



Just Cause is Required for Eviction

(Oakland Municipal Code Section 8.22.300)

Under Oakland's Just Cause for Eviction Ordinance, a property owner can only terminate a tenancy or evict a tenant for just cause. A Notice to Terminate must specify one of the following just causes:

1. Failure to pay rent. The rent owed must be no less than one month of fair market rent as determined by HUD for a rental unit of equivalent size in the Oakland metro area.
2. Material violation of rental agreement after written notice to stop.
3. Causing substantial damage to the unit.
4. Tenant continues to disturb the peace and quiet enjoyment of other tenants after written notice to stop.
5. Engaging in unlawful activity on the premises.
6. Refusing to allow the property owner access to make repairs, after proper written notice.
7. The unit is the property owner's principal residence, and the property owner wants to move back into the unit, as provided in a written agreement with the current tenants.
8. The 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 for at least 36 months.
9. The property owner withdraws the units from the rental market under state law (Ellis Act).
10. The property owner seeks to make substantial repairs that cannot be made while the unit is occupied, and which are necessary for the health and safety of tenants in the building.

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 legally valid "just causes" for eviction under Oakland law.

All eviction notices must include grounds for eviction, and a statement that advice regarding eviction is available from the Rent Adjustment Program. Specific information is found in the Just Cause Regulations. A copy of every eviction notice must also be filed with the Rent Adjustment Program within 10 days after it is served on the tenant. Eviction notices may be filed with the RAP either via email at evictionnotices@oaklandca.gov, the online portal at evictions.oakland.3diengage.com, or mail at 250 Frank H. Ogawa Plaza, Ste 5313, Oakland, CA, 94612. A property owner's failure to file this notice is a defense to any resulting unlawful detainer action. The RAP keeps notices for one year.



The above requirements do not apply to properties exempt from Oakland's Just Cause for Eviction Ordinance, although other legal eviction protections may apply. Exempt units include:

- Units where the owner of record lives in the rental unit with the tenant as their principal residence and shares a kitchen or bathroom with the tenant; and
- Units that were constructed and issued a Certificate of Occupancy within the prior 10 years.

The notice to terminate a tenancy is the first step toward filing an eviction case. 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 case.

IF YOU RECEIVE 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.