

# Oakland Tenants ..... Know Your Rights!

The **Oakland Tenants Union (OTU)** is a volunteer organization that exists to help you defend your rights as a tenant in Oakland, and push to strengthen tenant protections. All are welcome. Below is a summary of key tenant protection laws as of 2017. For more, visit our website: [www.OaklandTenantsUnion.org](http://www.OaklandTenantsUnion.org).

## Oakland Rent Adjustment Program (RAP)

RAP is an Oakland law that **limits how much landlords can legally increase the rent charged to tenants**. RAP provides some important protections for tenants, but is not as strong as it could be because it exempts many types of rentals and contains many loopholes as currently written and implemented.

### Key Provisions

- ▶ Your unit is covered if your building was **built before 1983**, and there are **two or more units** in your building
  - ▷ **Except** if you rent a **single-family home or condominium unit** from the owner, or
  - ▷ **Except** if you live in a **two- or three-unit building**, and your **landlord lives** in one of the units
  - ▷ **NOTE:** *Your unit may still be covered by the Just Cause for Eviction Ordinance (see reverse)*
- ▶ If your unit is covered, your **rent can only be raised by the annual allowable increase**, based on the rate of inflation (CPI).
  - ▷ Under certain circumstances rent can be raised by more than the allowable increase (see below).
  - ▷ The allowable increase from July 2016 to June 2017 is **2.0 percent**. For 2017-2018 it is **2.3 percent**.
- ▶ A landlord can raise the rent by more than the allowable increase under certain circumstances but **never by more than 10 percent in any year**, or by more than 30 percent over a 5-year period.

These circumstances include any of the following:

- ▷ If your landlord makes “**capital improvements**” to the unit or claims an “**operating expense increase**,” a portion of these costs can be charged to your rent.
  - NOTE:** *Not all types of capital improvements or expenses are eligible to be passed on as rent.*
- ▷ If your rent has not been raised in recent years, your landlord can “**bank**” **up to 3 years** of allowable rent increases and apply the accumulated amount in a single year. However, rent cannot be banked for more than 10 years.
- ▶ For any increase above the CPI amount, **your landlord is required to file a petition with the RAP before raising your rent** (unless this extra increase is for “banked” rent increases). You should receive an official written notice from the RAP office if your landlord files a petition.
- ▶ Your **rent cannot be increased more than once per year** (any 12-month period), or without an **official “RAP Notice”** (on City letterhead) accompanied by a **written notice from the landlord** of the rent increase amount.
- ▶ If your landlord takes away a service or amenity you currently have (like a parking space or laundry) or increases utility costs, you should file a petition with RAP for a decrease in rent to match a “**decrease in housing service.**”
- ▶ Tenants remain solely responsible for ensuring that landlords comply with the rent law. If your rent is being raised illegally, **YOU must file a petition with the RAP office within 90 days** of the landlord’s written notice, or the date you first become aware of the increase.
  - ▷ **Tip:** Always file a petition with RAP if your rent is increased by more than the allowable CPI amount. **You are entitled to a hearing** to determine if the rent increase is valid.

## Other Tenant Protections

### Just Cause Eviction Ordinance

Oakland is a “Just Cause for Eviction” city, meaning you **CANNOT be evicted unless the landlord can prove one of 11 “Just Causes”** spelled out in the law. These include things like:

- ▶ failure to pay rent
- ▶ breaking the terms of the lease
- ▶ owner move-in (under specific conditions)
- ▶ serious damage to the unit
- ▶ disorderly conduct

Just Cause protections apply to almost **any rental unit in Oakland in a building that was constructed before 1996** (including single-family and condo units), unless there are 2 or 3 units in the building and the owner lives in one of them.

- ▶ **NOTE:** The owner may still use the **Ellis Act** to evict you. In this case, you are eligible for an extended period of occupancy in the unit, and for relocation assistance payments.
- ▶ For more, contact **Just Cause :: Causa Justa at (510) 763-5877** or one of the tenant resources listed here.

### Tenant Protection Ordinance

Oakland City Council adopted the TPO in 2014, but has so far failed to enact implementation and remedies provisions needed to enforce the law. TPO is meant to deter harassment by landlords, including one of 16 specific behaviors specific in the law (see the OTU website for more).

Until the Council takes further action, your only recourse to petition against a violation of these protections is to file action in civil court. However, the City Attorney may take an interest in your case. For serious violations, we suggest contacting the City Attorney’s Office at (510) 238-3601.

### Code Enforcement Relocation Program

Tenants who are forced to leave their unit due to major violations of the building code are entitled to have alternative housing provided by the owner.

- ▶ If your unit appears unsafe or in violation of the building code, contact the City Code Enforcement Office at (510) 238-3381.

**Oakland Tenants Union**

(510) 704-5276

## Oakland Tenant Resources

**Rent Adjustment Program (RAP)**  
(510) 238-3721

**East Bay Community Law**  
(510) 548-4040

**Centro Legal de la Raza**  
(510) 437-1554

**Bay Area Legal Aid**  
(510) 663-4744

**Eviction Defense Center**  
(510) 452-4541

**Bar Association of Alameda Co.**  
(510) 302-2222

**Legal Assistance for Seniors**  
(510) 832-3040

**Tenants Together**  
(888) 495-8020

**SEEDS Community Resolution**  
(510) 548-2377

**Center for Independent Living**  
(510) 763-9999

**Oakland City Attorney**  
(510) 238-3601

**Alameda County Public Health**  
(510) 267-8000

**Fire Department Inspection**  
(510) 238-7054

**Alameda County Healthcare**  
(510) 383-5178

**CA Housing and Employment**  
(510) 233-3212

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