaluation at the property. All information provided herein is correct to the best of my understanding.									
Applicant's Signature						Date: ____/____/____			
<p>Please complete and return your application by: FAX TO 510-567-8272</p> <p>or SCAN AND E-MAIL TO LeadFunds@acgov.org</p> <p>OR MAIL TO ACHHD, 2000 Embarcadero, Suite 300, Oakland, CA 94606</p>									