

MEASURE V - EXPANDING JUST CAUSE FOR EVICTION ORDINANCE

THE QUESTION

Shall the Measure amending the Just Cause for Eviction Ordinance to:

- prohibit no-fault evictions of children and educators during the school year;
- extend eviction protections to tenants in recreational vehicles (RVs), tiny homes on wheels, and newly constructed units except during the first 10 years after issuance of the certificate of occupancy;
- remove failure to sign a new lease as grounds for eviction;
- and make other clarifying amendments,



be adopted?

THE SITUATION

Over 60% of occupied housing units in Oakland are rentals. In 2003 Oakland adopted protections for renters that limit the reasons that tenants may be evicted to a certain number of “just causes” (such as nonpayment of rent) and to situations in which owners wish to occupy or repair the premises.

Current law pertains only to certain tenants in residential rental units built through 1995. Other tenants, particularly in buildings built and occupied after 1995, do not benefit from these eviction protections.

Current eviction protections also fail to protect occupants of a recreational vehicle (RV) on undeveloped property or occupants of Vehicular Residential Facilities (VRFs), including

FISCAL EFFECT

Owners of rental properties are assessed a \$101 fee per unit half of which they may pass on to renters. Because the measure would increase the rental units subject to the fee, the City is likely to receive additional revenues sufficient to offset any increased costs.



REASONS TO SUPPORT

- Measure V brings all units not built in the last 10 years under the eviction protections. This provides many more tenants a reduced risk of displacement.
- In order not to discourage new construction,
- Measure V exempts units, including accessory dwelling units, that have been built in the last 10 years.
- Allowing tenants to rent on a month-to-month basis rather than requiring the execution of a new lease will afford tenants flexibility and avoid unnecessary evictions.
- Limiting evictions of students and school employees during the school year will minimize the harmful impacts on student achievement and school employees’ work that come with eviction.



A YES VOTE

adopts the new regulations on evictions

THE PROPOSAL

- Extends protections to persons who inhabit VRFs.
- Extends protections of existing law by exempting only those covered rental units that have received a certificate of occupancy in the preceding 10 years. At present, that would mean exempting only units receiving a certificate of occupancy since 2012 rather than since 1995.
- Extends existing law to include a tenant’s right to reoccupy the premises, in addition to the current right right to monetary compensation, when an owner fails to meet all criteria for reclaiming possession of the rental unit as a principal dwelling for themselves or their relatives.
- Eliminates as a just cause for eviction a tenant’s refusal to sign a new lease with substantially the same terms as the old lease.
- Provides that, during the OUSD school year, a tenant has an affirmative defense to eviction based on an owner’s desire to retake possession of the premises for themselves or family members, or to make significant repairs that are inconsistent with occupancy. The tenant may resist eviction if 1) a person under 18 who is enrolled as a student or an educator resides or is a tenant in the unit or 2) has a custodial or family relationship with the tenant. “Educator” is defined as someone who works on site in any capacity as an employee of any Oakland school.

REASONS TO OPPOSE

- Expanding just cause eviction regulation to all units, including accessory dwelling units, except those build in the last 10 years may discourage the construction of new housing, impede the City’s ability to meet its housing production targets, and drive up rents.
- The addition of the affirmative defense for certain evictions during the OUSD school year to families with students and to school employees, who either are the tenants or are related to the tenants, may
- make landlords reluctant to rent to those receiving these expanded protections.
- The measure may discourage landowners from allowing vehicular residential facilities to occupy their land.



A NO VOTE

rejects the proposed eviction regulations.