

Frequently Asked Questions (FAQs)

Eviction and Harassment Protection Ordinance

Effective: April 1, 2017

FAQs updated March 28, 2017

This memorandum answers frequently asked questions to help landlords and tenants, and others understand and comply with the law in Emeryville. This is a general guide and resource, **and does not constitute legal advice**. It may be updated from time to time, as deemed appropriate by the City. The full text of the Ordinance can be found here:

<http://www.codepublishing.com/CA/Emeryville/#!/Emeryville05/Emeryville0540.html#5-40>

1. Is there required Tenant Notice Language?

Answer: Yes, please read the ordinance for specific requirements regarding notices to tenants.

2. Are there required Notice of Eviction forms and where can I find them?

Answer: Yes. Forms can be found online: <http://www.emeryville.org/1127/Eviction-Harassment-Ordinance>

3. Where do I file the required forms?

Answer: City Clerk, 1333 Park Avenue, Emeryville, CA 94608

4. Is there a fee being charged to administer this Ordinance?

Answer: Currently there is no fee.

5. Does the Ordinance cover single-family homes or condominiums?

Answer: It covers both.

6. Will this Ordinance apply to me if I am renting a single room in a home where my landlord lives?

Answer: The entirety of a single owner-occupied residence, when the owner-occupant rents or leases two (2) or fewer bedrooms to one (1) or more lodgers, is exempt from the ordinance.

7. What do landlords need to tell prospective tenants about the Ordinance?

Answer: Prospective tenants must receive the following notice:

“The City of Emeryville regulates the relationship between most landlords and tenants within the City. Generally, landlords may not terminate your tenancy without cause or explanation, and may not reduce or stop providing services agreed to in the rental contract, so long as you pay rent on time as agreed in the rental contract.

In addition to State and Federal Laws, the Residential Landlord and Tenant Relations chapter of the Emeryville Municipal Code creates certain rights for landlords and tenants, which may include the right to relocation assistance or the right to return to your rental unit if you are

evicted. Visit the City of Emeryville website for more information:
<http://www.emeryville.org/eviction-protection-ordinance>”

- 8. If a tenant is served a notice to terminate a lease prior to April 1, but the tenant vacates after April 1, does the Tenant Protections Ordinance apply?**

Answer: The issue of whether the ordinance applies to the situation described above is not specifically addressed by the ordinance. There are many factors to consider in whether the ordinance applies in this situation. Therefore, the City recommends that the tenant and/or landlord seek legal advice as to whether the ordinance may apply in his/her specific situation.

- 9. Does the landlord have to demonstrate one or all of the subsections under Section 5-40.03?**

Answer: All

- 10. A landlord leases a two-bedroom unit to a primary tenant. The primary tenant then subleases the second room to a sub-tenant. If the sub-tenant is evicted through no fault of the sub-tenant (e.g., no fault eviction), does the landlord or the primary tenant pay relocation assistance?**

Answer: Whether the landlord or the primary tenant is obligated to pay relocation assistance depends of several different factors of the specific factual situation. Therefore, the City recommends that any party to this type of situation seek legal advice as to their respective rights and obligations under the Ordinance.

- 11. How does the process of mediation work if there is a dispute between the landlord and the tenant under the Ordinance?**

Answer: Mandatory Mediation is not a requirement of the ordinance. The City has contracted with a neutral third party to provide a resource to the community to help resolve landlord/tenant disputes when possible. The parties may resolve their dispute through other means, such as court or on their own volition.

- 12. How long must the tenant be a tenant before he or she may qualify for relocation assistance?**

Answer: There is no minimum tenancy to qualify for relocation assistance.