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Amended Legislation To Phase Out Oakland COVID-19 Eviction Moratorium And Add New Permanent Tenant Protections Moves Forward to Full City Council

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OAKLAND, CA – Today, Council President Nikki Fortunato Bas and Council President Pro Tempore Dan Kalb published [amended legislation to phase out the COVID-19 eviction moratorium](#) in a responsible manner. ([View legislation here.](#)) The City Council will consider the proposal on [April 18, 2023 at 4pm.](#)

In 2020, the Councilmembers authored and passed the residential eviction moratorium in response to the COVID-19 pandemic to promote housing stability, encourage compliance with shelter-in-place orders, prevent transmission of COVID-19, and avoid unnecessary displacement and increased homelessness.

The last three years of the pandemic have been unprecedented. Oakland’s eviction moratorium — one of the strongest in the state — met the challenges of keeping Oakland residents housed and curbing the spread of COVID-19, while other measures provided emergency rental assistance, mortgage relief, legal services, and other support.

“I’ve spent time listening to multiple perspectives, and as Council President I am committed to moving forward a proposal that is responsible and meets our broader goals of housing stability, homelessness prevention, and certainty about the end of the moratorium,” said Council President Nikki Fortunato Bas. “This amended proposal addresses concerns we’ve heard, and I hope my council colleagues will support it. It extends the current eviction moratorium until mid-July allowing for outreach, education, and support to tenants and property owners; provides a clear end to the moratorium on July 15; and adds new permanent tenant protections to help avoid a surge in evictions.”

This proposed ordinance would establish a timeline to end the moratorium, rather than leaving the expiration date tied to the end of the Local COVID-19 Emergency. This proposal will continue the current eviction moratorium until July 14, 2023 and end it on July 15, 2023. This time period will allow for outreach, education, and referral to services to support tenants and property owners with the changes in law. If approved by the Oakland City Council, the timeline would be as follows:

- Now through July 14, 2023 — current eviction moratorium continues
- July 15, 2023 - eviction moratorium and late fee moratorium end
- July 1, 2024 - rent increase moratorium ends

BACKGROUND

Current Oakland Eviction Moratorium (in effect):

- Applies to all properties covered by the Oakland Just Cause for Eviction Ordinance, Measure EE.
- **Major exemptions:**
 - The landlord lives in the unit with the tenant and shares a bathroom or kitchen; or
 - Property was built in the last 10 years
- **Current causes for eviction:**
 - The tenant created an imminent health/safety threat at the property; or
 - The landlord is removing the unit(s) from the rental market for at least 10 years (Ellis Act)
- **Late fees:**
 - Unless there is a lease provision to the contrary, no late fees for unpaid rent
- **Current rent restrictions (rent increase moratorium):**
 - For rent-controlled properties, the landlord can raise the rent, but not above the cap of 3%
 - No pass-through increases or banking are allowed
- **Current end date**
 - When City Council ends the Oakland COVID-19 State of Emergency.

Proposed Phase Out of Moratorium

Now through July 14, 2023 — current eviction moratorium remains in place

July 15, 2023: Eviction moratorium and late fee moratorium end

July 1, 2024: Rent increase moratorium ends

- Existing rent increase moratorium is a 3% cap with no pass throughs or banking. After July 1, 2024, only the 3% cap will continue.

Just Cause Ordinance

These Permanent Tenant Protections would be added:

- For evictions based on non-payment of rent that accrued between March 9, 2020 and July 14, 2023, tenant will have a defense if the rent was unpaid due to financial hardship caused by the COVID-19 pandemic.
- In order to evict a tenant for breach of lease, the landlord must prove that the breach of lease is based on a term that the tenant accepted in writing
- Tenant cannot be evicted for owing less than 1 month of HUD fair market rent
- Conform occupancy limitations to State Law

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